

## THE COUNCIL

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*Minutes of the Proceedings for the*

### STATED MEETING

*of*

Thursday, December 9, 2021, 2:19 p.m.

*held in a hybrid meeting format*

*The Majority Leader (Council Member Cumbo)*

*presiding as the Acting President Pro Tempore*

### Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Oswald Feliz	Keith Powers
Alicka Ampry-Samuel	James F. Gennaro	Antonio Reynoso
Diana I. Ayala	Vanessa L. Gibson	Kevin C. Riley
Inez D. Barron	Mark Gjonaj	Carlina Rivera
Joseph C. Borelli	Barry S. Grodenchik	Ydanis A. Rodriguez
Justin L. Brannan	Robert F. Holden	Deborah L. Rose
Selvena N. Brooks-Powers	Ben Kallos	Helen K. Rosenthal
Tiffany Cabán*	Peter A. Koo	Rafael Salamanca, Jr
David M. Carr*	Karen Koslowitz	Mark Treyger
Margaret S. Chin	Bradford S. Lander	Eric A. Ulrich
Robert E. Cornegy, Jr	Stephen T. Levin	Paul A. Vallone
Laurie A. Cumbo	Mark D. Levine	James G. Van Bramer
Darma V. Diaz	Farah N. Louis	Inna Vernikov*
Ruben Diaz, Sr.	Alan N. Maisel	Kalman Yeger
Eric Dinowitz	Carlos Menchaca	
Daniel Dromm	I. Daneek Miller	
Mathieu Eugene	Francisco P. Moya	

Absent: Council Member Cabrera and Perkins.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these hybrid proceedings. Following the gaveling-in of the Meeting and the recitation of the Pledge of Allegiance, the Roll Call for Attendance was called by the City Clerk and the Clerk of the Council (Mr. McSweeney).

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Majority Leader and the Acting President Pro Tempore (Council Member Cumbo).

*There were 49 Council Members marked present at this hybrid in-person/virtual Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.*

*\*Editor's Note: This Stated Meeting marks the first Council proceedings for newly-elected and duly sworn Council Members Cabán, Carr, and Vernikov. These three Council Members were marked present and were able to vote and participate during the meeting.*

### INVOCATION

The Invocation was delivered by the Rev. Paul Daniels, spiritual leader at the Cathedral of Saint John the Divine, located at 1047 Amsterdam Avenue, New York, N.Y. 10025.

Let us pray.

Oh God of Life in whom we live,  
move and have our being.  
We stand before your singular truth and justice  
as mere mortals.  
Often indeed we seek  
after the right, the good, the light,  
and often indeed we fail.  
And so we stand before your singular truth and justice  
with ready hearts and minds  
that know the right, the good, and the light,  
come through the power  
of your free grace and love alone.  
Give to all gathered here today  
the wisdom of humility, the spirit of justice,  
and a hunger for your singular truth and justice.  
May the eyes of our leaders in this city  
be turned to the suffering of its people,  
their hearts attuned to empathy,  
and their minds fixed on the transformation  
of pestilence into power, poverty into plenty,  
and justice into peace.  
In your one holy and gracious name we pray,  
Amen.

Council Member Levine 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) acknowledged that 34,925 New Yorkers had lost their lives to COVID-19 as of December 8, 2021. He urged everyone to remain vigilant in the winter months especially in the light of the arrival of the new Omicron variant in New York City.

The Speaker (Council Member Johnson) acknowledged the death of first responder FDNY-EMS Assistant Chief of Alvin Suriel who passed away from 9/11-related illnesses on December 7, 2021 at the age of 52. He noted that Assistant Chief Suriel was a thirty-two year veteran of the New York City Emergency Medical Service Department. The Speaker (Council Member Johnson) added that he was the 264<sup>th</sup> member of the FDNY to succumb to an illness related to the 9/11 terrorist attack.

The Speaker (Council Member Johnson) acknowledged the death of FDNY Probationary Firefighter Vincent Malveaux on December 3, 2021 at the age of 31. Probationary Firefighter Malveaux had suffered a medical emergency at the FDNY training academy and died after being rushed to Harlem Hospital.

The Speaker (Council Member Johnson) acknowledged the death of Broadway legend Stephen Sondheim. He noted that Mr. Sondheim had written the music and lyrics for more than a dozen Broadway shows and had transformed the American stage musical. He spoke of Mr. Sondheim's contributions to shows such as *West Side Story*, *Gypsy*, *Sweeney Todd*, *Company*, *Follies*, and *Into the Woods*. Stephen Sondheim died on November 26, 2021 at the age of 91.

The Speaker (Council Member Johnson) acknowledged the death of a member of the Council family: retired Sergeant-at-Arms Jerry Staffieri passed away on November 23, 2021 at the age of 80. The Speaker (Council Member Johnson) noted that Mr. Staffieri had retired from the Council in 2012 and described him as an exemplary worker. He is survived by his two daughters Julianne and Diana and his five grandchildren.

The Speaker (Council Member Johnson) asked everyone assembled to stand and pause for a moment of silence in memory of the deceased who are mentioned above.

At this point, a moment of silence was observed in the Chambers.

\* \* \*

#### **ADOPTION OF MINUTES**

Council Member Treyger moved that the Minutes of the Stated Meeting of November 10, 2021 be adopted as printed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-349

**Communication from the Board of Elections - Submitting the Certification of Election of Tiffany Cabán, as the new Council Member of the 22nd Councilmanic District, Queens.**

(For text of the NYC Board of Elections Certifications for the General Election held on November 2, 2021 for Members of the City Council, please refer to the attachment section of [the M-352 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Received, Ordered, Printed and Filed.

M-350

**Communication from the Board of Elections - Submitting the Certification of Election of Inna Vernikov, as the new Council Member of the 48th Councilmanic District, Brooklyn.**

(For text of the NYC Board of Elections Certifications for the General Election held on November 2, 2021 for Members of the City Council, please refer to the attachment section of [the M-352 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Received, Ordered, Printed and Filed.

M-351

**Communication from the Board of Elections - Submitting the Certification of Election of David M. Carr, as the new Council Member of the 50th Councilmanic District, Staten Island.**

(For text of the NYC Board of Elections Certifications for the General Election held on November 2, 2021 for Members of the City Council, please refer to the attachment section of [the M-352 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

Received, Ordered, Printed and Filed.

M-352

**Communication from the Board of Elections - The Commissioners of Elections at their meeting held on Tuesday, November 30, 2021 certified the November 2, 2021 General Election for Members of the City Council.**

**(For text of the NYC Board of Elections Certifications for the General Election held on November 2, 2021 for Members of the City Council, please refer to the attachment section of [the M-352 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

Received, Ordered, Printed and Filed.

M-353

**Communication from the Comptroller – Submitting projection of the City’s debt-incurring power for Fiscal Years 2022-2025, pursuant to Section 232 of the New York City Charter.**

December 1, 2021

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

Dear Speaker Johnson:

In accordance with Section 232 of the New York City Charter, enclosed please find the projection of the City's debt-incurring power for Fiscal Years 2022-2025.

Sincerely,

Scott M. Stringer  
New York City Comptroller

Attachment

**ATTACHMENT to Letter:**

In accordance with Section 232 of the City Charter, the following table represents estimates of New York City's Debt-Incurring Power as of July 1, 2021 and each of the three ensuing fiscal years

(\$ in millions)

	July 1, 2021	July 1, 2022	July 1, 2023	July 1, 2024
Gross Statutory Debt-Incurring Power <sup>a</sup>	\$127,352	\$130,892	\$133,939	\$136,723
Actual Bonds Outstanding as of July 1, 2021 (net) <sup>b</sup>	38,478	36,320	33,860	31,367
Plus: New Capital Commitments <sup>c</sup>				
FY 2022		11,984	11,984	11,984
FY 2023			15,888	15,888
FY 2024				15,841
Less: Appropriations for General Obligation Principal	(2,168)	(2,460)	(2,496)	(2,416)
Incremental TFA Bonds Outstanding Above \$13.5 billion	27,619	26,572	25,033	23,374
Subtotal: Net Funded Debt Against the Limit	\$63,929	\$72,416	\$84,270	\$96,038
Plus: Contract and Other Liability	15,725	15,725	15,725	15,725
Total Indebtedness Against the Limit	\$79,654	\$88,141	\$99,995	\$111,763
Remaining Debt-Incurring Power within General Limit	\$47,698	\$42,751	\$33,944	\$24,960

<sup>a</sup> FYs 2023 through 2025 debt limits are based on the NYC Comptroller's Office's forecasts of the full market value of real property.

<sup>b</sup> Net adjusted for Original Issue Discount, GO bonds issued for the water and sewer system and Business Improvement District debt. Reflect City-funds capital commitments as of the FY 2022 Adopted Capital Commitment Plan (released in October 2021) and includes cost of issuance and certain Inter-Fund Agreements. In July 2009, the State Legislature authorized the issuance of TFA Future Tax Secured bonds above the initial authorization of \$13.5 billion, with the condition that this debt would be counted against the general debt limit. Thus, City capital commitments will be funded with TFA debt as well.

Note: The Debt Affordability Statement released by the City in April 2021 presents data for the last day of each fiscal year, June 30th, instead of the first day of each fiscal year, July 1, as reflected in this table. The City's Debt Affordability Statement forecasts that indebtedness would be below the general debt limit by \$32.5 billion at the end of FY 2022.

SOURCE: NYC Comptroller's Office and the NYC Office of Management and Budget.

Received, Ordered, Printed and Filed.

**PETITIONS & COMMUNICATIONS**

M-354

**Communication from Council Member Steven Matteo - Submitting his resignation from the position of Minority Leader of the New York City Council effective Wednesday, November 17, 2021 at 11:00 AM.**

November 16, 2021

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

The Hon. Michael McSweeney  
The City Clerk, Clerk of the Council  
Executive Office  
141 Worth Street  
New York, NY 10013

Dear Speaker Johnson and Mr. McSweeney:

I hope this letter finds you well.

I am writing to tender my resignation as Minority Leader of Council of the City of New York, effective Wednesday, November 17, 2021, at 11AM.

Thank you for your kind attention.

Respectfully yours,

Steven Matteo  
Minority Leader

cc: The Hon. Bill de Blasio, Mayor, City of New York  
The Hon. Joseph C. Borelli, Minority Whip, 51st District  
The Hon. Eric A. Ulrich, Council Member, 32nd District  
Mr. Jason Goldman, Chief of Staff, NYC Council  
Mr. Peter N. Spencer, Chief of Operations, Minority Conference, NYC Council  
Mr. Charles Davis, Interim Director, Administrative Services, NYC Council

Received, Ordered, Printed and Filed.

M-355

**Communication from the Minority (Republican) Delegation of the City Council - Designation and appointment of Joseph C. Borelli as Minority Leader of the Council of the City of New York, pursuant to Rule 4.10 of the Rules of the Council of the City of New York effective November 17, 2021.**

**(For text of the letter, please refer to the New York City Council at 250 Broadway, Office of General Counsel, 15<sup>th</sup> Floor, New York, N.Y. 10007)**

Received, Ordered, Printed and Filed.

M-356

**Communication from Council Member Steven Matteo - Submitting his resignation from the office of New York City Council Member of the 50th Council District effective November 26, 2021.**

November 16, 2021

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

The Hon. Michael McSweeney  
The City Clerk, Clerk of the Council  
Executive Office  
141 Worth Street  
New York, NY 10013

Dear Speaker Johnson and Mr. McSweeney:

I hope this letter finds you well.

I am writing to tender my resignation as a Member of the Council of the City of New York from the 50<sup>th</sup> Councilmanic District, effective Friday, November 26, 2021, at 5:00 PM.

Thank you for your kind attention.

Respectfully yours,

Steven Matteo  
Minority Leader

cc: The Hon. Bill de Blasio, Mayor, City of New York  
Mr. Jason Goldman, Chief of Staff, NYC Council  
Mr. Charles Davis, Interim Director, Administrative Services, NYC Council

Received, Ordered, Printed and Filed.

**LAND USE CALL-UPS**

M-357

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

**Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on Application No. C 210272 ZSK (1 Wythe Avenue) be subject to Council review. This item is related to Application No. C 20210273 ZRK.**

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, Ampy-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Carr, Chin, Cornegy, D. Diaz, R. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Vernikov, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

*Present, Not Voting* – Miller and Ulrich.

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.

**Discussion in regard to a Motion to Recommit Int. No. 1867-A**

During the Discussion of General Orders, Council Member Gjonaj made a motion to **separate Int. No. 1867-A** from the General Order Calendar in order to consider this item first before the rest of the General Order items.

Council Member Gjonaj then moved to **recommit Int. No. 1867-A** back to the Committee on Governmental Operations.

The Speaker (Council Member Johnson) explained the process in regard to considering the Motion to Recommit and noted that he would be voting no on the motion.

During the debate on the Motion to Recommit Int. No. 1867-A that followed, Council Members Yeger, Gjonaj, the Minority Leader (Council Member Borelli), Carr, Vernikov, Holden, Vallone, the Majority Leader (Council Member Cumbo), Grodenchik, Gennaro, and Cornegy spoke in favor of the Motion to Recommit. Council Members Lander, Menchaca, Chin, Van Bramer, Levin, Barron, Dromm, Reynoso, Cabán, and Rodriguez spoke against the Motion to Recommit. Council Member Treyger also spoke and expressed reservations about the bill in his remarks (for entire debate, please see the Transcript of the Stated Meeting of December 9, 2021, pages 43-89; for text of this transcript, please refer to the attachment section of [the Int. No. 1867-A of 2020 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

At the end of debate, the Speaker (Council Member Johnson) asked for a Roll Call vote on Council Member Gjonaj's Motion to Recommit.

**Vote on the Motion to Recommit Int. No. 1867-A**

The following was the vote recorded on **the Motion to Recommit Int. No. 1867-A** back to committee:

**Affirmative on the Motion to Recommit** – Carr, Cornegy, R. Diaz, Gennaro, Gjonaj, Grodenchik, Holden, Maisel, Ulrich, Vallone, Vernikov, Yeger, the Minority Leader (Council Member Borelli), and the Majority Leader (Council Member Cumbo) - **14**.

**Negative on the Motion to Recommit** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Chin, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gibson, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Van Bramer, and the Speaker (Council Member Johnson) - **35**.

The Motion to Recommit **failed** by a vote of **14-35-0**:

The bill Int. No. 1867-A itself was then considered for a Roll Call vote:

**ROLL CALL ON ITEM SET ASIDE FOR INITIAL CONSIDERATION**  
**(Item considered separately and prior to the Roll Call on items Coupled on General Orders)**

- |                         |   |
|-------------------------|---|
| <b>(1) Int 1867-A -</b> | Allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections. |
|-------------------------|---|

**(For text of the report for this bill, please see the Report of the Committee on Governmental Operations for Int. No. 1867-A printed in the Reports of the Standing Committees of these Minutes)**

The following was the vote recorded for **Int. No. 1867-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabán, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gibson, Kallos, Koo, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Van Bramer, and The Speaker (Council Member Johnson) – **33**.

**Negative** – Carr, R. Diaz, Gennaro, Gjonaj, Grodenchik, Holden, Koslowitz, Maisel, Ulrich, Vallone, Vernikov, Yeger, the Minority Leader (Council Member Borelli), and the Majority Leader (Council Member Cumbo) – **14**.

**Abstention** – Brooks-Powers and Treyger – **2**.

Int. No. 1867-A was **adopted** by a vote of 33-14-2.

*This bill was sent to the Mayor for his consideration and approval.*

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Civil Service and Labor**

Report for Int. No. 2454

**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 the New York city collective bargaining law.**

The Committee on Civil Service and Labor, to which the annexed proposed local law was referred on November 10, 2021 (Minutes, page 3111), respectfully

**REPORTS:****I. INTRODUCTION**

On December 8, 2021, the Committee on Civil Service and Labor, chaired by Council Member I. Daneek Miller, held a vote on Resolution No. 976-A, a Resolution calling on the New York City Comptroller to instruct the pension funds of the City's public employees to divest from and avoid any financial exposure to companies involved in the production and maintenance of nuclear weapons, sponsored by Council Member Dromm. This resolution was previously heard at a joint hearing of the Committee on Governmental Operations and the Committee on Civil Service and Labor on January 28, 2020, at which the committees received testimony from the Mayor's Office for International Affairs, nuclear disarmament advocates and other interested parties.

The committee also held a vote on Introduction No. 2454, a Local Law to amend the administrative code of the city of New York, in relation to the New York City collective bargaining law, sponsored by Council Member Miller. This legislation was previously heard at a hearing of this committee on November 30, 2021, at which the committee received testimony from the Mayor's Office of Collective Bargaining, municipal labor organizations and advocates.

**II. BACKGROUND***Resolution No. 976-A*

Nuclear non-proliferation advocates have engaged in campaigns to encourage financial institutions and pension funds to divest from nuclear weapons producers. Financial institutions finance weapons producers by providing loans, assisting companies with share- and bond issues, and managing investments in shares and bonds of these weapons producers. For asset managers and pension funds, financial involvement means managing share- and bond holdings of these companies. Advocates contend that these investments are not neutral and that institutions should prohibit investment in nuclear weapons to demonstrate stigma associated with these weapons.

Currently, the City's pension system for its municipal retirees has significant investments in financial institutions and other companies involved in producing key components for and maintaining nuclear weapons. These investments include equity holdings, bond holdings and other assets.

*Int. No. 2454-2021: Collective Bargaining*

On June 27, 2018, the Supreme Court ruled in *Janus v. AFSCME*,<sup>1</sup> that unions could no longer collect mandatory “fair share” fees to cover the costs of collective bargaining, reversing a 40-year precedent that let unions charge partial dues.<sup>2</sup> The case was brought by Mark Janus, an Illinois government worker who objected to paying a portion of his salary to American Federation of State County and Municipal Employee (AFSCME).<sup>3</sup> Janus’s attorneys argued that mandatory “fair share” fees to cover costs of collective bargaining in the public sector amounted to forced political speech.<sup>4</sup> Since the 1977 ruling in *Abood vs. Detroit Board of Education*,<sup>5</sup> the Supreme Court held that because a union must advocate on behalf of all workers, they may charge fees to recoup collective bargaining costs.<sup>6</sup> But in 2018, the Court agreed with Janus’s attorneys that collective bargaining in the government realm is inherently political and requiring workers to pay for it is therefore unconstitutional.<sup>7</sup> The decision applies to 5.9 million state and local public employees in 22 states and has destabilized public-sector labor relations.<sup>8</sup>

In the aftermath of the Supreme Court’s 2018 decision in *Janus v. AFSCME*, union leaders raised concerns that more public workers would withdraw from their unions, magnifying the “free rider” effect where employees can reap the benefits of union bargaining without supporting the union financially.

### **III. UPDATE**

The Committee on Civil Service and Labor passed Resolution No. 976-A by a vote of seven in the affirmative, zero in the negative, and zero abstentions. The Committee also passed Introduction No. 2454 by a vote of seven in the affirmative, zero in the negative, and zero abstentions.

### **IV. BILL ANALYSIS**

#### ***Analysis of Int. No. 2454-2021***

*A Local Law to amend the administrative code of the city of New York, in relation to New York city collective bargaining law*

This bill would amend the New York City Collective Bargaining Law to account for the U.S. Supreme Court’s decision in *Janus v. AFSCME*.<sup>9</sup> The bill would provide that there are certain services and benefits that public unions are not required to provide to non-members. In addition, it would remove a reference to “agency fees” which are no longer required to be paid by non-members. It would also allow non-members, in certain circumstances and with the permission of the union, to proceed through the grievance process and arbitration

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<sup>1</sup> 138 S. Ct. 2448 (2018).

<sup>2</sup> Ian Kullgren and Aaron Kessler, *Unions Fend Off Membership Exodus in 2 years Since Janus Ruling*, (June 26, 2020) [Bloomberg Law](https://news.bloomberglaw.com/daily-labor-report/unions-fend-off-membership-exodus-in-2-years-since-janus-ruling), available at <https://news.bloomberglaw.com/daily-labor-report/unions-fend-off-membership-exodus-in-2-years-since-janus-ruling> (accessed on June 26, 2020).

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

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

<sup>5</sup> 431 U.S. 209 (1977).

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

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

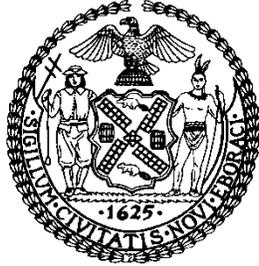
<sup>8</sup> Daniel Disalvo, *Public Sector Unions after Janus: An Update* (Feb. 2019) [Manhattan Institute](https://www.manhattan-institute.org/public-sector-unions-after-janus#notes), available at <https://www.manhattan-institute.org/public-sector-unions-after-janus#notes> (accessed on Nov. 21, 2021).

<sup>9</sup> 138 S. Ct. 2448 (2018).

without union representation, so long as the non-member assumes the cost for arbitration that would otherwise be paid by the union.

This bill would take effect 30 days after it becomes law.

**The following is the text of the Fiscal Impact Statement for Int. No. 2454:)**



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

**PROPOSED INT. NO. 2454**

**COMMITTEE: Civil Service and Labor**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to collective bargaining. **Sponsors:** By Council Members Miller, Yeger, Grodenchik, Koo, Kallos, Koslowitz and Dinowitz.

**SUMMARY OF LEGISLATION:** This legislation would provide that there are certain services and benefits that public unions are not required to provide to non-members. In addition, it would remove a reference to “agency fees” which are no longer required to be paid by non-members. It would also allow non-members, in certain circumstances and with the permission of the union, to proceed through the grievance process and arbitration without union representation, so long as the non-member assumes the cost for arbitration that would otherwise be paid by the union.

**EFFECTIVE DATE:** This local law would take effect 30 days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

**ESTIMATE REVIEWED BY:** John Russell, Unit Head  
Stephanie Ruiz, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on November 10, 2021 as Int. No. 2454 and was referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation on November 30, 2021 and the legislation was laid over. This legislation will be voted on by the Committee on December 8, 2021, and, upon successful vote by the Committee this legislation will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

**(For text of Res. No. 976-A, please see the Report of the Committee on Civil Service and Labor for Res. 976-A printed in the voice-vote Resolutions Calendar section of these Minutes; for text of Int. No. 2454, please see below)**

*Accordingly, this Committee recommends the adoption of Int. No. 2454 and Res. No. 979-A.*

**(The following is the text of Int. No. 2454:)**

Int. No. 2454

By Council Members Miller, Yeger, Grodenchik, Koo, Kallos, Koslowitz and Dinowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to the New York city collective bargaining law**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 12-306 of the administrative code of the city of New York, as amended by local law number 26 for the year 1998, is amended to read as follows:

b. Improper public employee organization practices. It shall be an improper practice for a public employee organization or its agents:

(1) to interfere with, restrain or coerce public employees in the exercise of rights granted in section 12-305 of this chapter, or to cause, or attempt to cause, a public employer to do so, *provided, however, that an employee organization does not interfere with, restrain or coerce public employees when, in accordance with this section, it limits its services to and representation of non-members of the employee organization;*

(2) to refuse to bargain collectively in good faith with a public employer [or] on matters within the scope of collective bargaining provided the public employee organization is a certified or designated representative of public employees of such employer;

(3) to breach its duty of fair representation to public employees under this chapter. *Notwithstanding any law, rule or regulation to the contrary, an employee organization's duty of fair representation to a public employee it represents but who is not a member of the employee organization shall be limited to the negotiation or enforcement of the terms of an agreement with the public employer. No provision of this chapter shall be*

*construed to require an employee organization to provide representation to a non-member of the employee organization:*

*(a) During questioning by the employer;*

*(b) In statutory or administrative proceedings or to enforce statutory or regulatory rights; or*

*(c) In any stage of a grievance, arbitration or other contractual process concerning the evaluation or discipline of a public employee where the non-member is permitted to proceed without the employee organization and be represented by his or her own advocate. Nor shall any provision of this chapter prohibit an employee organization from providing legal, economic or job-related services or benefits beyond those provided in the agreement with a public employer only to its members.*

§ 2. The introductory paragraph of subdivision a of section 12-307 of the administrative code of the city of New York, as amended by local law number 56 for the year 2005, is amended to read as follows:

a. Subject to the provisions of subdivision b of this section and subdivision c of section 12-304 of this chapter, public employers and certified or designated employee organizations shall have the duty to bargain in good faith on wages (including but not limited to wage rates, pensions, health and welfare benefits, uniform allowances and shift premiums), hours (including but not limited to overtime and time and leave benefits), working conditions and provisions for the deduction of *dues* from the wages or salaries of employees in the appropriate bargaining unit [who are not members of the certified or designated employee organization of an agency shop fee to the extent permitted by law, but in no event exceeding sums equal to the periodic dues uniformly required of its members by such certified or designated employee organization] and for the payment of the sums so deducted to the certified or designated employee organization, subject to applicable state law, except that:

§ 3. Subdivisions c and g of section 12-312 of the administrative code of the city of New York are amended to read as follows:

c. Arbitrators appointed under arbitration provisions relating to municipal agencies shall be persons on the register of the board of collective bargaining. The costs of such arbitration shall be determined and allocated pursuant to section [eleven hundred seventy-four] 1174 of the charter. The board of collective bargaining, in its discretion, may publish arbitration awards. *To the extent the certified employee organization grants permission to proceed to a non-member of the employee organization pursuant to paragraph (3) of subdivision g of this section, the non-member shall be responsible for the public employee organization's share of any costs associated with the grievance or arbitration pursuant to section 1174 of the charter.*

g. An employee may present his or her own grievance either personally or through an appropriate representative, provided that:

(1) a grievance relating to a matter referred to in paragraph two, three or five of subdivision a of section 12-307 of this chapter may be presented and processed only by the employee or by the appropriate designated representative or its designee, but only the appropriate designated representative or its designee shall have the right to invoke and utilize the arbitration procedure provided by executive order or in the collective agreement to which the designated representative is a party; and provided further that

(2) any other grievance of an employee in a unit for which an employee organization is the certified collective bargaining representative may be presented and processed only by the employee or by the certified employee organization, but only the certified employee organization shall have the right to invoke and utilize the arbitration procedure provided by executive order or in the collective agreement to which the certified representative is a party[.]; *and provided further that*

*(3) a designated or certified employee organization may permit a non-member of such employee organization to proceed, including through arbitration, without representation by the employee organization and be represented by his or her own advocate for matters excluded from the duty of fair representation pursuant to paragraph (3) of subdivision b of section 12-306. In such matters, the employee organization retains the right to participate in the proceeding.*

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

I. DANEEK MILLER, *Chairperson*; HELEN K. ROSENTHAL, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, ERIC A. ULRICH; Committee on Civil Service and Labor, December 8, 2021 (Remote Hearing). *Other Council Members Attending: D. Diaz, Dromm and Vallone.*

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. 2130-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 providing notice regarding student loan forgiveness programs to certain employees and applicants for employment.**

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on October 15, 2020 (Minutes, page 2211), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On December 8, 2021, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Diana Ayala, held a vote on Proposed Introduction Number 2130-A (Int. 2130-A), in relation to providing notice regarding student loan forgiveness programs to certain employees and applicants for employment. The Committee heard a previous version of this bill on October 22, 2021, where it received testimony from the Department of Consumer and Worker Protection (DCWP), business representatives and trade groups, advocates, and other interested parties. At the vote on December 8, the Committee voted 7 in favor, 0 opposed and 0 abstentions on the bill.

#### **II. BACKGROUND**

Student loans have been an integral part of postsecondary education in America since congress passed the Higher Education Act of 1965, which established grant and scholarship programs for low-income students and provided low-interest loans to students.<sup>1</sup> This helped to make college available to more individuals and, by 1970, the number of graduates with bachelor degrees had nearly doubled compared to the rate in 1950.<sup>2</sup> However, since that time, the cost of education has increased significantly. For example, costs for tuition at a four-year public institution increased more than 200 percent from the cost 20 years ago, while the cost for private nonprofit

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<sup>1</sup> Investopedia “The Higher Education Act of 1965 (HEA)”, available at: <https://www.investopedia.com/terms/h/higher-education-act-of-1965-hea.asp>.

<sup>2</sup> Jennifer Wadia “Rising tuition costs and the history of student loans” *Student Debt Relief*, September 25, 2018, available at: <https://www.studentdebtrelief.us/news/rising-tuition-costs-and-the-history-of-student-loans/>.

schools increased nearly 130 percent for the same timeframe.<sup>3</sup> While it is normal for the costs of services and products to increase over such a span of time, incomes have not kept pace, and the costs of higher education are now increasing six times faster than the national economy.<sup>4</sup> Given such factors, student debt in this country is now the highest non-housing related debt<sup>5</sup> and the total student debt reached \$1.73 trillion in the second quarter of this year – the highest it has ever been.<sup>6</sup> This is also despite the fact that loan repayments have been on pause during the COVID-19 pandemic.<sup>7</sup>

There are about 43 million student loan debtors across the country, which is about 13 percent of the adult population.<sup>8</sup> In 2019, the average student loan debt for a bachelor’s degree was \$28,950, while graduate students had an average debt of \$71,000.<sup>9</sup> Having a smaller debt balance, however, does not always improve repayments. According to research from the Brookings Institution, which tracked student debt data for first-time college students over the past 20 years, student loan defaults were highest for those borrowers with the smallest debts.<sup>10</sup> This research also predicts that, if the analyzed trends continue, “40 percent of borrowers may default on their student loans by 2023.”<sup>11</sup> Given that filing for bankruptcy will generally not discharge the student loan,<sup>12</sup> the ballooning student debt crisis is only expected to increase over the next few years.

Looking deeper into the data, the Brookings Institution found other important factors that affect the likelihood of successful loan repayments. For instance, students attending for-profit institutions default at nearly four times the rate as those students at community college (48 percent versus 13 percent respectively).<sup>13</sup> The data also revealed different default rates according to the racial background of students. According to the report, “nearly 38 percent of all Black first-time college entrants in 2004 had defaulted within 12 years, a rate more than three times higher than their white counterparts, and 13 percentage points higher than Black students entering just eight years prior.”<sup>14</sup> The author concludes that, if the projections on future defaults follow current trends, by their twentieth year in debt, 70 percent of all Black borrowers may default on their loans.<sup>15</sup>

### Student Debt in New York City

In 2017, the Federal Reserve Bank of New York partnered with DCWP’s Office of Financial Empowerment (OFE) to examine the state of student debt in New York City. Across the five boroughs there are approximately one million people with student loans, which is about 15 percent of the population. In total, these borrowers owe nearly \$35 billion.<sup>16</sup> The average balance of the loans is just under \$35,000 and the median age of borrowers in New York City is 33.<sup>17</sup> While the delinquency (90 days past due) and default (270 days past due) rates in New

<sup>3</sup> Emmie Martin “Here’s how much more expensive it is for you to go to college than it was for your parents” *CNBC*, November 29, 2017, available at: <https://www.cnbc.com/2017/11/29/how-much-college-tuition-has-increased-from-1988-to-2018.html>.

<sup>4</sup> Melanie Hanson “Student loan debt statistics”, *Education Data Initiative*, September 27, 2021, available at: <https://educationdata.org/student-loan-debt-statistics>.

<sup>5</sup> Zack Friedman “Student loan debt statistics in 2021: A record \$1.7 trillion”, *Forbes*, February 20, 2021, available at: <https://www.forbes.com/sites/zackfriedman/2021/02/20/student-loan-debt-statistics-in-2021-a-record-17-trillion/?sh=4fb3de151431>.

<sup>6</sup> Abigail Johnson Hess “The U.S. has a record-breaking \$1.73 trillion in student debt—borrowers from these states owe the most on average”, *CNBC*, September 9, 2021, available at: <https://www.cnbc.com/2021/09/09/america-has-1point73-trillion-in-student-debt-borrowers-from-these-states-owe-the-most.html>.

<sup>7</sup> Id.

<sup>8</sup> Anna Helhoski and Ryan Lane “Student loan debt statistics: 2021”, *Nerd Wallet*, August 19, 2021, available at: <https://www.nerdwallet.com/article/loans/student-loans/student-loan-debt>.

<sup>9</sup> Id.

<sup>10</sup> Judith Scott-Clayton “The looming student loan default crisis is worse than we thought” *Evidence Speaks Reports*, Vol. 2, #34, January 10, 2018, available at: <https://www.brookings.edu/wp-content/uploads/2018/01/scott-clayton-report.pdf>.

<sup>11</sup> Id.

<sup>12</sup> Zack Friedman “Can student loans now be discharged in bankruptcy?” *Forbes*, June 18, 2018, available at: <https://www.forbes.com/sites/zackfriedman/2018/06/18/bankruptcy-student-loans/>.

<sup>13</sup> Judith Scott-Clayton “The looming student loan default crisis is worse than we thought” *Evidence Speaks Reports*, Vol. 2, #34, January 10, 2018, available at: <https://www.brookings.edu/wp-content/uploads/2018/01/scott-clayton-report.pdf>.

<sup>14</sup> Id.

<sup>15</sup> Id.

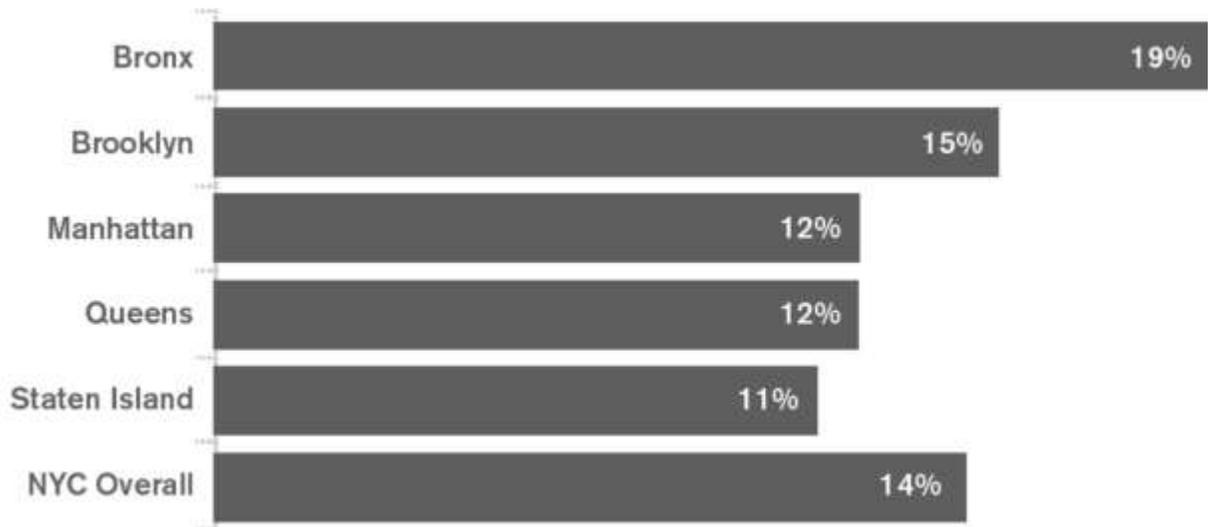
<sup>16</sup> Federal Reserve Bank of New York “Student loan borrowing across NYC neighborhoods”, December 2017, available at: <https://www.newyorkfed.org/medialibrary/media/outreach-and-education/community-development/credit-conditions/student-loan-borrowing-nyc-neighborhoods.pdf>, p. 3.

<sup>17</sup> Id, p. 5.

York City are slightly lower than the national average,<sup>18</sup> many of the Reserve Bank's findings mirror the national trends outlined in the Brookings Institution research discussed above.

Like borrowers in other parts of the country, New Yorkers with small student loans default at higher rates than their counterparts with higher loans.<sup>19</sup> The Federal Reserve's report also mapped the student loans and their default or delinquency rates, and found that borrowers in low-income neighborhoods experienced the highest loan distress.<sup>20</sup> As seen in the map and graph reproduced below, borrowers in parts of Brooklyn and the Bronx experienced the highest rates of default and delinquency.<sup>21</sup>

**Percent of student loan borrows 90+ days past due on student loans<sup>22</sup>**



<sup>18</sup> Id, p. 4.

<sup>19</sup> Id, p. 3.

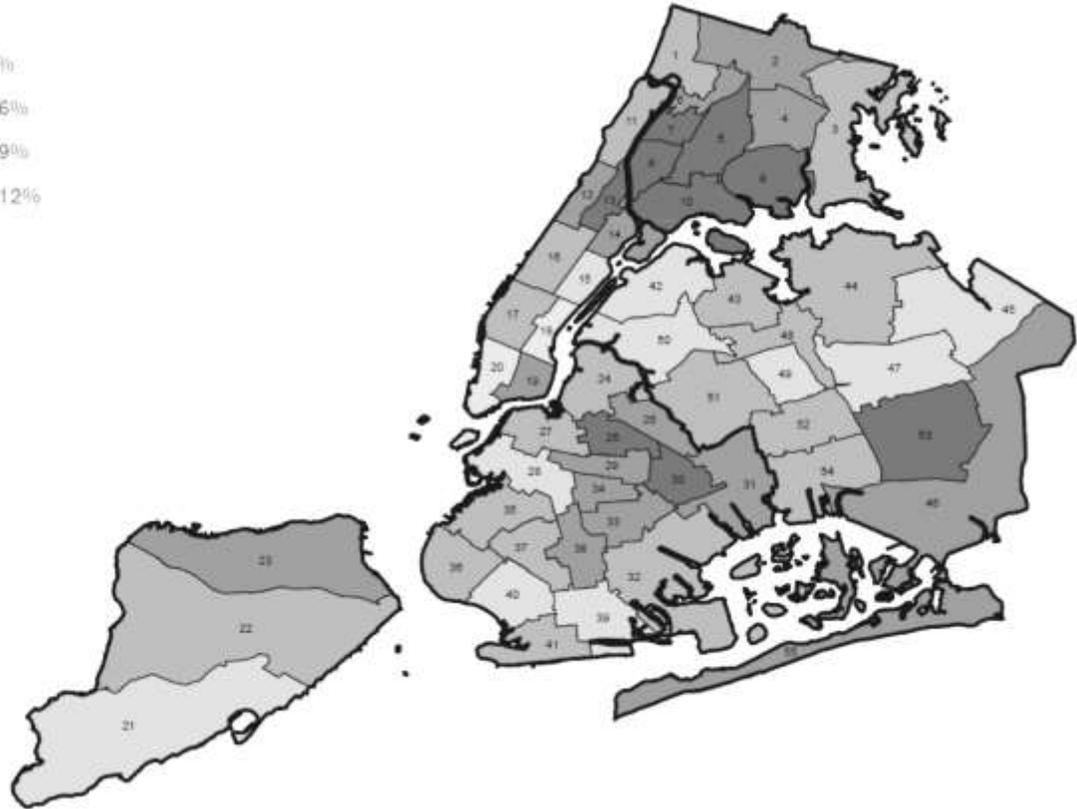
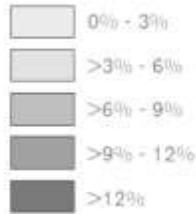
<sup>20</sup> Id.

<sup>21</sup> Id, p. 12.

<sup>22</sup> Id, p. 10.

Percent of student loan borrowers in default status by community district<sup>23</sup>

Figure 10



Label	PUMA	Community Districts and Neighborhoods
1	3701	Bronx CD 8--Riverdale, Fieldston & Kingsbridge
2	3702	Bronx CD 12--Wakefield, Williamsbridge & Woodlawn
3	3703	Bronx CD 10--Co-op City, Pelham Bay & Schuylerville
4	3704	Bronx CD 11--Pelham Parkway, Morris Park & Laconia
5	3705	Bronx CD 3 & 6--Belmont, Crotona Park East & East Tremont
6	3706	Bronx CD 7--Bedford Park, Fordham North & Norwood
7	3707	Bronx CD 5--Morris Heights, Fordham South & Mount Hope
8	3708	Bronx CD 4--Concourse, Highbridge & Mount Eden
9	3709	Bronx CD 9--Castle Hill, Clason Point & Parkchester
10	3710	Bronx CD 1 & 2--Hunts Point, Longwood & Melrose
11	3801	Manhattan CD 12--Washington Heights, Inwood & Marble Hill
12	3802	Manhattan CD 9--Hamilton Heights, Manhattanville & West Harlem
13	3803	Manhattan CD 10--Central Harlem
14	3804	Manhattan CD 11--East Harlem
15	3805	Manhattan CD 8--Upper East Side
16	3806	Manhattan CD 7--Upper West Side & West Side
17	3807	Manhattan CD 4 & 5--Chelsea, Clinton & Midtown Business District
18	3808	Manhattan CD 6--Murray Hill, Gramercy & Stuyvesant Town
19	3809	Manhattan CD 3--Chinatown & Lower East Side
20	3810	Manhattan CD 1 & 2--Battery Park City, Greenwich Village & Soho
21	3901	Staten Island CD 3--Tottenville, Great Kills & Annadale
22	3902	Staten Island CD 2--New Springville & South Beach
23	3903	Staten Island CD 1--Port Richmond, Stapleton & Mariner's Harbor
24	4001	Brooklyn CD 1--Greenpoint & Williamsburg
25	4002	Brooklyn CD 4--Bushwick
26	4003	Brooklyn CD 3--Bedford-Stuyvesant
27	4004	Brooklyn CD 2--Brooklyn Heights & Fort Greene

28	4005	Brooklyn CD 6--Park Slope, Carroll Gardens & Red Hook
29	4006	Brooklyn CD 8--Crown Heights North & Prospect Heights
30	4007	Brooklyn CD 16--Brownsville & Ocean Hill
31	4008	Brooklyn CD 5--East New York & Starrett City
32	4009	Brooklyn CD 18--Canarsie & Flatlands
33	4010	Brooklyn CD 17--East Flatbush, Farragut & Rugby
34	4011	Brooklyn CD 9--Crown Heights South, Prospect Lefferts & Wingate
35	4012	Brooklyn CD 7--Sunset Park & Windsor Terrace
36	4013	Brooklyn CD 10--Bay Ridge & Dyker Heights
37	4014	Brooklyn CD 12--Borough Park, Kensington & Ocean Parkway
38	4015	Brooklyn CD 14--Flatbush & Midwood
39	4016	Brooklyn CD 15--Sheepshead Bay, Gerritsen Beach & Homecrest
40	4017	Brooklyn CD 11--Bensonhurst & Bath Beach
41	4018	Brooklyn CD 13--Brighton Beach & Coney Island
42	4101	Queens CD 1--Astoria & Long Island City
43	4102	Queens CD 3--Jackson Heights & North Corona
44	4103	Queens CD 7--Flushing, Murray Hill & Whitestone
45	4104	Queens CD 11--Bayside, Douglaston & Little Neck
46	4105	Queens CD 13--Queens Village, Cambria Heights & Rosedale
47	4106	Queens CD 8--Briarwood, Fresh Meadows & Hillcrest
48	4107	Queens CD 4--Elmhurst & South Corona
49	4108	Queens CD 6--Forest Hills & Rego Park
50	4109	Queens CD 2--Sunnyside & Woodside
51	4110	Queens CD 5--Ridgewood, Glendale & Middle Village
52	4111	Queens CD 9--Richmond Hill & Woodhaven
53	4112	Queens CD 12--Jamaica, Hollis & St. Albans
54	4113	Queens CD 10--Howard Beach & Ozone Park
55	4114	Queens CD 14--Far Rockaway, Breezy Point & Broad Channel

<sup>23</sup> Id.

The report also found that borrowers 45 years and older had higher rates of delinquency than their younger peers. The researchers suggest that this may be because younger borrowers are more likely to still be enrolled in college and may therefore have access to a greater range of repayment plans.<sup>24</sup>

### Student Loan Forgiveness Programs

To tackle the mounting debt faced by students, there are several loan forgiveness programs available. For instance, graduates who find employment with the public sector or non-for-profit organizations may qualify for student loan forgiveness on government loans.<sup>25</sup> Similarly, teachers, who teach full-time for five consecutive years in low-income schools may also be eligible for loan forgiveness for up to \$17,500.<sup>26</sup> There are also a range of other options where graduates may be eligible for either full or partial loan forgiveness or discharge, depending on their various circumstances, such as whether their loans are issued by government or a private entity and the types of programs their school offers. Navigating through the terms and conditions, however, can be time-consuming and confusing and ultimately be a barrier to successful loan re-payment or forgiveness. For instance, recent data from the federal Department of Education shows that 98 percent of borrowers who applied for the public sector/not-for-profit loan forgiveness were denied.<sup>27</sup>

### **III. BILL ANALYSIS**

Section 1 of the bill would require the Department of Citywide Administrative Services (DCAS), in consultation with DCWP, to prepare a notice for city employees and job applicants regarding the availability of federal and state student loan forgiveness programs. DCAS would be required to post the notice on their website in a downloadable format. The notice would be required to: (i) include a notice that an employee of a city agency may be eligible for loan forgiveness under a federal or state student loan forgiveness program; (ii) provide the official website address for each program; and (iii) encourage each employee or applicant for employment to review carefully the information provided on the websites to determine eligibility for such programs and the procedures for application. DCAS would be required to provide this notice to city agency heads to share with their employees and job applicants. Each city agency would be required to provide the notice received from DCAS to: (i) individuals who begin employment with the agency after the effective date of this law, within five days of beginning employment; (ii) individuals already employed at the city agency on the effective date of this law, within 15 days of such effective date; and (iii) in advertisements for employment with the city agency, where appropriate.

Section 2 of the bill would add a new chapter 11 to title 20 of the Administrative Code. Pursuant to the new Chapter 11, OLPS would be required to make the notice required in section 1 of this bill available to employers in New York City to provide to employees and job applicants, including making the notice available for download on DCWP's website. "Employer" would be defined broadly to include any employer, except for the federal government; New York State government; and the City or any local government, municipality or county or any entity governed by section 92 of the New York General Municipal Law or section 207 of the New York County Law. DCWP would also be required to conduct outreach and education about the availability of federal and state student loan forgiveness programs to employers likely to be impacted by this bill.

Section 3 provides that this bill would take effect 90 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2130-A:)**

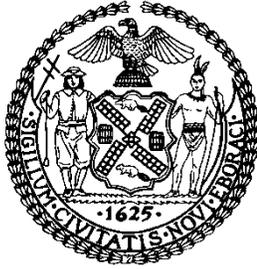
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<sup>24</sup> Id, p. 3.

<sup>25</sup> Federal Student Aid "Student loan forgiveness", available at: <https://studentaid.gov/manage-loans/forgiveness-cancellation>, last accessed October 14, 2021.

<sup>26</sup> Id.

<sup>27</sup> Adam S. Minsky "New data shows most who apply to this student loan forgiveness program are denied", *Forbes*, June 14, 2021, available at: <https://www.forbes.com/sites/adamminsky/2021/06/14/new-data-shows-most-who-apply-to-this-student-loan-forgiveness-program-are-denied/?sh=a3172707a521>.



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

**PROPOSED INTRO. NO:** 2130-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 providing notice regarding student loan forgiveness programs to certain employees and applicants for employment.

**SPONSOR(S):** Council Member Rosenthal, Kallos, Adams, Chin, Cornegy, Yeger, Powers and Brooks-Powers.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2130-A would require the Department of Citywide Administrative Services (DCAS), in consultation with the Department of Consumer and Worker Protection (DCWP), to prepare a notice for employees and job applicants regarding the availability of federal and state student loan forgiveness programs. City agencies would provide the notice to agency employees and job applicants, and DCWP would make the notice available to employers in New York City to provide to employees and job applicants.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the enactment of this legislation would not generate any revenue.

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

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

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

**ESTIMATE PREPARED BY:** Florentine Kabore, Financial Analyst

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

**LEGISLATIVE HISTORY:** This legislation was introduced by the Council on October 15, 2021 as Int. No. 2130 and was referred to the Committee on Governmental Operations. The legislation was then re-referred to the Committee on Consumer Affairs and Business Licensing (Committee) on July 26, 2021. The Committee heard the legislation on October 22, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 2130-A, will be heard by the Committee on December 8, 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 3, 2021.

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

**(The following is the text of Int. No. 2130-A:)**

Int. No. 2130-A

By Council Members Rosenthal, Kallos, Adams, Chin, Cornegy, Yeger, Powers, Brooks-Powers and Cabán.

**A Local Law to amend the administrative code of the city of New York, in relation to providing notice regarding student loan forgiveness programs to certain employees and applicants for employment**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York, is amended by adding a new section 12-211 to read as follows:

*§12-211 Notice regarding student loan forgiveness programs. a. For purposes of this section, the term “city agency” means an agency established by the charter and any other agency designated by the mayor for purposes of this section.*

*b. Requirement to prepare notice. The commissioner of citywide administrative services shall prepare, in consultation with the commissioner of the department of consumer and worker protection, a notice for employees of city agencies regarding the availability of federal and state student loan forgiveness programs. The commissioner shall make the notice available on the website of the department of citywide administrative services in a downloadable format.*

*c. Required information. The notice required pursuant to subdivision b shall:*

- 1. Include, but need not be limited to, notice that an employee of a city agency may be eligible for loan forgiveness under a federal or state student loan forgiveness program;*
- 2. Provide the official website address for each program; and*
- 3. Encourage each employee or applicant for employment to review carefully the information provided on the websites to determine eligibility for such programs and the procedures for application.*

*d. Provision of notice to agency heads. The commissioner shall make the notice prepared pursuant to subdivision b of this section available to the heads of city agencies to share with employees and applicants for employment at such agencies.*

*e. Provision of notice to employees and applicants for employment. The head of each city agency shall provide the notice prepared pursuant to subdivision b:*

- 1. To an individual who begins employment at the applicable city agency after the effective date of this section, within five days of beginning such employment;*
- 2. To an individual already employed at the city agency on the effective date of this section, within fifteen days of such effective date; and*
- 3. In advertisements for employment with the city agency, where appropriate.*

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

**CHAPTER 11  
INFORMATION ON STUDENT LOAN FORGIVENESS PROGRAMS**

§ 20-1101 *Information on student loan forgiveness for employees and applicants for employment.* a. For purposes of this section, the term "employer" means any person or entity covered by the definition of "employer" set forth in subdivision 6 of section 651 of the labor law, except that such term does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

b. *Provision of notice.* 1. The department shall make available the notice prepared under section 12-211 to employers in the city, as appropriate, in order that such employers may provide the notice to employees and applicants for employment.

2. The department shall make such notice available on its website in a downloadable format.

c. The department shall provide outreach and education about the availability of federal and state student loan forgiveness programs to employers in the city likely to be impacted by this section.

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

DIANA AYALA, *Chairperson*; MARGARET S. CHIN, PETER A. KOO, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, *December 8, 2021* (Remote Hearing). *Other Council Members Attending: Rosenthal, Adams, Barron and Powers.*

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 Contracts**

Report for Int. No. 1624-A

**Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to tracking certifications of minority and women owned business enterprises and emerging business enterprises.**

The Committee on Contracts, to which the annexed proposed amended local law was referred on June 26, 2019 (Minutes, page 2176), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

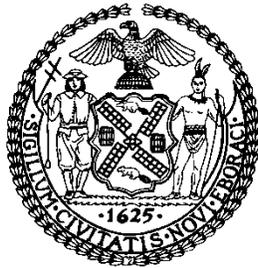
On December 8, 2021, the Committee on Contracts voted on Proposed Int. No. 1624-A, in relation to tracking certifications of minority and women owned business enterprises and emerging business enterprises. The Committee held a hearing on a previous version of this bill on June 20, 2019, and received testimony from the Mayor's Office of Contract Services ("MOCS"), the Department of Small Business Services ("SBS"), the Mayor's Office of M/WBEs and interested members of the public. More information about this legislation is available along with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/31vx3FD>. The bill passed with five votes in the affirmative, zero votes in the negative, and zero abstentions.

**II. LEGISLATIVE ANALYSIS**

Proposed Int. No. 1624-A

This bill would require the Mayor’s Office of Contract Services and the Department of Small Business Services to expand the data in the quarterly Minority- and Women- Owned Business Enterprise (“M/WBE”) report to include the change in the number of certified M/WBE firms and certified Emerging Business Enterprise (“EBE”) firms in each industry classification since the most recent M/WBE disparity study and the percentage increase for such firms since the previous quarter.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1624-A:)**



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

**PROPOSED INT. NO. 1624-A  
COMMITTEE: Contracts**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to tracking certifications of minority and women owned business enterprises and emerging business enterprises. **SPONSORS:** Council Members Kallos, Ampry-Samuel and Grodenchik.

**SUMMARY OF LEGISLATION:** This bill would require the Mayor’s Office of Contract Services and the Department of Small Business Services to expand the data in the quarterly Minority- and Women- Owned Business Enterprise (“M/WBE”) report to include the change in the number of certified M/WBE firms and certified Emerging Business Enterprise (“EBE”) firms in each industry classification since the most recent M/WBE disparity study and the percentage increase for such firms since the previous quarter.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

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

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

**ESTIMATE PREPARED BY:** John Russell, Unit Head

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was considered by the Committee on Contracts (Committee) as a Preconsidered Introduction on June 20, 2019 and the legislation was laid over. The legislation was later introduced to the Council as Int. No. 1624 on June 26, 2019 and was referred to the Committee. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 1624-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1624-A will be submitted to the full council for a vote on December 9, 2021.

**DATE PREPARED:** December 3, 2021.

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

**(The following is the text of Int. No. 1624-A:)**

Int. No. 1624-A

By Council Members Kallos, Ampry-Samuel, Grodenchik, Barron, Gennaro, Rosenthal, Adams, Cabán and Brooks-Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to tracking certifications of minority and women owned business enterprises and emerging business enterprises**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision 1 of section 6-129 of the administrative code of the city of New York is amended by adding new subparagraphs (e-1) and (e-2) to read as follows:

*(e-1) the number of firms certified as MBEs or WBEs as of the final day of the quarter compared to the number of firms found to be available in the most recent review conducted pursuant to subparagraph (a) of paragraph 4 of subdivision d of this section for each industry classification, and the percentage increases in the numbers of such certified firms reported for the immediately preceding quarter;*

*(e-2) the number of firms certified as EBEs as of the final day of the quarter and the percentage increase in the numbers of such certified firms reported for the immediately preceding quarter;*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services and the city chief procurement officer, as such term is defined in paragraph 7 of subdivision c of section 6-129 of the administrative code of the city of New York, may take all actions necessary for its implementation before such effective date.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, INEZ D. BARRON; MARK GJONAJ, JAMES F. GENNARO; Committee on Contracts, December 8, 2021 (Remote Hearing).

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. 51-A

### **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 the creation of a demonstration program for geothermal exchange systems.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 187), respectfully

#### **REPORTS:**

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

On December 8, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, held a hearing on Int. No. 51-A, in relation to the creation of a demonstration program for geothermal exchange systems; Int. No. 2425-A, in relation to requiring borough commissioners in the department of environmental protection; and Int. No. 2460-A, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation.

The Committee previously held a hearing on Int. No. 51 on June 24, 2019 and received testimony from the New York City Mayor's Office of Resiliency and Mayor's Office of Sustainability, utilities, geothermal experts, environmental advocates, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3DxK7Yj>.

The Committee previously held a hearing on Int. No. 2425 on October 20, 2021 and received testimony from the New York City Department of Environmental Protection (DEP), waterways and green infrastructure advocates, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3lI4Brv>.

The Committee previously held a hearing on Int. No. 2460 on December 1, 2021 and received testimony from the New York City Mayor's Office of Environmental Remediation (OER), real estate representatives, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3rJetot>.

##### **II. INT. NO. 51-A**

Int. No. 51-A would require the director of the Mayor's Office of Long-Term Planning and Sustainability, in consultation with an agency designated by the mayor, to conduct a study for the installation of geothermal energy systems on government owned sites. Specifically, the bill would require that a study first be conducted by the director to determine what potential sites could be retrofitted with such systems and then select up to 10 government owned buildings that could have geothermal systems installed in order to demonstrate the suitability of such systems. The bill would also require detailed reporting every 2 years on various aspects of the pilot program, including recommendations on whether the program should be expanded. This local law would take effect 180 days after it becomes law.

##### **III. INT. NO. 2425-A**

Int. No. 2425-A would authorize the Commissioner of Environmental Protection to assign a borough commissioner to each borough within the Department of Environmental Protection (DEP) who would be tasked with informing the Commissioner regarding personnel, programs, and facilities within that borough, and to liaise

with borough presidents, other DEP borough commissioners, and community boards. This local law would take effect 90 days after it becomes law.

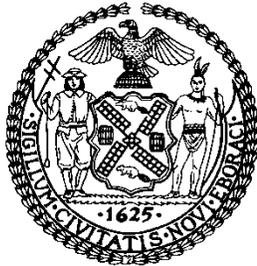
#### IV. INT. NO. 2460-A

Int. No. 2460-A would authorize the New York City Mayor's Office of Environmental Remediation (OER) authority to issue civil penalties against parties who violate an OER Site Management Plan or another OER program requirement. The director of OER would also be able to designate other city agencies to issue relevant administrative summonses and notices of violation to enforce the provisions of this bill. This local law would take effect 90 days after it becomes law.

#### V. UPDATE

On December 8, 2021, the Committee held a vote on Int. No. 51-A, Int. No. 2425-A, and Int. No. 2460-A. The Committee passed Int. No. 51-A, Int. No. 2425-A, and Int. No. 2460-A with 4 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 51-A:)



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

**PROPOSED INTRO. NO. 51-A**

**COMMITTEE:** Environmental Protection

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of a demonstration program for geothermal exchange systems. **SPONSORS:** Council Members Perkins, Cornegy and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 51-A would require the director of the Mayor's Office of Long-Term Planning and Sustainability, in consultation with an agency designated by the mayor, to conduct a study for the installation of geothermal energy systems on government owned sites. Specifically, the bill would require that a study first be conducted by the director to determine what potential sites could be retrofitted with such systems and then select up to ten government owned buildings that could have geothermal systems installed in order to demonstrate the suitability of such systems. Furthermore, this bill would also require detailed reporting every two years on various aspects of the pilot program, including recommendations on whether the program should be expanded.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</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:** To comply with the legislation, the City would utilize existing resources to conduct a study regarding the installation of geothermal energy systems on City government owned sites; however, after such study is complete, and dependent on the results, the City may incur costs related to the installation of up to ten geothermal energy systems at these sites. Because the location, type and size of such systems have not been identified, the cost cannot be estimated at this time.

**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  
Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. 51 on January 31, 2018 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on June 24, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 51-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 51-A will be submitted to the full Council for a vote on October 9, 2021.

**DATE PREPARED:** December 6, 2021.

(For text of Int. Nos. 2425-A and 2460-A and their Fiscal Impact Statements, please see the Report of the Committee on Environmental Protection for Int. Nos. 2425-A and 2460-A, respectively, printed in these Minutes; for text of Int. No. 51-A, please see below)

*Accordingly, this Committee recommends the adoption of Int. Nos. 51-A, 2425-A, and 2460-A.*

**(The following is the text of Int. No. 51-A:)**

Int. No. 51-A

By Council Members Perkins, Cornegy and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a demonstration program for geothermal exchange systems**

*Be it enacted by the Council as follows:*

Section 1. Legislative findings and intent. The Council finds that the use of geothermal exchange systems in New York City would result in reduced air pollution and greenhouse gas emissions, lessen energy demand, and improve the health and well-being of New York City residents. A geothermal exchange system, as described in this local law, exchanges heat between the earth and two or more buildings for the purpose of providing heating, cooling and hot water. In 2019, the New York State Legislature enacted the Climate Leadership and Community Protection Act (CLCPA) Chapter 106 of the laws of 2019, finding that climate change was a matter of significant concern across the State, and setting benchmarks towards a goal of reducing greenhouse gas emissions across New York State from all anthropogenic sources 100% over 1990 levels by the year 2050. In New York City, Local Law 97 for the year 2019 provides that there shall be, at minimum, a 40 percent reduction in citywide emissions by 2030, and an 80 percent reduction in citywide emissions by 2050.

The Council finds that the use of geothermal exchange systems in New York City would further the goals of the CLCPA and Local Law 97. The use of geothermal exchange systems would help combat global warming by reducing greenhouse gas emissions. To the extent that reliance on energy from greenhouse gases is lessened, the use of geothermal exchange systems can contribute to fewer air emissions and air quality related respiratory diseases. Geothermal exchange systems will similarly help mitigate against the effects of climate change that have already begun to affect the City, as evidenced by the increased frequency of life- and property-threatening weather events. Therefore, the Council finds that it is in the best interests of the health and well-being of New York City residents to authorize the creation of a demonstration program for geothermal exchange systems.

§ 2. Subchapter 2 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-125.1 to read as follows:

*§ 3-125.1 Geothermal exchange system demonstration program. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Administering agency. The term “administering agency” means the office or agency designated by the mayor, pursuant to subdivision c of this section, to implement and administer the provisions of this section.*

*Building. The term “building” has the same meaning as provided in section 28-101.5.*

*Director. The term “director” means the director of the mayor’s office of long-term planning and sustainability.*

*Environmental justice. The term “environmental justice” has the same meaning as provided in section 3-1001.*

*Geothermal exchange service. The term “geothermal exchange service” means the provision of thermal energy from, or rejection of thermal energy to, a geothermal exchange system.*

*Geothermal exchange system. The term “geothermal exchange system” means a system owned by the city that is used to exchange heat between the earth and two or more buildings for the purpose of providing heating, cooling or hot water to two or more buildings. The term “geothermal exchange system” may also include a waste heat system.*

*Government building. The term “government building” means a building at which the benefits of a geothermal exchange system created pursuant to this section would accrue to the city of New York; or to the state of New York, a public authority, a public benefit corporation, or the federal government, provided that such entity has entered into an agreement or contract for the provision of geothermal energy service at such building pursuant to section 20-e of the general city law, section 99-r of the general municipal law or any other applicable law, through which such agreement or contract is hereby authorized.*

*Government site. The term “government site” means a site owned or controlled by the city of New York, the state of New York, the federal government, a public authority or a public benefit corporation.*

*Waste heat system. The term “waste heat system” means a system owned by the city that captures or rejects, and reuses, heat produced from sources including, but not limited to commercial or industrial processes, including transportation systems, data centers and wastewater treatment systems.*

*b. Identification and selection of sites for geothermal exchange systems.*

*1. The director shall undertake a study of government sites for the potential development of geothermal exchange systems to serve government buildings. Such study shall include identification and evaluation of potential government sites for development of a geothermal exchange system as part of a demonstration program. In evaluating each such potential site, the director shall consider, without limitation:*

*(a) The heating and cooling systems of government buildings at and near to the potential site;*

*(b) The site’s geologic and hydrologic profile;*

(c) *The availability, suitability and accessibility of land at or within a suitable distance of the potential site for construction of any wells necessary to exchange geothermal energy;*

(d) *Whether the city has the right to develop a geothermal exchange system at the potential site, and if not, the cost of obtaining such right;*

(e) *The feasibility of government buildings at or near to the potential site participating in the demonstration program and receiving geothermal exchange service from a geothermal exchange system created pursuant to this section;*

(f) *The heating and cooling energy load profiles, over the course of a year, of the government buildings at or near the potential site;*

(g) *The size of the potential site and the potential capacity of a geothermal exchange system created pursuant to this section at such site, as related to the estimated demand for geothermal exchange service from the government buildings potentially receiving such service from such system;*

(h) *The projected utility cost savings for government buildings that receive geothermal exchange service from a geothermal exchange system created pursuant to this section;*

(i) *The capacity of the potential site to accommodate expansion of a geothermal exchange system created pursuant to this section to serve additional buildings;*

(j) *The extent to which a geothermal exchange system developed pursuant to this section at the potential site would reduce the demand for natural gas and natural gas infrastructure;*

(k) *The projected greenhouse gas emissions savings and reductions in other harmful air emissions;*

(l) *Considerations to advance environmental justice;*

(m) *The projected costs to build, operate and maintain a geothermal exchange system created pursuant to this section at the potential site;*

(n) *Whether a geothermal exchange system developed pursuant to this section at the potential site would disrupt existing subterranean systems; and*

(o) *Other possible costs or benefits of selecting the potential site for development of a geothermal exchange system pursuant to this section.*

2. *The director, in consultation with the head of the administering agency, and in compliance with sections 197-c and 197-d of the charter, if applicable, shall select a maximum of 10 sites evaluated in the study conducted pursuant to paragraph 1 of this subdivision that are indicated for the development of one or more geothermal exchange systems for a demonstration program. The selection shall be based on the study's determination of the site or sites, if any, presenting the greatest potential benefits. If a selected site proves unsuitable for the demonstration program, the director, in consultation with the head of the administering agency, may select in its place an alternative site in the manner described in this paragraph.*

c. *During or after the study undertaken pursuant to subdivision b of this section, the mayor shall designate an office or agency to implement and administer the demonstration program and other provisions of this section, in consultation with the director. Such designation shall be made in writing and shall be posted on the administering agency's website.*

d. *Reporting. On or before March 1, 2023, and on or before March 1 every two years thereafter until March 1, 2033, the director, in consultation with the head of the administering agency, shall provide to the mayor and speaker of the council a detailed report containing an assessment of the demonstration program, discussion of performance and impacts of any geothermal exchange system created pursuant to this section and information on feedback regarding the provision of geothermal exchange service pursuant to this section. Such assessment shall include, but need not be limited to:*

1. *Recommendations for improving the demonstration program, including the identification of any beneficial new technology for geothermal exchange systems;*

2. *Recommendations regarding whether to maintain, expand or discontinue the demonstration program;*

3. *The costs incurred, and savings realized, in the prior two fiscal years by the city in implementing geothermal exchange systems pursuant to this section, and the costs and savings anticipated to be incurred or realized by the city in the subsequent two fiscal years;*

4. *The greenhouse gas emissions reductions and impacts on energy usage in the prior two fiscal years related to the operation of geothermal exchange systems pursuant to this section, and the expected emissions reductions and impacts on energy usage in the subsequent two fiscal years;*

5. Recommendations regarding whether the demonstration program should continue to be administered by the administering agency or be administered by another agency; and

6. Recommendations regarding whether the demonstration program should be made permanent, and if so, a detailed proposal for doing so, including recommendations for any legislation required to implement such proposal.

e. Potential expansion to private customers. If the director, in consultation with the administering agency, determines that expanding the demonstration program described in this section to serve private customers is feasible and practicable, the director shall provide to the mayor and speaker of the council a detailed proposal for doing so, including recommendations for any legislation required to implement such proposal.

§ 3. This local law takes effect 180 days after it becomes law.

JAMES F. GENNARO, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ,; Committee on Environmental Protection, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Members R. Diaz Sr.*

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. 2425-A

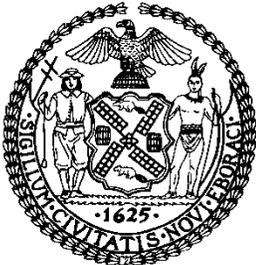
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to requiring borough commissioners in the department of environmental protection.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on October 7, 2021 (Minutes, page 2648), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 51-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2425-A:*



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

**PROPOSED INTRO. NO. 2425-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the New York city charter, in relation to requiring borough commissioners in the department of environmental protection.

**SPONSORS:** Council Members Salamanca, Vallone, Yeger, Holden, Dinowitz, Rosenthal, Cabrera, Levin, Ampry-Samuel, Koslowitz, Adams, Cumbo, Ayala, D. Diaz, Riley, Louis, Rose, Ulrich, Cornegy, Moya, Chin, Dromm, Eugene, Powers, Koo, Treyger, Grodenchik, Brooks-Powers, Borelli, Barron, Kallos, Reynoso, Van Bramer, Brannan, Lander, Maisel and Feliz.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2425-A would authorize the Commissioner of the Department of Environmental Protection (DEP) to assign a borough commissioner to each borough within the DEP who would be tasked with informing the Commissioner regarding personnel, programs, and facilities within that borough, and to liaise with borough presidents, other DEP borough commissioners, and community boards.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated there would be no impact on expenditures resulting from the enactment of this legislation as DEP would utilize existing resources to implement the legislation.

**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  
Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. 2425 on October 7, 2021 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation jointly with the Committee on Resiliency and Waterfronts and Committee on Parks and Recreation, on October 10, 2021 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 2425-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No 2425-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 2425-A:)**

Int. No. 2425-A

By Council Members Salamanca, Vallone, Yeger, Holden, Dinowitz, Rosenthal, Cabrera, Levin, Ampry-Samuel, Koslowitz, Adams, Cumbo, Ayala, D. Diaz, Riley, Louis, Rose, Ulrich, Cornegy, Moya, Chin, Dromm, Eugene, Powers, Koo, Treyger, Grodenchik, Brooks-Powers, Borelli, Barron, Kallos, Reynoso, Van Bramer, Brannan, Lander, Maisel, Feliz, Cabán and Gennaro.

**A Local Law to amend the New York city charter, in relation to requiring borough commissioners in the department of environmental protection**

*Be it enacted by the Council as follows:*

Section 1. Chapter 57 of the New York city charter is amended by adding a new section 1405 to read as follows:

§ 1405. *Borough commissioners. a. For each borough, the commissioner of environmental protection shall assign a borough commissioner, who shall:*

*1. Inform the commissioner of environmental protection regarding programs, personnel, and facilities within the borough to which such borough commissioner is assigned; and*

*2. Consult when appropriate with the relevant borough president, other borough commissioners of the department and community boards.*

*b. Nothing in this section shall prohibit the commissioner of environmental protection from assigning as borough commissioner under this section an employee who is also assigned to a position in the department pursuant to subdivision f of section 2704 or subdivision a of section 2706.*

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

JAMES F. GENNARO, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ,; Committee on Environmental Protection, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Members R. Diaz Sr.*

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. 2460-A

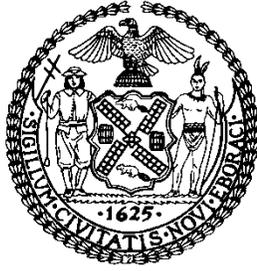
**Report of the Committee on Environmental Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on November 23, 2021 (Minutes, page 3462), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Environmental Protection for Int. No. 51-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 2460-A:*



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

**PROPOSED INTRO. NO. 2460-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law amend the administrative code of the city of New York, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation. **SPONSORS:** Council Members Gennaro and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2460-A would authorize the New York City Mayor’s Office of Environmental Remediation (OER) authority to issue civil penalties against parties who violate an OER Site Management Plan or another OER program requirement. Furthermore, the Director of OER would also be able to designate other City agencies to issue relevant administrative summonses and notices of violation to enforce the provisions of this bill.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** Although the legislation contemplates civil penalties, it is anticipated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the legislation is anticipated.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation as OER and the potential future agencies responsible for implementing its requirements would use existing resources to implement the requirements of the legislation.

**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  
Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. 2460 on November 23, 2021 and referred to the Committee on Environmental Protection (Committee). The Committee heard the legislation on December 1, 2021 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2460-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2460-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 2460-A:)**

Int. No. 2460-A

By Council Members Gennaro and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to enforcement of environmental remediation plans and rules of the office of environmental remediation**

*Be it enacted by the Council as follows:*

Section 1. Section 24-907 of the administrative code of the city of New York, as added by local law number 27 for the year 2009, is amended to read as follows:

§ 24-907 [Civil Penalties] *Enforcement.* (a) Any applicant, enrollee, or recipient of a certificate of completion who misrepresents any material fact related to the investigation, remediation or site management of a local brownfield site; or any person or entity that violates any provision of a site management plan for a local brownfield site; or any person or entity that violates any provision of this chapter or the rules of the office of environmental remediation, shall be liable for a civil penalty of not more than twenty-five thousand dollars.

[Such] (b) A civil penalty may be recovered in an action in a court of competent jurisdiction or in a proceeding before [the environmental control board. Such] an administrative tribunal within the jurisdiction of the office of administrative trials and hearings pursuant to section 1049-a of the charter, which proceeding shall be commenced by the service of an administrative summons or a notice of violation returnable before [the environmental control board] such tribunal.

(c) The director of the office of environmental remediation may designate other city agencies to issue such administrative summonses and notices of violation. Employees or designees of the office are authorized to enter private property, in accordance with applicable law, to inspect for the violations described in this section.

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

JAMES F. GENNARO, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ,; Committee on Environmental Protection, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Members R. Diaz, Sr.*

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

Report for Int. No. 1520-A

### Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau

The Committee on Finance, to which the annexed proposed amended local law was referred on April 18, 2019 (Minutes, page 1519), respectfully

#### REPORTS:

#### I. Introduction

On December 9, 2021, the Committee on Finance (Committee), chaired by Council Member Daniel Dromm, will hold a second hearing on Proposed Introduction (Int.) Number (No.) 1520-A, titled A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau. This is the second hearing on this bill, which was subsequently amended after introduction. At the first hearing on April 29, 2019, which was jointly held with the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, and the Committee on Government Operations, chaired by Fernando Cabrera, the Committee heard testimony from representatives from the NYC Department of Finance (DOF), the New York City Sheriff, the NYC Department of Transportation (DOT), advocates, and other key stakeholders interested in the oversight of the DOF Parking Violations Bureau (PVB), and a package of legislation that proposed to affect the operations of the PVB, including the prior version of Int. 1520-A.

#### II. Background

Traffic Enforcement Agents (TEA) and officers of the New York Police Department (NYPD), as well as representatives of several other City agencies and other entities,<sup>1</sup> issue parking tickets in the form of affirmed notices of violation to vehicles parked in violation of the Department of Transportation (DOT) traffic rules and regulations.<sup>2</sup> The PVB is responsible for collecting the fines for these parking violations and, when owners dispute the violations, adjudicating such disputes.<sup>3</sup>

The PVB is diffuse in form within DOF, with 106 per diem staff and 193 full-time equivalent staff in Fiscal

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<sup>1</sup> Pursuant to 19 RCNY §39-01, agents authorized to issue parking tickets also include members of the Fire Department; Department of Transportation; Department of Sanitation the Sheriff, the Under Sheriff, and Deputy Sheriffs of DOF's Office of the City Sheriff; Fraud and Associate Fraud Investigators at DOF; Department of Small Business Services; Business Integrity Commission; New York City Housing Authority Police; Port Authority of New York and New Jersey Police; Police of the Metropolitan Transportation Authority and its subsidiary authorities; United States Park Police; Department of Buildings Special Patrolmen; State Regional Park Police; Taxi and Limousine Commission; Waterfront Commission of New York Harbor; Department of Parks and Recreation; Department of Correction; Roosevelt Island Security Organization, Sea Gate Association Police; Snug Harbor Rangers with peace officer status; officers of the Co-op City Department of Public Safety; Amtrak Police Officers; Office of Court Administration Court Officers; Department of Health Police Officers; Health and Hospitals Corporation Police Officers; New York State Office of Mental Health Safety Officers; New York State Office of Mental Retardation and Developmental Disabilities Police Officers; Triborough Bridge and Tunnel Authority Police Officers; State University Maritime College Public Safety Officers; Department of Environmental Protection Police Officers; managers of the New York City Transit Authority; and Officers of the Federal Protective Service of the United States Department of Homeland Security.

<sup>2</sup> New York City Charter §2903; 34 RCNY Ch. 4.

<sup>3</sup> VEH. & TRAF. §240; Admin. Code §19-203(a).

2019 assigned to several units working together to execute several core PVB functions.<sup>4</sup> These functions are: “to hear and determine, charges of parking violations,”<sup>5</sup> “to enter judgments and enforce them,”<sup>6</sup> “to compile and maintain complete and accurate records relating to all charges and dispositions,”<sup>7</sup> and “to remit to the...appropriate finance officer...all monetary penalties or fees received.”<sup>8</sup> State and local laws require the DOF Commissioner to appoint a PVB Director<sup>9</sup> and hearing examiners who have been admitted to the practice of law in New York for at least five years.<sup>10</sup> In addition, the Commissioner must appoint senior hearing examiners who preside at hearings, supervise, and administer the PVB, and serve on an appeals board.<sup>11</sup> Such appeals board is required to be within the PVB, consisting of three or more senior hearing examiners, and is authorized to hear appeals from judgments of hearing officers and to reverse or modify any judgement appealed for error of fact or law.<sup>12</sup> The adjudications are currently performed by 106 Administrative Law Judges (ALJs) who receive a per-diem wage and are *not* City employees so as preserve their independent judgement.<sup>13</sup>

### III. Encounters with the PVB upon Receiving a Notice of Violation for a Parking Infraction

There are several options for a respondent to plead guilty and pay the fine listed on the notice of violation. The respondent may use DOF’s “NYC Pay or Dispute” Mobile App<sup>14</sup> or go online to <http://nyc.gov/citypay> to submit payment either by credit card, with a two percent convenience fee, or by eCheck/ACH without a fee.<sup>15</sup> While it can take up to three weeks for a handwritten parking ticket or camera violation to appear in DOF’s Summons Tracking and Accounts Receivable System (STARS), the respondent may still make a payment via App or CityPay using the violation number.<sup>16</sup> The respondent may also mail a personal check or money order.<sup>17</sup> Finally, the respondent may pay in person, either at one of the five borough-based Finance Business Centers,<sup>18</sup> or at participating 7-Eleven and CVS stores using PayNearMe, with a convenience fee of \$2.99 (per payment).<sup>19</sup>

There are likewise several options for a respondent to plead not guilty and request a hearing. The respondent may use the DOF “NYC Pay or Dispute” Mobile App<sup>20</sup> or go online to <http://nyc.gov/disputeticket> to contest the ticket and upload evidence online, upon the review of which the ALJ’s decision will be emailed back to the email address supplied.<sup>21</sup> The respondent may also contest the ticket and mail evidence, upon the review of which the ALJ’s decision will be mailed back.<sup>22</sup> Finally, the respondent may visit any Finance Business Center for a walk-

<sup>4</sup> Information provided by DOF to the Finance Committee.

<sup>5</sup> VEH. & TRAF. §237(1).

<sup>6</sup> VEH. & TRAF. §237(5).

<sup>7</sup> VEH. & TRAF. §237(6).

<sup>8</sup> VEH. & TRAF. §237(7).

<sup>9</sup> Admin. Code §19-202(a).

<sup>10</sup> Admin. Code §19-202(d).

<sup>11</sup> Admin. Code §19-202(c).

<sup>12</sup> Admin. Code §19-208.

<sup>13</sup> VEH. & TRAF. §236(2)(d) (“[s]uch hearing examiners shall not be considered employees of the city in which the administrative tribunal has been established.”).

<sup>14</sup> DOF: Pay or Dispute, <https://www1.nyc.gov/site/finance/vehicles/nyc-pay-or-dispute.page> (last accessed Apr. 23, 2019).

<sup>15</sup> NYC CityPay: Parking and Camera Violations, <https://a836-citypay.nyc.gov/> (last accessed Apr. 23, 2019).

<sup>16</sup> DOF: Parking Tickets & Camera Violations, Violation Number Search, [https://secure24.ipayment.com/NYCPayments/nycbookmark\\_1.htm](https://secure24.ipayment.com/NYCPayments/nycbookmark_1.htm) (last accessed Apr. 23, 2019); DOF: Got a Parking Ticket or Camera Violation?, [https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/parking\\_brochure.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/brochures/parking_brochure.pdf) (last accessed Apr. 23, 2019).

<sup>17</sup> DOF: Payments, Pay by Mail, <https://www1.nyc.gov/site/finance/pay-now/pay.page> (last accessed Apr. 23, 2019).

<sup>18</sup> DOF: Payments, Pay In-Person at a DOF Business Center, <https://www1.nyc.gov/site/finance/pay-now/pay.page> (last accessed Apr. 23, 2019).

<sup>19</sup> DOF: Payments, NEW! Pay Parking Tickets in Cash at a 7-Eleven or CVS Near You, <https://www1.nyc.gov/site/finance/pay-now/pay.page> (last accessed Apr. 23, 2019).

<sup>20</sup> DOF: Pay or Dispute, <https://www1.nyc.gov/site/finance/vehicles/nyc-pay-or-dispute.page> (last accessed Apr. 23, 2019).

<sup>21</sup> DOF: Dispute a Ticket Online, <https://www1.nyc.gov/site/finance/vehicles/dispute-web.page> (last accessed Apr. 23, 2019).

<sup>22</sup> DOF: Request a Hearing-by-Mail, <https://www1.nyc.gov/site/finance/vehicles/dispute-mail.page> (last accessed Apr. 23, 2019).

in hearing on a first-come, first-served basis between 8:30 am and 4:30 pm, Monday-Friday.<sup>23</sup> The respondent may also send an authorized representative to contest the ticket, including a spouse, family member, friend, a registered ticket broker, counsel, or in limited circumstances, an employee.<sup>24</sup> The identification requirements and the conduct regulations for such authorized representatives are spelled out in the New York City Rules.<sup>25</sup>

If a respondent pleads not guilty and requests a hearing, an ALJ will conduct a hearing and write a decision and order that includes a finding of fact and conclusion of law after a review of all the evidence presented.<sup>26</sup> The parking ticket is “prima facie evidence of the statements contained therein” have the effect of placing the burden of proof on petitioner, which is contrary to the rule in civil proceedings that the charge must be established by a preponderance of the evidence.<sup>27</sup> ALJs have limited discretion and must sustain or dismiss the ticket, and are not vested with discretion to reduce the fine.<sup>28</sup>

ALJs must dismiss a ticket if it is shown to be facially deficient because certain elements required by Vehicle and Traffic Law § 238(2) are missing, illegible, or mis-described.<sup>29</sup>

There are several other complete defenses to a ticket. ALJs must dismiss if: the respondent died prior to or within 90 days of the issuance of the ticket; the respondent has proof that the vehicle was stolen prior to ticket issuance and before recovery of the car; if the respondent has proof that the vehicle was sold, gifted, or otherwise transferred the vehicle prior to ticket issuance; if duplicate tickets were issued on the same day, for the same violation, at the same location, within three hours of the first ticket, or where multiple tickets were issued for status violations (registration or inspection) if the repeat summons were issued on the same date as the first ticket.<sup>30</sup>

There are additional defenses that are more fact intensive and which will require an ALJ to weigh the evidence, including: if the parking rules sign a respondent is cited for violating was missing, illegible, ambiguous, or wrongly stated; if the respondent’s vehicle suddenly became disabled and was ticketed for parking illegally and the respondent then removed it from the location expeditiously; or, in the case of a broken parking meter, a respondent may be able to prove that they attempted to purchase a parking meter receipt from the next nearest machine on the same block, or within the same municipal lot, and unsuccessfully tried to make the purchase with all methods of payment accepted by the machine.<sup>31</sup>

If the ALJ sustains the violation, the respondent can appeal the decision to an appeals board within 30 days, during which time no penalties or fees for late payment are assessed.<sup>32</sup> However, unless enforcement has been stayed by the appeals board, filing an appeal does not stay the enforcement of a judgment upon a sustained charge unless the appellant has posted a bond in the amount of such determination, at the time of, or before the service of such notice of appeal.<sup>33</sup> The appeals panel shall consist of three or more hearing examiners, but in no event shall the hearing

<sup>23</sup> DOF: Request an In-Person Hearing, <https://www1.nyc.gov/site/finance/vehicles/dispute-person.page> (last accessed Apr. 23, 2019).

<sup>24</sup> DOF: Eligible Representative, <https://www1.nyc.gov/site/finance/vehicles/dispute-eligible-representatives.page> (last accessed Apr. 23, 2019).

<sup>25</sup> 19 RCNY §39-09.

<sup>26</sup> Admin Code §19-207(a).

<sup>27</sup> *Gruen v. Parking Violation Bureau*, 58 A.D. 2d 48 (1977).

<sup>28</sup> Admin Code §19-207(a). Previously, the PVB offered a settlement program to all respondents appealing eligible violation types. Jo Craven McGinty and Ralph Blumenthal, *City Will Slash That Parking Fine, if You Ask*, N.Y. TIMES (Jan. 1, 2009). However, this settlement program ended on January 31, 2012. 19 RCNY §39-20(a).

<sup>29</sup> *In re Wheels v. Parking Violations Bureau*, 607 N.E.2d 806 (N.Y. 1992). These elements are: (1) plate description; (2) plate type as shown by the registration of the vehicle; (3) registration expiration date; (4) make or model and body type of vehicle; (5) a description of the charged violation, including but not limited to a reference to the applicable traffic rule or provision of this chapter; (6) information as to the days and hours the applicable rule or provision of this chapter is in effect, unless always in effect pursuant to rule or this chapter and where appropriate the word ALL when the days and/or hours in effect are everyday and/or twenty-four hours a day; (7) the meter number for a meter violation, where appropriate; and (8) the date, time and particular place of occurrence of the charged violation.

<sup>30</sup> DOF: Common Reasons for Disputing a Ticket, <https://www1.nyc.gov/site/finance/vehicles/common-reasons.page> (last accessed Apr. 23, 2019).

<sup>31</sup> *Id.*

<sup>32</sup> Admin. Code §19-207(a).

<sup>33</sup> 19 RCNY §39-12(a)(5).

examiner from whose decision the appeal is taken be included in the panel determining said appeal.<sup>34</sup> The appeals panel may review the case for errors of fact or law or jurisdictional defects in the summons and is bound by the record established at the hearing and shall only consider evidence which was not presented to the ALJ in the interests of justice and upon consent of the respondent.<sup>35</sup> The appeals panel will make one of the following decisions: affirm (uphold) the original hearing decision; modify the original hearing decision; reverse the hearing decision; return the case for a completely new hearing; decide that there was no cognizable issue on which to base an appeal.<sup>36</sup>

*Failure to Respond to a Notice of Violation or to Satisfy a Judgment of Guilt*

If a respondent fails to pay a parking ticket or plead not guilty, late penalties begin to accrue after 30 days: after 30 days, an additional \$10 is added to the fine amount (however, payments of a base fine received no later than seven days after the DOF has sent a notice of the \$10 additional penalty will be deemed payment in full of the violation); after 60 days, an additional \$20 is added to the fine and first penalty; after 90 days, an additional \$30 is added to the fine and both penalties.<sup>37</sup> After about 100 days of non-response, the violation is entered into judgment and nine percent interest per year is added to the total amount due until the debt is paid.<sup>38</sup> A hearing on a ticket in judgment once it is more than one year old requires a written application showing excusable neglect and a substantial defense to the charge.<sup>39</sup>

In the case of any vehicle with an outstanding judgement or judgements for parking violations, including interest, totaling \$350 or more, the DOF Sheriff and the City Marshall are authorized to immobilize or remove such vehicle to a tow pound.<sup>40</sup> Booting, towing, and storage fees will be added to the amount owed. In Fiscal 2018, the City collected poundage revenues of \$3.6 million and booting revenues of \$14.7 million. If judgment debt remains unpaid despite booting, towing, and other collection efforts, the City can take additional enforcement actions, up to and including auctioning off the vehicle to satisfy the judgement.<sup>41</sup>

If a respondent owes at least \$350 in parking/camera judgment debt, the respondent may also go to a Finance Business Center and apply for a Parking Ticket Payment Plan to forestall Sheriff and Marshall enforcement actions.<sup>42</sup> A down payment of 33 percent is required, followed by equal monthly installments, while towed vehicles can be redeemed by entering into a payment plan with a down payment tow or boot fees plus of 50 percent of the judgment amount.<sup>43</sup> A payment plan will increase the total amount a respondent will owe because nine percent annual interest will continue to be added to the balance until the amount owed is completely paid off.

There are additional administrative consequences to having tickets in judgement. New York State will not register or renew a vehicle registration if a respondent has three or more outstanding tickets and/or camera violations in judgment within an 18-month period.<sup>44</sup> Moreover, if a respondent has had five or more outstanding

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<sup>34</sup> VEH. & TRAF. §242;

<sup>35</sup> 19 RCNY §39-12(a)(2).

<sup>36</sup> DOF: Appeal a Hearing Decision, <https://www1.nyc.gov/site/finance/vehicles/dispute-a-ticket.page> (last accessed Apr. 23, 2019).

<sup>37</sup> Admin. Code §19-211(a); 19 RCNY §39-07. While DOF rules provide for granting ALJs discretion to abate late penalties upon a “showing of good cause, made by the respondent under oath or on affirmation,” if it unclear if the PVB has established the necessary procedures to guide such exercise of discretion. 19 RCNY §39-07(b).

<sup>38</sup> DOF: Tickets in Judgement, <https://www1.nyc.gov/site/finance/vehicles/services-tickets-in-judgment.page> (last accessed Apr. 23, 2019).

<sup>39</sup> 19 RCNY §39-10(d)(1).

<sup>40</sup> Admin. Code §19-212;

<sup>41</sup> New York CPLR §5233.

<sup>42</sup> DOF: Vehicle Payment Plans, <https://www1.nyc.gov/site/finance/vehicles/services-payment-plans.page> (last accessed Apr. 23, 2019); Parking/Camera Violations Payment Plan Request Form , Section III – Payment Plan Eligibility and Criteria (Rev. July 12, 2012), [https://www1.nyc.gov/assets/finance/downloads/pdf/payment\\_operations/pv\\_payment\\_plan\\_request.pdf](https://www1.nyc.gov/assets/finance/downloads/pdf/payment_operations/pv_payment_plan_request.pdf) (last accessed Apr. 23, 2019).

<sup>43</sup> *Id.*

<sup>44</sup> VEH. & TRAF. §401(5-a).

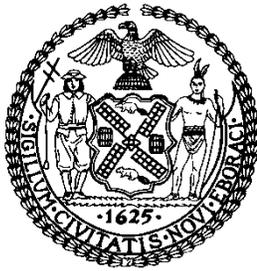
parking tickets in judgment within a 12-month period, the respondent's registration will be suspended.<sup>45</sup> A respondent cannot obtain or renew a registration until the respondent resolves the tickets either by paying or having them dismissed at a hearing.<sup>46</sup> Entering into a payment agreement will not satisfy the State registration requirement.

#### **IV. Analysis of Proposed Int. No. 1520-A**

Section one of Proposed Int. No. 1520-A would require DOF to report on or before September 30 of each year on the operations of the PVB, including specific information about the number and types of parking violations and camera violations issued, the Bureau's efficiency of collection of penalties, the adjudication efficiency and outcomes, and separate information about violations subject to any program of the department that allows for the payment of a reduced fine by waiving a right to a hearing.

Section two of Proposed Int. No. 1520-A would provide that the local law takes effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1520-A:)**



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

**PROPOSED INTRO. NO: 1520-A**

**COMMITTEE: Finance**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau.

**SPONSOR:** Council Member Dromm.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1520-A would require the Department of Finance (Department) to report on the operations of the Parking Violations Bureau, including specific information about the number and types of parking violations and camera violations issued, the Bureau's efficiency of collection of penalties, the adjudication efficiency and outcomes, and separate information about violations subject to any program of the department that allows for the payment of a reduced fine by waiving a right to a hearing. Such report would be submitted to the Mayor, the Speaker of the Council, and posted on the department's website on or before September 30 of each year.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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<sup>45</sup> VEH. & TRAF. §510(4-c).

<sup>46</sup> VEH. & TRAF. §401(5-a); VEH. & TRAF. §510(4-c).

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the department would utilize existing resources to implement the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. No. 1520 on April 18, 2019 and referred to the Committee on Finance (Committee). A joint hearing was held by the Committee, the Committee on Transportation, and the Committee on Government Operations on April 29, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1520-A, will be considered by the Committee on December 9, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1520-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 4, 2021.

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

**(The following is the text of Int. No. 1520-A:)**

Int. No. 1520-A

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of finance to report on the parking violations bureau**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-216 to read as follows:

§ 19-216 Reporting. a. Definitions. For purposes of this section, the following terms have the following meanings:

*Hearing type.* The term “hearing type” means the method by which a matter is heard by the parking violations bureau, which may be in person, by postal mail, or by internet or mobile application.

*Violation code.* The term “violation code” means the numerical reference assigned by the department to identify which local law, rule or regulation concerning the parking, stopping, or standing of motor vehicles, or the failure to comply with a local law, rule or regulation as documented by a photo violation-monitoring system, has been violated.

b. On or before September 30 of each year, the department shall submit to the mayor and speaker of the council and post on its website a report on the parking violations bureau. Such report shall include, but need not be limited to, the following information with respect to the previous fiscal year:

1. The number of parking violations and camera violations issued, disaggregated by violation code and, for the five license plate types that received the most parking violations and camera violations during the previous fiscal year, by license plate type, as well as the combined results for all other license plate types;

2. The total dollar amount of fines issued as a result of such issued parking violations and camera violations, disaggregated by violation code and, for the five license plate types that received the most parking violations and camera violations during the previous fiscal year, by license plate type, as well as the combined results for all other license plate types;

3. The number of parking violation and camera violation fines paid within 30 days, paid after more than 30 days but within 60 days, paid after more than 60 days but within 90 days, and unpaid within 90 days, of a fine for such violation being issued, disaggregated by license plate type for the five license plate types that received the most parking violations and camera violations during the previous fiscal year as well as the combined results for all other license plate types;

4. The total dollar amount of payments the department collected for parking violations and camera violations, disaggregated by violation code and, for the five license plate types that received the most parking violations and camera violations during the previous fiscal year, by license plate type, as well as the combined results for all other license plate types, and further disaggregated by base fine, penalty, and interest;

5. The number of hearings held for the adjudication of one or more parking violations, camera violations, or both, disaggregated by hearing type;

6. The average number of days between the date a person who pled not guilty to a parking violation or a camera violation and requested an in-person hearing and the date of such hearing;

7. The average number of days between the date of a hearing and the date a decision on such hearing is issued, disaggregated by hearing type;

8. The number of parking violations and camera violations and the total dollar amount of fines that were dismissed after a hearing, disaggregated by hearing type and by violation code;

9. The number of appeals filed challenging the result of a parking violation or camera violation hearing, disaggregated by violation code for the ten violation codes that received the most parking violations and camera violations during the previous fiscal year as well as the combined results for all other violation codes, and further disaggregated by hearing type;

10. The number of parking violations and the total dollar amount of fines that were dismissed after an appeal had been filed, disaggregated by violation code for the ten violation codes that received the most parking violations and camera violations during the previous fiscal year as well as the combined results for all other violation codes, and further disaggregated by original hearing type; and

11. For any program of the department that allows for the payment of a reduced fine for parking violations by waiving a right to a hearing:

(a) The number of participants in each such program;

(b) The number of parking violations and camera violations issued to participants in each such program and the total dollar amount of fines imposed as a result of such parking violations, disaggregated by violation

*code for the ten violation codes that received the most parking violations and camera violations during the previous fiscal year as well as the combined results for all other violation codes;*

*(c) The total dollar amount of the reduction of fines issued for parking violations and camera violations attributed to each such program, disaggregated by violation code for the ten violation codes that received the most parking violations and camera violations during the previous fiscal year as well as the combined results for all other violation codes; and*

*(d) The total dollar amount of payments the department collected for parking violations and camera violations in each such program, disaggregated by violation code for the ten violation codes that received the most parking violations and camera violations during the previous fiscal year as well as the combined results for all other violation codes.*

*c. The report required by subdivision b of this section shall include a data dictionary for the violation codes in the report.*

§ 2. This local law takes effect immediately.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 2458

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

The Committee on Finance to which the annexed proposed local law was referred on November 23, 2021 (Minutes, page 3458), respectfully

#### **REPORTS:**

On December 9, 2021, the Committee on Finance will hold a hearing on Intro. No. 2458, *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 two business improvement districts*, sponsored by Council Member Dromm (by request of the Mayor). These increases, which have been requested by the Business Improvement Districts (BIDs) and approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to the BIDs' assessments as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, the BIDs may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BIDs for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be

published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

On November 23, 2021, the Committee adopted Resolution 1804 that set December 9, 2021 as the date to consider a local law that would increase the annual expenditures of two BIDs, as of July 1, 2021. Today, the Committee will hear from all persons interested in the legislation, which would increase the amount to be expended annually in the two BIDs.

The following BIDs have requested increases to their budgets, as indicated below:

BID Name	Yr Est.	Previous Increase Year	Current Authorized Assessment Cap	Proposed Authorized Assessment Cap	\$ Increase Request Annualized % Increase since Establishment		Months Reserve	Increase Schedule	Retro/ Forward	CM District (s)	SBS Justification
	Yrs	Previous Increase Amount			Requested % Increase					Supporting Councilmember	
Lower East Side	1993	2018	\$1,300,000	\$2,000,000	\$700,000.00		12.0	Phased	Forward starting FY23	1	Assessment increase will restore marketing budget to promote small businesses and district activities that was reduced in previous years because of increased sanitation and public space maintenance costs; provide increased sanitation and maintenance as development projects are completed; provide community programming to Open Streets and public plazas; reconstruct and maintenance of Delancey Street and associated bike lanes; hire a full-time operations manager to maintain public assets; expand public art installations throughout the district including roll-down gate murals, roadway murals, and other related art projects to enhance street conditions and deter illegal graffiti and tags.
	28	\$325,400			53.85%	1.25%				Chin	

Hudson Yards	2013	None	\$3,000,000	\$6,000,000	\$3,000,000.00		5.9	Phased	Forward starting FY23	3	Assessment increase will be directed to providing sanitation, security, marketing, holiday lighting, streetscape, and beautification services to an area doubling in size as construction projects are completed that are currently vacant or under construction; provide additional NYPD Paid Detail at plazas and parks; expand marketing and support for local businesses; deliver holiday lighting program to newly developed blocks; implement capital projects outlined in completed Streetscape Plan; and maintain and program Bella Abzug Park which is doubling in size. Note that existing properties will hold their assessments at current levels while buildings currently under construction will be assessed as they are completed.
	8	None			100.00%	6.25%		\$3,600,000 (FY23) \$4,400,000 (FY24) \$6,000,000 (FY2b5)		Johnson	

(The following is the text of the Fiscal Impact Statement for Int. No. 2458:)



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

**INTRO. NO. 2458**

**COMMITTEE: Finance**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in two business improvement districts.

**SPONSORS:** Council Member Dromm (by request of the Mayor).

**SUMMARY OF LEGISLATION:** The proposed local law amends the Administrative Code to increase the budget amounts of two Business Improvement Districts (“BIDs”) referred to as “the BIDs,” throughout the City. The budgets are funded by special assessments on properties within the BID and pay for additional services beyond those which the City provides. The special assessments are collected with the City’s property tax collection system and passed through to the BIDs.

**EFFECTIVE DATE:** This local law would take effect immediately and be retroactive to and deemed to have been in effect as of July 1, 2021.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY22	FY Succeeding Effective FY23	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 AND EXPENDITURES:** There would be no net impact on revenues or expenditures resulting from the enactment of this legislation. The BID assessments are charges separate from the City’s property tax levy and do not contribute to the General Fund. The assessments are levied on the businesses located in the impacted BIDs, then collected with the City’s property tax collection system and passed through to the BIDs. The BIDs’ budgets for Fiscal 2022 will increase from the Fiscal 2021 amounts (see below) as a result of this legislation.

BID Name	Authorized Assessment	Requested Assessment
<b>Lower East Side</b>	<b>\$1,300,000</b>	<b>\$2,000,000</b>
<b>Hudson Yards</b>	<b>\$3,000,000</b>	<b>\$6,000,000</b>

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** BID special assessments

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** Intro. No. 2458 was introduced to the Council on November 23, 2021 and referred to the Committee on Finance (Committee). The Committee will consider and vote on the legislation on December 9, 2021. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 4, 2021.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Int. No. 2458:)**

Int. No. 2458

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 two business improvement districts**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 25-428.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2018, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Lower East Side business improvement district beginning on July 1, [2018] 2021, 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 three hundred thousand dollars (\$1,300,000)] *two million dollars (\$2,000,000)*.

§ 2. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-485.1 to read as follows:

§ 25-485.1 *Hudson Yards 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 Hudson Yards business improvement district beginning on July 1, 2021, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of six million dollars (\$6,000,000).*

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 Hudson Yards business improvement district plan.*

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of July 1, 2021.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 1839

**Report of the Committee on Finance in favor of approving 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 December 9, 2021, respectfully

**REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 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 2022 Expense Budget, setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget.

This Resolution, dated December 9, 2021 approves the new designation and the changes in the designation of certain organizations receiving local and aging discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the new designation and the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2021 Expense Budget, and amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 3-25; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 26; amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding and funding for certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Chart 27; and sets forth the

designation of certain organizations receiving funding pursuant to a certain initiative in accordance with the Fiscal 2022 Expense Budget as described in Chart 28.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2022 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 5 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 2022 Expense Budget.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget. One of these designations will be effectuated upon a budget modification.

Chart 8 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 2022 Expense Budget.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations 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 Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 11 sets forth the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 12 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 2022 Expense Budget.

Chart 13 sets forth the new designation of certain organizations receiving funding pursuant to the Initiative to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 14 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 15 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 16 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 17 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 18 sets forth the new designation of a certain organization receiving funding pursuant to the Key to the City Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 19 sets forth the new designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 20 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these designations will be effectuated upon a budget modification.

Chart 21 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 22 sets forth the new designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 23 sets forth the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 24 sets forth the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 25 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

Chart 26 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 27 amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget.

Chart 28 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022.

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 2022 and Fiscal 2021 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. 1839:)**

Preconsidered Res. No. 1839

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

**Whereas**, On June 30, 2020, the City Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2021 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local and aging 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 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives; 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 pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 2; 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 Speaker's Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; 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 A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; 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 2022 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 Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; 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 NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; 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 2022 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 Cultural Immigrant Initiative in accordance with the Fiscal 2022 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 Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; 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 2022 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 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 the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; 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 Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; 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 YouthBuild Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; 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 AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Key to the City Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; 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 Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; 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 Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022, as set forth in Chart 28.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1839 of 2021 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 939

**Report of the Committee on Finance in favor of a Resolution approving Johanna I, Block 2012, Lots 39, 41, 42, and 44; Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 9, 2021 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:)**

December 9, 2021

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

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

RE: Finance Committee Agenda of December 9, 2021 – Resolutions approving a tax exemption for five Land Use items (Council Districts 1, 9, 17 and 49)

**Item 1: Hong Ning Senior Housing**

Hong Ning Senior Housing, located in the Lower East Side of Manhattan, consists of one 14-story building containing 156 units, of which 143 are one-bedroom units and 12 are two-bedroom units. All low-income units in the building are assisted by a project-based Section 8 contract.

The Chinatown Planning Council Housing Development Fund Company, Inc. (HDFC) acquired the property in 1981, and Hong Ning LLC (Company) will operate the property. The HDFC and the Company (collectively, Owner) will finance the rehabilitation of the building with a mortgage insured by the United States Department of Housing and Urban Development (HUD). The Owner and the New York City Department of Housing Preservation and Development (HPD) will enter into a regulatory agreement establishing certain controls upon the operation of the building and eligible tenants will receive Section 8 rental assistance.

The building currently has an existing 20-year partial Article XI exemption from the City Council which it received on May 29, 2014 and expires in 2034. In order to facilitate the project, the prior exemption will be terminated and replaced with a new 40-year partial Article XI exemption that is coterminous with the new HPD regulatory agreement.

HPD is requesting that the Council approve a 40-year partial Article XI property tax exemption. HPD and Owners would enter into a regulatory agreement that would require would all 156 units would be available for households making 50% of the Area Median Income (AMI).

Summary:

- Borough – Manhattan
- Block 346, Lot 1
- Council District – 1
- Council Member – Chin
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 156
- Type of exemption – Article XI, partial, 40-years
- Population – affordable rental housing
- Sponsor – The Chinatown Planning Council Housing Development Fund Company, Inc.; Hong Ning LLC
- Purpose – preservation
- Cost to the City – \$6.8
- Housing Code Violations
  - Class A – 1
  - Class C – 1
- AMI target - 50% AMI

**Item 2: Johanna I**

Johanna 1, located at 104-110 West 144<sup>th</sup> Street in Central Harlem, Manhattan, consists of four five-story buildings with 60 units, all with two-bedrooms, including one unit for the superintendent.

The Project is currently unregulated by HPD. It had an Article V property tax exemption that expired as of October 2019 and is subject to a 20-year Mark-Up-to-Market Housing Assistance Payments (HAP) project-

based Section 8 contract through 2036, under which tenants pay no more than 30% of their income in rent, with the remainder of contract rent paid by HUD.

HCCI 144th Street HDFC and HCCI 144th Street LLC (collectively, Owners) acquired the property in September 2021. HPD is requesting that the Council approve a 40-year partial Article XI property tax exemption. HPD and Owners would enter into a 40-year regulatory agreement that would require that the Owners renew the HAP contract upon expiration, create a 12-unit set-aside for formerly homeless families, and require participation in HPD's Aging-In-Place initiative.

Summary:

- Borough – Manhattan
- Block 2012, Lots 39, 41, 42, 43
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes
- Number of buildings – 4
- Number of units – 60
- Type of exemption – Article XI, partial, 40-years
- Population – affordable rental housing
- Sponsor – Harlem Congregations for Community Improvement, Camber Property Group, Wavecrest
- Management Group
- Purpose – preservation
- Cost to the City – \$2.5M
- Housing Code Violations
  - Class A – 11
  - Class B – 28
  - Class C – 9
- AMI target - 50% AMI

**Item 3: 250 West HDFC.HPO.FY22**

250 West 116th Street in Central Harlem, Manhattan, contains 32 units, of which six are one- bedroom units and 26 are two-bedroom units.

The Project currently has a 421-a exemption will begin phasing out in 2028 and will expire in 2033. Prospective buyers 250 West Housing HDFC and 250 West Partners LLC (collectively, Buyers) seek a partial tax exemption to start in 2029 that will offset the loss of the 421-a tax benefits.

HPD is requesting that the Council approve a 32-year partial Article XI property tax exemption, starting in 2029. HPD, although Buyers would enter into a 40-year regulatory agreement upon purchase that would restrict rent and income tiers, such that two units would be available for households making 50% AMI, two units at 60% AMI, seven units at 75% AMI, 14 units at 85% AMI, four units at 105% AMI, and three units at 120% AMI, and require that four units be set-aside for formerly homeless families.

Summary:

- Borough – Manhattan
- Block 1831, Lot 56
- Council District – 9
- Council Member – Perkins
- Council Member approval – Yes

- Number of buildings – 1
- Number of units – 26
- Type of exemption – Article XI, partial, 32-years (prospective, starting in 2029)
- Population – affordable rental housing
- Sponsor – Heritage Affordable Communities, Settlement Housing Fund, Inc.
- Purpose – preservation
- Cost to the City – \$1.3M
- AMI targets – 50% to 120% AMI

#### **Item 4: 1018 East 163rd Street**

1018 East 163rd Street is a 97-unit affordable rental building in the Longwood neighborhood of the Bronx. Its units include 30 one-bedrooms, 27 two-bedrooms, 30 three-bedrooms (one of which is a superintendent unit), and 10 four-bedrooms. The project's 40-year Article V property tax exemption expired as of October 2019. The building is under a 20-year Mark to Market HAP contract through 2036, under which tenants pay no more than 30% of their income in rent, with the remainder of contract rent paid by HUD. On November 22, 2021, the Council approved a 40-year partial Article XI property tax exemption, conditioned on 1018 East 163rd Street HDFC and 1018 East 163rd Street LLC (collectively, Owners) entering into a 40-year regulatory agreement that would require that the Owners renew the HAP contract upon expiration.

Between the October 2019 and the building's acquisition in August 2021 by Owners, it was taxed as if the Article V was still in force. HPD is now asking the Council to retroactively extend the expired Article V from October 2019 to August 2021, which would formally adjust the building's tax liability to equal the taxes collected during that period.

#### Summary:

- Borough – Bronx
- Block 2723, p/o Lot 40 (Tentative Lot 1002)
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 97
- Type of exemption – Article V, partial, 3-year (retroactive)
- Population – affordable rental housing
- Sponsor – The Wavecrest Management Team, Ltd., 1018 East 163rd Street LLC, 1018 East 163rd Street HDFC
- Purpose – preservation
- Cost to the City – \$98,833
- Housing Code Violations
  - Class A – 2
  - Class B – 6
- AMI target - 50% AMI

**Item 5: Seaview Estates**

Seaview Estates consists of four buildings with a total of 316 residential units located in the St. George neighborhood of Staten Island. Of those 316 units, there are 43 studios, 225 one-bedroom units (inclusive of two units reserved for superintendents), and 48 two-bedroom units.

HPD is requesting that the Council approve a 40-year partial Article XI tax exemption. Seaview Estates Preservation HDFC and Seaview Estates Preservation L.P. (collectively, Buyers) would enter into a regulatory agreement with HPD restricting rents and income tiers, such that 43 units would be available for households making 70% AMI, 150 units at 85% AMI, 88 units at 100% AMI, and 33 units at 120% AMI, requiring that 48 units be set-aside for formerly homeless families and participation in HPD's Aging-in-Place initiative.

Summary:

- Borough – Staten Island
- Block 22, Lot 70
- Council District – 49
- Council Member – Rose
- Council Member approval – Yes
- Number of buildings – 4
- Number of units – 316
- Type of exemption – Article XI, partial, 40-years
- Population – affordable rental housing
- Sponsor – Iris Holdings Group, Seaview Estates Preservation L.P.,
- Purpose – preservation
- Cost to the City – \$25.8M
- Housing Code Violations
  - Class B – 6
  - Class C – 3
- AMI target - 70%-120% AMI

**(For text of the coupled resolution for L.U. No. 939, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 940, 941, 942 and 943 printed in these Minutes)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 939, 940, 941, 942 and 943.*

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

Res. No. 1841

**Resolution approving an exemption from real property taxes for property located at (Block 2012, Lots 39, 41, 42, and 44), Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 939).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 1, 2021 that the Council take the following action regarding a housing project located at (Block 2012, Lots 39, 41, 42, and 44) 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 West 144 Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$205,320, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - f. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - g. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2012, Lots 39, 41, 42, and 44 on the Tax Map of the City of New York.
  - h. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - i. “HDFC” shall mean HCCI 144th Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
1. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
  2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  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 G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 940

**Report of the Committee on Finance in favor of a Resolution approving 1018 E 163rd St, Block 2723, Lot 40; Bronx, Community District No. 2, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 939 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1842

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 2723, Lot 40) Bronx, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 940).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 6, 2021 that the Council take the following action regarding a housing project located at (Block 2723, Lot 40) Bronx (“Exemption Area”):

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

**WHEREAS**, The project description that HPD provided to the Council states that the owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

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

**RESOLVED:**

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 1018 Development Company.

- b. "Effective Date" shall mean March 1, 2019.
  - c. "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - d. "Exemption Area" shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2723, Lot 40, on the Tax Map of the City of New York.
  - e. "Expiration Date" shall mean August 26, 2021.
  - f. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. "Owner" shall mean the Company.
  - h. "Regulatory Agreement" shall mean the 1977 Agreement between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114, and recorded on reel 355, page 622, in the Office of the City Register of the City of New York.
2. All of the value of the property in the Exemption Area, including both the land and any improvements, 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 (i) \$27,905, plus (ii) an additional amount equal to twenty-five percent (25%) of the amount by which the total contract rents applicable to the Exemption Area on March 1, 1979 (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized on the Effective Date. 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 from 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 V 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) the Exemption Area is conveyed to a new owner without the prior written consent 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. Nothing herein shall entitle the Company 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, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 941

**Report of the Committee on Finance in favor of a Resolution approving Seaview Estates, Block 22, Lot 70; Staten Island, Community District No. 1, Council District No. 49.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 9, 2021, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 939 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1843

**Resolution approving an exemption from real property taxes for property located at (Block 22, Lot 70), Staten Island, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 941).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 29, 2021 that the Council take the following action regarding a housing project located at (Block 22, Lot 70), Staten Island (“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. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of Staten Island, City and State of New York, identified as Block 22, Lot 70 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility 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.
  - f. “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.
  - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one-hundredth of one percent (0.01%) 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.
  - h. “HDFC” shall mean Seaview Estates Preservation Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - j. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - k. “Partnership” shall mean Seaview Estates Preservation L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - 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 from 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 is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
  - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
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 G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 942

**Report of the Committee on Finance in favor of a Resolution approving Hong Ning Senior Housing, Block 346, Lot 1; Manhattan, Community District No. 3, Council District No. 1.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 9 2021, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 939 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1844

**Resolution approving an exemption from real property taxes for property located at (Block 346, Lot 1) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 942).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 1, 2021 that the Council take the following action regarding a housing project located at (Block 346, Lot 1) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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 Hong Ning LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.

- c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$659,610, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
  - f. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 346, Lot 1 on the Tax Map of the City of New York.
  - g. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - h. “HDFC” shall mean The Chinatown Planning Council Housing Development Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - j. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - k. “Owner” shall mean, collectively, the HDFC and the Company.
  - l. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on May 29, 2014 (Resolution No. 266).
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after October 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
  3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.

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

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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. 943

**Report of the Committee on Finance in favor of a Resolution approving 250 West HDFC.HPO.FY22, Block 1831, Lot 56; Block 2723, Lot 40; Manhattan, Community District No. 10, Council District No. 9.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 939 printed in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1845

**Resolution approving an exemption from real property taxes for property located at (Block 1831, Lot 56) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 943).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 6, 2021 that the Council take the following action regarding a housing project located at (Block 1831, Lot 56) 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 250 West Partners 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 conveyance of the Exemption Area to the HDFC, or (ii) July 1, 2029.
  - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1831, Lot 56 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty-two (32) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.

- e. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility 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.
  - f. “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.
  - g. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to seven percent (7.0%) 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.
  - h. “HDC” shall mean the New York City Housing Development Corporation.
  - i. “HDFC” shall mean 250 West Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Prior Exemption” shall mean the existing tax exemption of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
  - n. “Regulatory Agreement” shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, that is executed on or after October 1, 2021 and that establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption and provides, *inter alia*, for the termination of the Prior 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 from 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 New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the

construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

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

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Finance, December 9, 2021 (Remote Hearing).

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 Fire on Emergency Services

Report for Int. No. 1949-A

### **Report of the Committee on Fire and Emergency Services in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the inter-agency review of emergency plans and public reporting on such plans.**

The Committee on Fire and Emergency Services, to which the annexed proposed amended local law was referred on May 28, 2020 (Minutes, page 1007), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On December 8, 2021, the Committee on Fire and Emergency Management, Chaired by Joseph C. Borelli, held a vote on Proposed Introduction Number 1949-A, in relation to the inter-agency review of emergency plans and public reporting on such plans. The Committee voted in favor of the bill by a vote of five affirmatives, none opposed, and no abstentions. The Committee heard a previous version of the bill on January 26, 2021 and received testimony from representatives of New York City Emergency Management (“NYCEM”), non-profit organizations, and other interested parties.

#### **II. BACKGROUND**

##### *New York City Emergency Management*

NYCEM is a charter agency tasked with coordinating the City's multi-agency response to all emergency conditions and potential incidents which affect public health and safety, such as severe weather threats from natural hazards and natural disasters, power and other public service outages, hazardous substance discharges, building collapses, aviation disasters, and acts of terrorism.<sup>1</sup> In addition to coordinating multi-agency emergency responses, NYCEM is responsible for ensuring emergency preparedness through developing emergency plans, educating the public, hosting disaster response training and exercises, collecting and disseminating critical information during emergencies, and collaborating emergency responses with other local, state, federal, nonprofit and private sector entities.

##### *Citywide Incident Management System*

Serving as New York City's implementation of the U.S. Department of Homeland Security's National Incident Management System (“NIMS”), the Citywide Incident Management System (“CIMS”) guides the City's response to emergencies, hazardous incidents, and planned events.<sup>2</sup> Formalized by Mayoral Executive Order 63, dated April 11, 2005,<sup>3</sup> CIMS establishes emergency protocols including defining the organizational command structure for multi-agency emergency response, and the designation of roles, responsibilities and authority of government, nonprofit and private sector entities performing and supporting emergency response.<sup>4</sup>

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<sup>1</sup> See generally New York City Charter §497

<sup>2</sup> Citywide Incident Management System, available at: <https://www1.nyc.gov/site/em/about/citywide-incident-management-system.page>.

<sup>3</sup> Mayoral Executive Order 63, dated April 11, 2005; available at: [https://www1.nyc.gov/assets/records/pdf/executive\\_orders/2005EO061.pdf](https://www1.nyc.gov/assets/records/pdf/executive_orders/2005EO061.pdf).

<sup>4</sup> Citywide Incident Management System, available at: <https://www1.nyc.gov/site/em/about/citywide-incident-management-system.page>.

According to NYCEM, key components of the CIMS protocol:

- Defines how citywide emergencies or multiple large-scale incidents will be managed.
- Defines agency roles and responsibilities at emergency incidents.
- Establishes the NIMS Incident Command System (ICS) standard as NYC's incident management system.
- Defines the ICS organizational structure.
- Establishes means of integrating regional, state, and federal agencies into a NYC response.
- Describes the operational implementation of CIMS.
- Defines how incident operations, including life safety, investigation, site management and recovery/restoration, are prioritized, and when they can be concurrently implemented.
- Establishes a process for after-action review and critique of emergency responses and implementing lessons learned.
- Defines ICS implementation and training requirements for NYC agencies participating in citywide response.<sup>5</sup>

The Incident Command System (“ICS”), adopted within CIMS protocol, is a standardized hierarchical command structure that facilitates cooperative responses by multiple agencies, both within and outside of government, to organize and coordinate emergency response activities. Pursuant to ICS organizational structure, a “Command Element,” is “responsible for overall incident management and has the authority to make strategic and tactical decisions regarding the mitigation of the incident, define the Incident Objectives and determine what resources are required for the incident.”<sup>6</sup> Depending on the nature of the incident, the Command Elements can be either assigned to a single agency or consist of unified command of multiple agencies.

CIMS further identifies the “core competencies,” of the various city agencies, which are “functional areas of expertise that relate specifically to tactical operations,”<sup>7</sup> with each agency authorized to “direct operations related to their Core Competencies at incidents.”<sup>8</sup> For example, the Fire Department (“FDNY”) has core competencies of fire suppression, pre-hospital care, search and rescue, structural evacuations, hazmat decontamination, and arson investigation. Whereas, the Department of Health and Mental Hygiene (“DOHMH”) core competencies include disease surveillance and epidemiology, mass vaccinations, and public health orders.<sup>9</sup>

Depending the nature of the incident or emergency, CIMS protocol designates “Primary Agencies,” based on relevant core competencies, to lead emergency response and serve as the incident Command Element. For example, NYCEM, FDNY, NYPD, the Departments of Sanitation and Transportation are Primary Agencies in responding to natural disasters and weather emergencies; whereas during public health emergencies such responses are led by DOHMH, NYPD and FDNY.<sup>10</sup>

Finally, CIMS outlines NYCEM’s roles and responsibilities within the inter-agency structure of CIMS. These roles generally involve coordinating on-scene emergency response activities, activating the City’s Emergency Operation Center to ensure centralized information sharing and decision-making, and leading after-action assessments of agency operations following an incident.<sup>11</sup>

### *NYCEM Coordinated Plans*

While CIMS serves as the foundational protocol governing multi-agency collaboration in emergency response, NYCEM also maintains plans to guide the City’s responses to specific emergency circumstances and related operations. Notably, pursuant to Local Law, NYCEM is responsible for developing emergency plans related to the City’s preparedness for coastal storms, severe weather conditions and natural disasters.<sup>12</sup> These

<sup>5</sup> Citywide Incident Management System, available at: <https://www1.nyc.gov/site/em/about/citywide-incident-management-system.page>.

<sup>6</sup> NYCEM CIMS Table; available at: [https://www1.nyc.gov/assets/em/downloads/pdf/Appendix\\_cims\\_charts.pdf](https://www1.nyc.gov/assets/em/downloads/pdf/Appendix_cims_charts.pdf).

<sup>7</sup> NYCEM CIMS Table; available at: [https://www1.nyc.gov/assets/em/downloads/pdf/Appendix\\_cims\\_charts.pdf](https://www1.nyc.gov/assets/em/downloads/pdf/Appendix_cims_charts.pdf).

<sup>8</sup> Id.

<sup>9</sup> Id.

<sup>10</sup> Id.

<sup>11</sup> Id.

<sup>12</sup> Admin. Code §30-102.

plans include specific operational protocols related to multi-agency response to such emergencies, including: (i) snow preparedness and response; (ii) food and water access; (iii) sheltering; (iv) recovery for communities and small businesses, including non-profits; (v) traffic management; (vi) fuel management; (vii) shelters for individuals with special needs; and (viii) outreach and recovery for homebound and vulnerable individuals.<sup>13</sup>

Pursuant to Local Law, NYCEM is also required to conduct after-action assessments of coastal storm, severe weather and natural disaster related plans. After activation of any such plan, NYCEM is required to “assess [such] plan ... [and] consider the reports and recommendations issued by any task force or commission following such activation.”<sup>14</sup> Additionally, NYCEM is required to assess all such plans at least once every two years, regardless of whether such plan was activated during that timeframe.<sup>15</sup> Further, NYCEM is required to report to the City Council on any subsequent changes and to provide updated versions of such plans after an assessment is completed.<sup>16</sup> According to NYCEM, emergency plans should be viewed as “living documents” to be regularly updated based on lessons learned from prior emergencies or in order to reflect changing circumstances; for example, the City’s Heat Emergency Plan was updated earlier this year as the City adapted procedures to make necessary public health accommodations arising from COVID-19.

Finally, in addition to maintaining detailed plans for responding to coastal storms and severe weather emergencies, NYCEM has plans and protocols for managing the logistical response to other emergency circumstance, such as: power disruptions, debris management, mutual aid protocols, donation management, and commodity distribution.

#### *Agency Specific Plans:*

The above-discussed plans represent a universe of inter-agency emergency plans generally coordinated and managed by NYCEM; however, there are also agency-specific plans to direct the City response to different specific emergency circumstances. For example, the Department of Sanitation (“DSNY”) maintains a snow plowing plan, and DOHMH is responsible for pandemic planning. According to NYCEM, these plans are “hosted” within each agency with that specific subject matter expertise and updated “organically.”

### **III. LEGISLATIVE ANALYSIS**

#### **Prop. Int. No. 1949-A**

This bill would require New York City Emergency Management to ensure the periodic review of all citywide emergency plans. Representatives from relevant city agencies would be required to participate in this review every two years. Additionally, the bill would require that summaries detailing the provisions of such plans be posted online, and procedures would be developed to provide the public with an opportunity to comment on the substance of such plans.

Since introduction, the bill has been amended by adding language to permit the Mayor to withhold disclosing summaries of certain emergency plans if a determination is made that such disclosure would impede the City’s ability to plan and respond to security threats. Additionally, requirements related to the online posting of public comments on emergency plans have been removed.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1949-A:)**

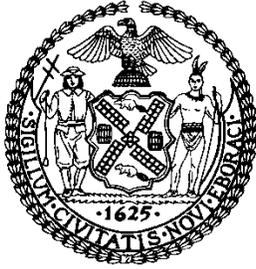
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<sup>13</sup> See Admin. Code §§30-103, 30-104, 30-105, 30-106, 30-107, 30-108, 30-109, 30-110 and 30-111.

<sup>14</sup> Admin. Code 30-112.

<sup>15</sup> Id.

<sup>16</sup> Id.



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

**PROPOSED INT. NO.** 1949-A

**COMMITTEE:** Fire and Emergency Management

**TITLE:** A Local Law to amend the New York city charter, in relation to the inter-agency review of emergency plans and public reporting on such plans. **Sponsors:** Council Members Cumbo, Borelli, Kallos, Moya, Ampry-Samuel, Brannan, Perkins, Ayala, Rose, Gibson, Louis, Rosenthal and Yeger.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1949-A would require the New York City Emergency Management to biennially review all citywide emergency plans. Representatives from relevant city agencies and non-governmental partners would be required to participate in this review. Additionally, the bill would require that summaries detailing the provisions of such plans be posted online, and procedures would be developed to provide the public with an opportunity to comment on emergency planning.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</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 this legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the relevant agency would be able to use existing resources to comply with the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Jack Kern, Financial Analyst

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
 Regina Poreda Ryan, Deputy Director  
 Eisha Wright, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 28, 2020, as Intro. No. 1949 and was referred to the Committee on Fire and Emergency Management (Committee). The Committee held a hearing on January 26, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1949-A, will be considered by the Committee at a hearing on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1949-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 7, 2021.

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

**(The following is the text of Int. No. 1949-A:)**

Int. No. 1949-A

By Council Members Cumbo, Borelli, Kallos, Moya, Ampry-Samuel, Brannan, Perkins, Ayala, Rose, Gibson, Louis, Rosenthal and Yeger.

**A Local Law to amend the New York city charter, in relation to the inter-agency review of emergency plans and public reporting on such plans**

*Be it enacted by the Council as follows:*

Section 1. Subdivision j of section 497 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

j. coordinate with all city agencies to ensure that all such agencies develop, [and] implement *and periodically review citywide* emergency [response] plans [in connection with planning major city events];

§ 2. Section 498 of the New York city charter, as added by vote of the electors on November 6, 2001, is amended to read as follows:

§ 498. Agency cooperation *and review of citywide emergency plans*. a. The department shall be the lead agency in the coordination and facilitation of resources in incidents involving public safety and health, including incidents, which may involve acts of terrorism. All agencies shall provide the department promptly with all information relevant to the performance of the emergency management functions and shall collect and make available any information requested by the department for use in emergency planning. All agencies further shall promptly provide the department with all appropriate material, equipment and resources needed for emergency management functions, including personnel.

b. *No later than two years after the effective date of the local law that created this subdivision, and every two years thereafter, the department shall convene relevant agencies to review citywide emergency plans coordinated by the department.*

c. *Following each review conducted pursuant to subdivision b of this section, the department shall publish on its website a list of citywide emergency plans coordinated by the department and a summary of each such plan, including but not limited to information on the roles and responsibilities of relevant agencies and other partners. Publication of summaries concerning a particular plan shall not be required where the mayor has determined that it would impede the city's ability to plan for and respond to threats to security including terrorism and cyber attacks; however, in such instances the department shall disclose the existence of such plans and identity relevant agencies and other partners involved in implementation of such plans.*

d. *The department shall establish procedures through which members of the public can submit public comments on emergency planning.*

§ 2. This local law takes effect immediately.

JOSEPH C. BORELLI, *Chairperson*; FERNANDO CABRERA, ALAN N. MAISEL, JUSTIN L. BRANNAN, JAMES F. GENNARO; Committee on Fire and Emergency Management, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Members R. Diaz Sr. and Menchaca.*

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 General Welfare**

Report for Int. No. 147-A

#### **Report of the Committee on General Welfare 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 reporting on supportive housing.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 306), respectfully

#### **REPORTS:**

##### **I. Introduction**

On December 8, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, held a hearing on Proposed Introduction (Int.) 147-A, and Proposed Int. 2176-A, both sponsored by Council Member Levin. The Committee previously held a hearing on Int. 147 and Int. 2176, on April 24, 2018, and December 14, 2020, respectively. At the hearings, those who testified included representatives from the Department of Social Services (DSS), directly impacted individuals, supportive housing providers, advocacy organizations, community organizations, legal providers, and members of the public. At the hearing on December 8, 2021, the Committee voted 6 in favor, 0 opposed and 0 abstentions on Proposed Int. 147-A, and Proposed Int. 2176-A.

##### **II. Bill Analysis**

**Int. 147-A** - A Local Law to amend the administrative code of the city of New York, in relation to reporting on supportive housing

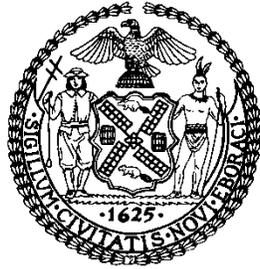
The proposed legislation would require DSS to produce an annual report on the number of individuals eligible for, referred to, accepted to, rejected for, and still awaiting placement for supportive housing disaggregated by age, gender, race, population category, the average length of time the client has been homeless, the client's current shelter placement or whether the client is an unsheltered person, and the referral source. The bill would also require DSS to report on the reasons a client was rejected for placement. If passed, this bill would take effect immediately. Since introduction, this bill has been amended to require that additional categories be included in data related to specific reasons a client may have been rejected for placement into supportive housing.

**Int. 2176-A** – A local law to amend the administrative code of the city of New York, in relation to a supportive housing tenant's bill of rights

This bill would require DSS to create a written notice for supportive housing residents of their rights pursuant to various state and local laws. The bill would require every provider of supportive housing to provide every resident this notice at the time of an interview, initial occupancy, at each lease or program agreement renewal,

and upon request. Additionally, the bill would provide that any provider who violates the requirement to provide notice would be liable for a civil penalty of \$250. If passed, this bill would take effect 120 days after it becomes law. Since introduction, this bill has been amended to refer to those required to receive the written notice as tenants, as opposed to residents, and to require that additional rights be included in the written notice, such as a tenant’s right to form, join, or participate in a tenant’s association.

**(The following is the text of the Fiscal Impact Statement for Int. No. 147-A:)**



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

**PROPOSED INT. NO. 147-A**

**COMMITTEE:** General Welfare

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on supportive housing.

**Sponsors:** Council Members Members Levin, Brannan, Ayala, Rosenthal, Grodenchik, Reynoso, Rivera, Kallos, Dromm, Koslowitz, Menchaca, D. Diaz, Gibson, Lander, Feliz, Koo, Louis, and Chin.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 147-A would require the Department of Social Services (DSS) to annually report the number of individuals eligible for, referred to, accepted to, rejected for, and still awaiting placement in supportive housing disaggregated by age, gender, race, population category, the average length of time the client has been homeless, the client’s current shelter placement or whether the client is an unsheltered person, and the referral source. Additionally, the proposed legislation would require DSS to report the reasons a client has been rejected for placement.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$698,750	\$97,500	\$97,500
<b>Net</b>	\$698,750	\$97,500	\$97,500

**IMPACT ON REVENUES:** It is anticipated that there will be no impact on revenues with the passage of this proposed legislation.

**IMPACT ON EXPENDITURES:** It is estimated that the fiscal impact of this proposed legislation in Fiscal 2022 would be \$698,750, and \$97,500 in Fiscal 2023 and in the outyears. To produce the required reports DSS would have to develop the technology to merge data from DHS’ Client Assistance and Rehousing Enterprise System (CARES) system and HRA’s Coordinated Assessment & Placement System (CAPS) system, which would cost approximately \$650,000 in Fiscal 2022. DSS has sufficient personnel and contractual resources available to maintain the technology, but would require a dedicated staff analyst to track required data.

Personnel costs in would amount to \$48,750 in Fiscal 2022, and ongoing annual personnel costs would total approximately \$97,500 in Fiscal 2023 and in the outyears.

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

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

**ESTIMATE PREPARED BY:** Dohini Sompura, Unit Head

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on January 31, 2018 as Int. No. 147 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on April 24, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 147-A, will be voted on by the Committee at a hearing on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 147-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

**(For text of Int. Nos. 2176-A and its Fiscal Impact Statement, please see the Report of the Committee on General Welfare for Int. No 2176-A printed in these Minutes; for text of Int. No. 147-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 147-A and 2176-A.*

**(The following is the text of Int. No. 147-A:)**

Int. No. 147-A

By Council Members Levin, Brannan, Ayala, Rosenthal, Grodenchik, Reynoso, Rivera, Kallos, Dromm, Koslowitz, Menchaca, D. Diaz, Gibson, Lander, Feliz, Koo, Louis, Chin, Cabán and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on supportive housing**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-148 to read as follows:

*§ 21-148 Annual reporting on supportive housing. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Coordinated assessment and placement system (CAPS). The term coordinated assessment and placement system (CAPS) means the continuum of care (CoC) system developed and required by the United States department of housing and urban development that relies on the existing network of nonprofit homeless assistance providers, victim service providers, faith-based organizations, governments, businesses, advocates, public housing agencies, school districts, social service providers, mental health agencies, hospitals, universities, affordable housing developers, law enforcement, and organizations that serve veterans and homeless and formerly homeless individuals to streamline the way people move from homelessness into permanent housing.*

*Interview.* The term “interview” means a meeting between an individual applying for supportive housing and the housing provider for the purpose of placement.

*Supportive housing.* The term “supportive housing” means affordable, permanent housing with support services.

*Unsheltered homeless person.* The term “unsheltered homeless person” means an individual with a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings.

b. Not later than September 1, 2022 and annually thereafter, the commissioner of social services shall post on the department’s website and submit to the speaker of the council information on supportive housing contained within the coordinated assessment and placement system (CAPS) for the preceding fiscal year. Such reports shall include, but not be limited to the following information about applicants for supportive housing during the reporting period:

1. The total number of unique individuals or families determined eligible for supportive housing by the department, disaggregated by the following information: (i) age group; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) length of time the client has been homeless; and (vi) the client’s current shelter placement or if the client is an unsheltered homeless person at the time of eligibility determination.

2. The total number of unique individuals or families determined eligible by the department and referred for an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) length of time the client has been homeless at the time of eligibility determination; (vi) the client’s current shelter placement or whether the client is an unsheltered homeless person; and (vii) the referring agency or program at the time of eligibility determination.

3. The total number of unique individuals or families determined eligible by the department and not referred for an interview for supportive housing at any point during the reporting period, disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) length of time the client has been homeless at the time of eligibility determination; (vi) the client’s current shelter placement or if the client is an unsheltered homeless person; (vii) the agency or program choosing not to refer the client; and (viii) the reason the agency or program at the time of eligibility determination, did not make a referral, including but not limited to the client not having an income.

4. The total number of unique individuals or families who received an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) average length of time the client has been homeless at time of eligibility determination; (vi) the client’s current shelter placement or if the individual is an unsheltered homeless person; (vii) the referring agency or program at the time of eligibility determination; (viii) which supportive housing initiative or plan the unit for which the client interviewed is a part of; and (ix) whether the unit for which the client interviewed is an individual or family unit.

5. The total number of unique individuals or families who were referred, but did not receive an interview for supportive housing, disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) average length of time the client has been homeless at the time of eligibility determination; (vi) the client’s current shelter placement or if the client is an unsheltered homeless person; (vii) the referring agency or program at the time of eligibility determination; and (viii) the reason the client was referred, but did not receive an interview.

6. The total number of unique clients or families accepted to supportive housing disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) average length of time the client has been homeless at the time of eligibility determination; (vi) the client’s current shelter placement or if the individual is an unsheltered homeless person; (vii) the referring agency or program at the time of eligibility determination; (viii) the average number of interviews the client attended; (ix) which supportive housing initiative or plan the unit for which the client was accepted is part of; and (x) whether the unit for which the client was accepted is an individual or family unit.

7. The total number of unique individuals or families rejected for supportive housing after an interview disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j

and k of section 15 of the charter; (iv) population category; (v) length of time the client has been homeless at the time of eligibility determination; (vi) the client's current shelter placement or if the individual is an unsheltered homeless person; (vii) the average number of interviews the client attended; (viii) which supportive housing initiative or plan the unit for which the client interviewed is part of; (ix) whether the unit for which the client interviewed is an individual or family unit; and (x) reasons the individual or family was rejected including, but not limited to, that the housing provider did not accept the client, and any reason indicated for such rejection, including, but not limited to: (i) client did not show for interview, and, if known, the reason such client did not show; (ii) client did not complete interview and, if known, the reason such client did not complete the interview; (iii) available unit filled by another candidate who was referred; (iv) client not eligible due to funding requirements, and, if known, the funding requirements that resulted in such client not being eligible, disaggregated by eligibility criteria including client is unable to evacuate New York State office of mental health licensed housing within the timeline established under section 595.7 of title 14 of the New York codes, rules, and regulations; criminal convictions; or sex offender status; (v) medical needs beyond the scope of the facility; (vi) client needs treatment and/or medication monitoring beyond scope of this facility; (vii) client needs more support for personal care needs beyond scope of this facility and, if known, a description of such personal care needs; (viii) program does not provide the level of service the client needs and the level of service that the interviewing provider reports to be necessary; (ix) reasons related to physical appearance; (x) client was unable to evacuate within an established timeline; (xi) behavior in interview; (xii) client is currently suicidal or has a history of suicidality; (xiii) drug/alcohol related; (xiv) household composition inconsistent with unit; (xv) issue related to child welfare case; (xvi) issue related to family court; (xvii) lacked insight into mental illness; (xviii) language related; (xix) medication related; (xx) reasonable accommodation request not granted; (xxi) unit not physically accessible to client; (xxii) interview canceled by provider, and if known, the reason such interview was canceled; (xxiii) client needs less support than the program provides and, if known, what support the provider determined was not needed by the client; (xxiv) emotional support animal related; (xxv) service, guide or hearing dog related; (xxvi) issue related to client having been in supportive housing in the past; and (xxvii) any other reason indicated in the record of such client's interview.

8. The number of referred unique individuals still awaiting placement in supportive housing at the end of the reporting period disaggregated by the following information: (i) age; (ii) gender; (iii) data collected pursuant to subdivisions i, j and k of section 15 of the charter; (iv) population category; (v) average length of time the individual has been homeless at the time of eligibility determination; (vi) the individual's current shelter placement or if the individual is an unsheltered homeless person; and (vii) the average number of interviews the individual attended.

c. For any information required pursuant to subdivision b that is not tracked by the coordinated assessment and placement system (CAPS), the department shall, after reviewing relevant records, no later than September 1, 2023, incorporate into the coordinated assessment and placement system (CAPS) and include such information in the reports required pursuant to this section.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, December 8, 2021 (Remote Hearing). *Other Council Members Attending: R. Diaz.*

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. 2176-A

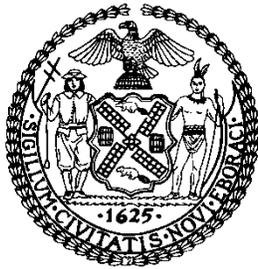
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a supportive housing tenant's bill of rights.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on December 10, 2020 (Minutes, page 2604), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on General Welfare for Int. No. 147-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 2176-A:*



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

**PROPOSED INT. NO. 2176-A**

**COMMITTEE:** General Welfare

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a supportive housing tenant's bill of rights.

**Sponsors:** Council Members Levin, Rosenthal, Kallos, Brannan, Reynoso, Rivera, Ayala, Dromm, Koslowitz, Menchaca, D. Diaz, Gibson, Lander, Feliz, Koo, Louis, and Chin.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2176-A would require supportive housing providers to provide every tenant a notice of supportive housing tenant's rights. The notice would be given at the interview, at the initial occupancy, at each lease or program agreement renewal, and upon request. A template of the notice would be posted on the website of each agency that administers a supportive housing program and translated to all designated citywide languages.

The proposed legislation would also require providers to submit an annual certification that it has provided the notice of supportive housing tenant's rights to the commissioner of the agency administering the supportive housing program. Any provider who does not distribute the notice would be liable for a civil penalty of \$250 for each violation, with the option to cure the violation within 14 days. Each dwelling unit for which a provider fails to deliver the notice would be deemed a separate violation. Additionally, each agency shall receive, investigate, and respond to complaints concerning violations at any supportive housing program that is contracted or administered by the city, in regards to the requirement to provide notice of tenant's rights. All substantiated complaints, responses, and violations issued by an agency will be posted on the agency's website.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** Although the legislation would establish civil penalties, it is anticipated that there would be no impact on revenues resulting from the enactment of this legislation because full compliance with the legislation is anticipated.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures for any agency administering supportive housing resulting from the enactment of this legislation as the agencies can utilize existing resources to fulfill the requirements of this legislation.

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

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

**ESTIMATE PREPARED BY:** Julia K. Haramis, Financial Analyst

**ESTIMATE REVIEWED BY:** Stephanie Ruiz, Assistant Counsel  
Dohini Sompura, Unit Head  
Regina Poreda Ryan, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on December 10, 2020 as Int. No. 2176 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on December 14, 2020, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 2176-A, will be voted on by the Committee at a hearing on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2176-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 2, 2021.

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

**(The following is the text of Int. No. 2176-A:)**

Int. No. 2176-A

By Council Members Levin, Rosenthal, Kallos, Brannan, Reynoso, Rivera, Ayala, Dromm, Koslowitz, Menchaca, D. Diaz, Gibson, Lander, Feliz, Koo, Louis, Chin, Cabán and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to a supportive housing tenant's bill of rights**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-149 to read as follows:

§ 21-149 Supportive housing bill of rights. a. Definitions. For purposes of this section, the following terms have the following meanings:

*Dwelling unit.* The term “dwelling unit” means a dwelling unit as defined in paragraph 13 of subdivision a of section 27-2004.

*Provider.* The term “provider” means a provider under contract or similar agreement with an agency to provide supportive housing.

*Supportive housing.* The term “supportive housing” means affordable, permanent or short term/transitional housing with supportive services for tenants.

*Tenant.* The term “tenant” means a person occupying, or intending to occupy, the dwelling unit for 30 consecutive days or more.

*Tenancy agreement.* The term “tenancy agreement” means an agreement signed by the tenant upon placement in a supportive housing unit, listing the address, rent contribution and tenant responsibilities and describing the unit assigned to such tenant.

b. Notice of supportive housing tenant’s rights. Every provider shall be required to provide a notice of rights using plain and simple language to every tenant under the following circumstances, as applicable: at the time of the interview, at the time of initial occupancy of a unit, at each lease or program agreement renewal, and upon request. If the tenant is known to have difficulty reading, the provider shall also read the required documents to them at the same intervals. A template of such notice shall also be posted on the website of each agency that administers a supportive housing program. The notice, which shall be provided and maintained by each agency that administers a supportive housing program and customizable for each tenant, shall be in English and the designated citywide languages as defined in section 23-1101. The notice shall include, but not be limited to, the following information:

1. Whether, to a provider’s knowledge, the dwelling unit is subject to the rent stabilization law of 1969 or the emergency tenant protection act of 1974. For dwelling units subject to rent stabilization pursuant to such laws, the notice shall also provide information on how to obtain a rent history from the state division of housing and community renewal and a notification that the provider will provide assistance in obtaining such rent history.

2. Whether the dwelling unit is in a building that is in receipt of a tax exemption or abatement, including but not limited to abatements or exemptions pursuant to sections 421-a or 421-g of the real property tax law or section 11-243. If the building is in receipt of an exemption or abatement, the notice will include the abatement or exemption start and end dates.

3. The tenant’s right to reside in a unit that is fit for human habitation and is free of any conditions that are dangerous, hazardous or detrimental to their life, health or safety.

4. The tenant’s right, if any, to bring special proceedings pursuant to article 7 of the real property actions and proceedings law and that a tenant’s eviction must be sought through a court proceeding when required by section 711 or section 713 of the real property actions and proceedings law.

5. The tenant’s right to file a petition in court to enforce the housing maintenance code pursuant to section 27-2001 et seq., information about how to report violations of such code via 311 and appropriate agencies, and contact information for the supportive housing program staff responsible for maintaining housing maintenance code standards and responding to emergencies.

6. The tenant’s right to reasonable accommodations and the right to use and occupy housing accommodations without discrimination pursuant to the human rights law, article 15 of the executive law; and the New York city human rights law, section 8-107 et seq.

7. The tenant’s right to receipts for rent paid pursuant to section 235-e of the real property law, where applicable.

8. The right of tenants to permit occupancy by family or additional tenants pursuant to section 235-f of the real property law, based on the supportive housing tenant’s supportive housing arrangement, with notice regarding how such additional tenants may impact the rental payment responsibilities of the tenant.

9. The tenant’s right to form, join or participate in a tenants’ association or other group advocating for the rights and protections of tenants, without fear of harassment, retaliation or punishment for their participation. This right shall include the right to convene a tenants’ association or organize meetings in certain locations in the building, including common areas, without paying any fee.

10. *The following information about the dwelling unit and the legal rights applicable to the tenant:*
- (a) *The name of the supportive housing program pursuant to which the tenant is occupying the dwelling unit, and all funding streams used by the program to provide social services or subsidize rents;*
  - (b) *The name of the state, federal or city agency administering the supportive housing program and contact information for the agency office that handles complaints and grievances at such administering agency;*
  - (c) *A list of the principal regulations applicable to all funding streams for such agencies, including but not limited to whether the dwelling unit is subject to section 595 et seq. of title 14 of the New York codes, rules and regulations or any regulatory agreements with any federal, state or city agency;*
  - (d) *The applicable grievance or equivalent policy or procedure used by the provider to register and hear tenant complaints, including the processes and timelines for the provider to respond to complaints;*
  - (e) *How to file a complaint with the agency administering the supportive housing program;*
  - (f) *Available supportive services, and how the tenant may obtain a copy of the policies and procedures for requesting or changing services;*
  - (g) *The total monthly rent, the portion of that rent to be paid by the tenant, and the portion of the rent to be paid by another entity; and*
  - (h) *How the tenant may obtain a copy of the policies and procedures governing the eviction from such tenant's dwelling unit or termination of such tenant from the supportive housing program, including:*
    - (1) *Procedures for eviction prevention, including accommodations of mental or physical disabilities;*
    - (2) *Pre-eviction or pre-termination requirements;*
    - (3) *Information about assistance with obtaining rental arrears or provision of financial management assistance to ensure future rent payments;*
    - (4) *The tenant's right to request the current accounting of rent payments and rental arrears to date from the account's last zero balance, as well as income recertifications, leases or tenancy agreements.*
11. *The tenant's right to be free from harassment pursuant to section 27-2004.*
12. *The right of all tenants who are subject to section 711 or section 713 of the real property actions and proceedings law to remain in the dwelling unit unless evicted from the dwelling unit by a marshal or sheriff pursuant to a court order and the right that a tenant's eviction must be sought through a court proceeding.*
13. *Relevant phone numbers that a tenant may call for legal advice and possible legal representation including services provided under section 26-1302 if the provider initiates eviction proceedings in housing court, including but not limited to 311.*
14. *The provider's obligations pursuant to section 741 of the real property actions and proceedings law.*
15. *Whether a tenant's unit of supportive housing is subsidized by a portable subsidy and the process for pursuing a transfer.*
16. *Any additional information related to rights of tenants provided orally or in writing to a supportive housing applicant during an interview with a provider.*
- c. *Enforcement. Every provider shall provide to the commissioner of the agency administering the supportive housing program an annual certification executed under penalty of perjury that it has provided tenants with a notice of rights in accordance with subdivision b of this section. Such certification shall be made by the chief executive or chief financial officer of the provider or the designee of any such person.*
- d. *Penalties. Any provider that the agency administering the supportive housing program finds does not provide the notice required under the provisions of subdivision b of this section shall be liable for a civil penalty of \$250 for each violation with the option to cure the violation within 14 days' notice of the violation. For purposes of this section, each dwelling unit for which a provider fails to provide the notice required pursuant to this section shall be deemed a separate violation.*
- e. *The agency administering the supportive housing program shall receive, investigate and respond to complaints concerning violations of this section at any supportive housing program that is financed with city funds and administered by such agency. All substantiated complaints, responses and violations issued by the agency administering the supportive housing program will be posted on such agency's website and will include the identity of the supportive housing provider, the date the complaint was submitted, any results of the complaint, the date of the conclusion of any investigation resulting from the complaint and the number and amount of penalties assessed.*

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

STEPHEN T. LEVIN, *Chairperson*; BRADFORD S. LANDER, VANESSA L. GIBSON, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, December 8, 2021 (Remote Hearing). *Other Council Members Attending: R. Diaz.*

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. 1621-A

### **Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on June 26, 2019 (Minutes, page 2170), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On December 8, 2021, the Committee on Governmental Operations, chaired by Council Member Cabrera, held a second hearing and vote on the following legislation: Proposed Int. 1621-A, sponsored by Council Member Dromm, in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee; Proposed Int. 1867-A, sponsored by Council Member Rodriguez, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections; and Proposed Int. 2459-A, sponsored by Council Member Feliz (by request of the Mayor), in relation to establishing an office of information privacy. Each bill was approved by the Committee, with Proposed Int. 1621-A receiving six votes in the affirmative, zero votes in the negative, and one abstention, Proposed Int. 1867-A receiving six votes in the affirmative, one vote in the negative, and zero abstentions, and Proposed Int. 2459-A receiving seven votes in the affirmative, zero votes in the negative, and zero abstentions.

#### **II. BACKGROUND**

##### **A. *Nuclear Disarmament and Nuclear Weapon-Free Zones***

Nuclear disarmament is the process of reducing and eradicating nuclear weapons while also ensuring that countries without nuclear weapons are not equipped to develop them.<sup>1</sup> The nuclear disarmament movement seeks to eliminate the possibility of nuclear war due to its potentially catastrophic consequences.<sup>2</sup> These consequences, most notably demonstrated by the United States' (U.S.) bombing of Hiroshima and Nagasaki in Japan during World War II, can be devastating and fatal, impacting populations and environments for decades.<sup>3</sup> Understanding this, the basic tenet of the nuclear disarmament movement is that there is never a legitimate use for nuclear

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<sup>1</sup> Brionne Frazier. Dotdash. ThoughtCo. Humanities. History & Culture. *What is Disarmament?* Available at: <https://www.thoughtco.com/nuclear-disarmament-4172458>.

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

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

weapons, and that world peace will only come with complete nuclear disarmament.<sup>4</sup> There have been a number of treaties that either slow or stop the use and generation of nuclear weapons. The most important of these are the Nuclear Non-Proliferation Treaty (NPT), the Comprehensive Nuclear-Test-Ban Treaty (CTBT) and the Treaty on the Prohibition of Nuclear Weapons (TPNW).

Nuclear-Weapon-Free Zones (NWFZ) are specified regions in which countries commit themselves not to manufacture, acquire, test or possess nuclear weapons.<sup>5</sup> According to the U.N., the establishment of NWFZs is a regional approach to strengthen nuclear non-proliferation and disarmament norms.<sup>6</sup> The NPT affirms the right of countries to establish NWFZs, providing that nothing in that treaty affect the right of any group of countries to form NWFZs. This provision ensures the total absence of nuclear weapons in their territories.<sup>7</sup> U.N. general resolution 3472 (1975) defines a NWFZ as “any zone recognized as such by the General Assembly of the United Nations, which any group of States . . . has established by virtue of treaty or convention whereby: (a) The statute of total absence of nuclear weapons to which the zone shall be subject, including the procedure for the delimitation of the zone, is defined; [and] (b) An international system of verification and control is established to guarantee compliance with the obligations deriving from that statute.”<sup>8</sup>

Five NWFZs exist today, with four of them covering the entire southern hemisphere.<sup>9</sup> The regions currently covered are Latin America and the Caribbean (the 1967 Treaty of Tlatelolco), the South Pacific (the 1985 Treaty of Rarotonga), Southeast Asia (the 1995 Treaty of Bangkok) Africa (the 1996 Treaty of Pelindaba) and Central Asia (the 2006 Treaty of Semipalatinsk).<sup>10</sup> Additionally, Mongolia’s self-declared nuclear-weapons-free status has been recognized by adoption of a U.N. General Assembly resolution.<sup>11</sup> Other treaties deal with denuclearization of the Antarctic, outer space, the moon, and the ocean floor.<sup>12</sup>

The U.N. recommended guidelines and principles for the establishment of NWFZs, which include the recommendation that NWFZs should not prevent the use of nuclear science for its peaceful use in support of the socio-economic, scientific and technological development of countries.<sup>13</sup> The U.N. also recommends that countries with nuclear weapons be consulted during the negotiations of each treaty, and its relevant protocols, in order to facilitate such countries’ signature to a ratification of the relevant protocol, through which such countries make legally binding commitments not to use or threaten use of nuclear weapons against countries that are party to such NWFZ.<sup>14</sup> Each treaty establishing a NWFZ includes a protocol for the five nuclear-weapon countries recognized by the NPT.<sup>15</sup>

The U.S. has ratified such a protocol to the Treaty of Tlatelolco, covering Latin America and the Caribbean, but has declined to ratify similar protocols to any remaining NWFZ treaties.<sup>16</sup> While the U.S. also signed the protocol for the Treaty of Pelindaba, covering Africa, it did so with conditions, reserving the right to respond to a chemical or biological weapons attack by a member of the zone with all options, implying the possible use of nuclear weapons.<sup>17</sup> None of the nuclear-weapon-owning countries has signed the relevant protocol for the treaty creating a zone in Southeast Asia.<sup>18</sup>

According to a 2018 U.N. report, the U.N.’s High Representative for Disarmament Affairs facilitates cooperation and consultation between existing zones, encourages nuclear-weapon-owning countries to adhere to the relevant protocols to the treaties establishing NWFZs, and supports the further establishment of NWFZs,

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

<sup>5</sup> Arms Control Association, Nuclear-Weapons-Free Zones (NWFZ) At a Glance, <https://www.armscontrol.org/factsheets/nwfz> (last accessed Jan. 7, 2020)

<sup>6</sup> United Nations, Office for Disarmament Affairs, Nuclear-Weapon-Free Zones, <https://www.un.org/disarmament/wmd/nuclear/nwfz> (last accessed Jan. 7, 2020).

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

<sup>8</sup> *Id.*; U.N, Nuclear-Weapon-Free Zones, *supra* note 6.

<sup>9</sup> Nuclear-Weapons-Free Zones At a Glance, *supra* note 5.

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

<sup>11</sup> U.N, Nuclear-Weapon-Free Zones, *supra* note 6.

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

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Nuclear-Weapons-Free Zones At a Glance, *supra* note 5.

<sup>16</sup> Arms Control Association, Fact Sheets & Briefs, <https://www.armscontrol.org/taxonomy/term/2> (last accessed Jan. 7, 2020).

<sup>17</sup> Nuclear-Weapons-Free Zones At a Glance, *supra* note 5.

<sup>18</sup> *Id.*

including in the Middle East.<sup>19</sup> The New York City Council has a demonstrated history of opposing nuclear weapons,<sup>20</sup> which includes its adoption on April 26, 1983 of Resolution 364 declaring the City a Nuclear Weapons Free Zone. That resolution prohibited the production, transport, storage, placement or deployment of nuclear weapons within the territorial limits of the City.<sup>21</sup>

### **B. *Non-Citizen Voting Legislation in New York City***

Int. 1867-A, sponsored by Council Member Ydanis Rodriguez, would allow certain residents of the City who are not United States citizens to vote in local elections. An earlier version of this bill was introduced during the Council's 2010-2013 session as Int. No. 410. On May 9, 2013, the Committees on Governmental Operations and Immigration held a joint hearing on Int. 410. During that hearing, the Committees received testimony from a variety of stakeholders, including the Mayor's Office, the BOE, the CFB, advocates, and interested members of the public. Although many of those who testified expressed support for bill's aims, others cited potential implementation challenges, as well as possible legal and policy concerns.

During the current 2018-2021 session, a revised version of the bill was reintroduced as Int. 1867. This revised version of the bill was heard by the Committee on Governmental Operations on September 20, 2021.

### **C. *The Mayor's Office of Information Privacy***

Local Law 245 of 2017 established the position of Chief Privacy Officer to develop citywide protocols for responsible data collection and disclosure and to ensure agency compliance with applicable data privacy laws. In 2018, the Mayor issued Executive Order No. 34, which established the Mayor's Office of Information Privacy (MOIP) and made the Chief Privacy Officer the head of such office. Today, MOIP works to safeguard New Yorkers' personally-identifying information while promoting data sharing across city agencies where permitted by law.<sup>22</sup> In doing so, MOIP aims to increase access to city services and encourage policy innovations throughout the city that advance equity and opportunity.<sup>23</sup>

## **III. LEGISLATIVE ANALYSIS**

### **Int. 1621-A**

Int. 1621-A (Dromm), would establish an advisory committee to examine New York City's position on nuclear disarmament and issues related to recognizing and reaffirming New York City as a nuclear weapons-free zone. The advisory committee would consist of seven members, three of whom would be appointed by the Speaker, and four of whom, including the chairperson, would be appointed by the Mayor. The chairperson would be required to be the head of a mayoral office or agency, and the other six members would be required to have demonstrated understanding and experience of nuclear disarmament policy, or advocacy or activism relating to nuclear disarmament policy.

The advisory committee would be required to conduct a review of the City's current stance on nuclear weapons and, in consultation with a diverse group of individuals, draft a resolution declaring support for the City to remain a nuclear weapons free zone. In addition, the advisory committee would be responsible for establishing a working definition for how a nuclear weapons free-zone might be defined in New York City, recommending mechanisms for encouraging community input related to designating New York City as a nuclear weapons free

<sup>19</sup> United Nations Office for Disarmament Affairs, *Securing our common future: An agenda for disarmament*, at page 23 (2018).

Available at: <https://s3.amazonaws.com/unoda-web/wp-content/uploads/2018/06/sg-disarmament-agenda-pubs-page.pdf#view=Fit>.

<sup>20</sup> See e.g. International Disarmament Institute (Pace University), New York City Council Resolutions on Nuclear Weapons. Available at: <http://disarmament.blogs.pace.edu/nyc-nuclear-archive/new-york-city-council-resolutions-on-nuclear-weapons/>.

<sup>21</sup> Resolution language available at *id.*

<sup>22</sup> NYC Mayor's Office of Information Privacy, Welcome to the Mayor's Office of Information Privacy, <https://www1.nyc.gov/site/moip/index.page> (last visited December 7, 2021).

<sup>23</sup> *Id.*

zone, and making educational materials available and hosting discussions regarding nuclear disarmament and the consequences of nuclear weapons. The committee would be required to meet at least four times per year and would be obligated to publish its meeting minutes. In addition, the committee would be required to submit an annual report to the Mayor and the Speaker that contains its findings and conclusions and any recommendations for policy or legislation. The committee would automatically dissolve upon the submission of its fifth annual report.

This local law would take effect immediately.

### **Int. 1867-A**

Int. 1867-A would create a new category of voters, called “municipal voters,” and would allow such voters to vote in municipal elections. The bill defines a “municipal voter” as any individual who (i) is not a United States citizen, (ii) is either a lawful permanent resident or otherwise authorized to work in the United States, (iii) has been a resident of New York City for at least 30 consecutive days, (iv) meets all the qualifications for registering or pre-registering to vote under the Election Law other than United States citizenship, and (v) has registered or pre-registered to vote as a municipal voter with the New York City Board of Elections (BOE). Under the bill, registered municipal voters would be entitled to vote in any “municipal election,” which the bill defines as any primary, special, general, or run-off election for Mayor, Comptroller, Public Advocate, City Council Member, or Borough President, and any city referendum. The bill would not authorize municipal voters to vote in any elections other than municipal elections, such as state or federal elections.

The BOE would be responsible for adopting all necessary rules and carrying out all necessary staff training to carry out the provisions of this bill. For each municipal election, the BOE would be required to produce a poll ledger or computer-generated registration list that combines municipal voters and other U.S. citizen voters for each election district or poll site and includes a distinguishing “M” next to the name of each municipal voter. The BOE would be prohibited from requiring municipal voters to form a separate line or vote in a separate location. In the event that a local election occurs on the same date as a state or federal election, municipal voters would be given a separate ballot that only includes the races in which they are eligible to vote.

The BOE would be required to create a municipal voter registration form that would allow an individual to apply to register as a municipal voter. Such form would be required to include:

- Notice that individuals registering or pre-registering using municipal voter forms will be registered or pre-registered to vote in municipal elections only, and that municipal voters are not qualified to vote in state or federal elections;
- Information on the qualifications to vote at the state and federal levels according to the Election Law, and information on how individuals who meet such qualifications can register or pre-register;
- 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;
- Notice that registration and enrollment is not complete until the municipal voter registration application form is received and accepted by the BOE;
- Notice that it is a crime, along with the attendant penalties and possible immigration consequences, to obtain a false registration or to furnish false information to the BOE; and
- The following notice in conspicuous type: “IMPORTANT NOTICE FOR NON-UNITED STATES CITIZENS. Any information you provide to the Board of Elections, including your name and address, may be obtained by Immigration and Customs Enforcement (ICE) and other agencies, organizations, and individuals. In addition, if you apply for naturalization, you will be asked whether you have ever registered or voted in a federal, state, or local election in the United States. You may wish to consult with an immigration attorney, an organization that protects immigrant rights, or other knowledgeable source before providing any personal information to the Board of Elections and before registering to vote in New York City. You can find a list of nonprofit organizations that specialize in protecting the rights of immigrants on the website of the New York City Campaign Finance Board. Individuals in New York City applying for United States citizenship through naturalization may request notice of their eligibility to register and to vote in New York City.”

The municipal voter registration form would also be required include a space for applicants to indicate whether they are a legal permanent resident or authorization to work in the United States, a space for applicants to indicate whether or not they have voted or registered as a municipal voter in the past, and a space for the applicant sign the following affirmation:

“AFFIDAVIT: I swear or affirm that I am a resident of New York City and 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 will only vote at an election at which I maintain such status, 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 \$5,000 and/or jailed for up to four years.”

In addition, the municipal voter registration form would be required to include all other relevant information required to be included on voter registration forms under the Election Law.

Municipal voter who enroll in a political party would be considered qualified members of that party only for the purposes of municipal elections. Municipal voter registration forms would be required to be made available wherever New York State Board of Elections voter registration forms are made available, and would be required to be translated into any language that New York State Board of Elections voter registration forms are translated into under state and federal law.

The bill would also require the BOE to develop an absentee ballot application form for municipal voters. Such forms would need to be translated in a manner consistent with the registration forms for municipal voters.

Under this bill, the registration and enrollment deadlines for municipal voters in each municipal election would be the same as the deadlines provided in the Election Law for U.S. citizen voters in such elections. Municipal voters would be deemed qualified or registered voters, and enrolled voters where they have chosen to enroll in a political party, for purposes of signing and witnessing petitions in relation to designation and nomination for municipal offices and in relation to municipal referenda.

The bill would require the BOE to create and implement a notification system for municipal voters that is consistent with the requirements of section 5-210 of the Election Law and section 1057-d of the Charter with respect to U.S. citizen voters. When sending notifications through such system, the BOE would be required to provide each individual with information regarding the legal qualifications for municipal voting along with a form allowing the individual to cancel their municipal voter registration in the event they need or wish to do so. In addition, the BOE would be required to create procedures by which a municipal voter may change or update their address. City agencies that have contracts with private organizations requiring such organizations to assist New Yorkers with United States citizenship applications would be required to request that such organizations provide notice of municipal voting eligibility to their clients.

The bill would prohibit inquiries into the immigration status of any potential or registered municipal voter other than to ascertain whether an individual is qualified to vote as a municipal voter. City employees would be prohibited from sharing any information regarding an individual’s immigration status unless required by law. Under the bill, all federal, state, and city confidentiality policies that pertain to citizens would pertain to municipal voters as well. The bill would prohibit requiring photographic identification or proof of address as a prerequisite for municipal voter registration, unless required by state or federal law. It would also prohibit the publishing or public distribution of any municipal voter registration list as distinct from the complete voter registration list of all qualified voters in the City or a political subdivision thereof.

The bill would require the BOE and the NYC Campaign Finance Board (CFB) to regularly consult with community-based organizations on the implementation of municipal voting and collaborate with such groups on community education programs regarding eligibility. In addition, the CFB would be required to maintain on its website a list of nonprofit organizations that specialize in protecting the rights of immigrants and are able to provide potential municipal voters with information about the immigration and other consequences of registering to vote as a municipal voter.

Int. 1867-A would create an advisory group that would provide recommendations regarding any problems or potential improvements with respect to the municipal voting process. The advisory group would be made up of five members, each appointed to a two-year term. The advisory group would be chaired by the New York

City Public Advocate and include two representatives of community-based organizations appointed by the Mayor, and two representatives of community-based organizations appointed by the Speaker of the City Council. The bill would grant the Mayor the authority to designate one or more agencies to provide staffing or administrative support to the advisory group, as needed. The group would be required to meet no less than semiannually, solicit public feedback through the creation of a dedicated website, and prepare an annual report of its findings and recommendations related to municipal voting, submitted to the Mayor and Speaker of the Council.

Under Int. 1867-A, individuals who are registered as municipal voters would retain municipal voter status until they no longer meet the qualifications or, if they have naturalized, until they register to vote as a citizen voter under the Election Law. In addition, the BOE would be required to provide any pre-registered municipal voter, registered municipal voter or formerly-registered municipal voter with a letter confirming the dates during which such individual was registered or pre-registered as a municipal voter, and explaining the rights and privileges afforded to municipal voters pursuant to this chapter.

The bill would also provide the opportunity for challenges to a voter's qualifications to register to vote, altering the "Qualification Oath" provided in the Election Law to read:

"You do swear (or affirm) that you are eighteen years of age or older, that you are a lawful permanent resident or authorized to work in the United States, that you are a resident 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."

The bill would apply a misdemeanor charge to any individual found to have knowingly and willfully violated any provisions of the bill, including any public officer who fails to perform a requirement under the bill. Such a misdemeanor would be punished by imprisonment for up to one year and/or a fine between \$100 and \$500.

No later than July 1, 2022, the BOE would be required to submit to the Mayor and Speaker a report containing a plan for achieving timely implementation of this bill for applicable elections held on or after January 9, 2023.

Under this bill, eligible non-citizens would be allowed to begin registering to vote as municipal voters on December 9, 2022, and registered municipal voters would be eligible to begin voting in local elections on January 9, 2023.

#### **Int. 2459-A**

Int. 2459 (Feliz) would require the Mayor to establish an Office of Information Privacy and would require such office to be headed by the Chief Privacy Officer designated pursuant to section 8 of the Charter. The bill would also add to the existing powers and duties of the Chief Privacy Officer. Specifically, the bill would give the Chief Privacy Officer the power and duty to: (i) advise the Mayor and senior city officials and provide guidance to city agencies on issues related to privacy; (ii) establish citywide privacy policies, standards and requirements; (iii) issue guidance to support city agency compliance with privacy laws, policies, and best practices; (iv) advise city agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use or disclosure of identifying information; (v) collaborate with other city officials to advise on any necessary actions regarding such incidents; (vi) train city employees and contractors on privacy laws, policies, and best practices; (vii) advise city agencies on data sharing initiatives and data sharing agreements; and (viii) promulgate rules as necessary to carry out the power and duties of the office.

This bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1621-A:)**



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

**PROPOSED INT. NO. 1621-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee.

**SPONSORS:** Council Members Dromm, Kallos, Rivera, Chin, Powers, Gibson, Cornegy, Brannan, Rosenthal, Reynoso, Rodriguez, Louis, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Miller, Perkins, Rose, Treyger, Ayala, Vallone, Lander, Koo, Adams, Salamanca, Moya, Cumbo, Barron, Cabrera, Dinowitz, Riley and the Public Advocate (Mr. Williams).

**SUMMARY OF LEGISLATION:** This bill would create an advisory committee to examine nuclear disarmament and issues related to recognizing and reaffirming New York City as a nuclear weapons-free zone. The Committee would be chaired by the Commissioner of the Mayor’s Office on International Affairs. The remaining six members of the committee would be representatives with a demonstrated knowledge or experience of nuclear policy, advocacy or activism.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1621 on June 26, 2019 and was referred to the Committee on Governmental Operations (Committee), and the Committee on Civil Service and Labor. A hearing was held by the Committee on January 28, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 1621-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1621-A will be submitted to the full council for a vote on December 9, 2021.

**DATE PREPARED:** December 1, 2021.

*Accordingly, this Committee recommends the adoption of Int. Nos. 1621-A, 1867-A, and 2459-A.*

**(The following is the text of Int. No.1621-A:)**

Int. No. 1621-A

By Council Members Dromm, Kallos, Rivera, Chin, Powers, Gibson, Cornegy, Brannan, Rosenthal, Reynoso, Rodriguez, Louis, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Miller, Perkins, Rose, Treyger, Ayala, Vallone, Lander, Koo, Adams, Salamanca, Moya, Cumbo, Barron, Cabrera, Dinowitz, Riley, D. Diaz, Cabán and the Public Advocate (Mr. Williams).

**A Local Law in relation to creating a nuclear disarmament and nuclear weapons-free zone advisory committee**

*Be it enacted by the Council as follows:*

Section 1. Advisory committee on nuclear disarmament and a nuclear weapons-free zone. a. There shall be an advisory committee to examine New York city's position on nuclear disarmament and issues related to recognizing and reaffirming New York city as a nuclear weapons-free zone.

b. The advisory committee shall consist of the following members, all of whom, except for the chairperson, shall have demonstrated understanding and experience of nuclear disarmament policy, or advocacy or activism relating to nuclear disarmament policy:

1. Four members appointed by the mayor, including a chairperson designated by the mayor who shall be the head of an agency appointed by the mayor or the head of an executive office of the mayor. Such chairperson may delegate the responsibilities of serving as chairperson to a person in such chairperson's agency or in the executive office of the mayor; and

2. Three members appointed by the speaker of the council.

c. The advisory committee shall conduct a review of New York city's current stance on nuclear weapons and, in consultation with a diverse group of individuals, including but not limited to victims of nuclear weapons and faculty members of academic institutions, shall draft a resolution declaring support for the city to remain a nuclear weapons free zone. The advisory committee shall also:

1. Establish a working definition for how a nuclear weapons-free zone might be defined in New York city;

2. Recommend mechanisms for encouraging and increasing community input with regard to education related to the nuclear weapons-free zone;

3. Make available educational materials or host discussions related to nuclear disarmament and the catastrophic humanitarian and environmental consequences of nuclear weapons production, testing, use and deployment; and

4. Where applicable, provide a summary of all related activities of the advisory committee and any relevant updates through the minutes of committee meetings.

d. The advisory committee shall meet no less than four times per year until its dissolution pursuant to subdivision f of this section.

e. The advisory committee shall, no later than one year after the effective date of this local law, and annually thereafter until its dissolution, submit to the mayor and the speaker of the council and post online a report that contains its findings and conclusions and any recommendations for policy or legislation.

f. The advisory committee shall dissolve upon submission of the fifth report required by subdivision e of this section.

§ 2. This local law takes effect immediately.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, KEITH POWERS, DARMA V. DIAZ; Committee on Governmental Operations, January 28, 2021 (Remote Hearing).

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. 1867-A

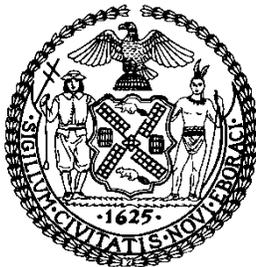
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate in municipal elections.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on January 23, 2020 (Minutes, page 143), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 1621-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 1867-A:*



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

**PROPOSED INT. NO. 1867-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the

**SPONSORS:** Council Members Rodriguez, Menchaca, Dromm, Cabrera, Chin, Kallos, Miller, Van Bramer, Levin, Reynoso, Rivera, Ayala, Lander, Cornegy Jr., Adams, Ampry-Samuel, Levine, Louis, Powers,

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United States in New York City to participate in municipal elections. Rosenthal, Cumbo, Eugene, the Public Advocate (Mr. Williams), Perkins, Koo, Salamanca Jr., Riley, Barron, Dinowitz, Gibson, Brooks-Powers, Feliz, Moya, Diaz, Brannan, Cabán.

**SUMMARY OF LEGISLATION:** This bill would provide a process for lawful permanent residents and those with work authorization in New York city to vote in municipal elections.

**EFFECTIVE DATE:** This local law would take effect on December 9, 2022 and would apply to municipal elections held on or after January 9, 2023, provided that before such date, the Board of Elections (BOE) and any other governmental agency may take such actions as are necessary or appropriate to implement this local law, and that there is immediate effect for the requirement that no later than July 1, 2022, the BOE shall submit a report containing a plan for achieving timely implementation.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	Effective FY23	FY Succeeding Effective FY24	Full Fiscal Impact FY24
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$4,000,000	\$4,000,000	\$4,000,000
<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 a fiscal impact of \$4 million in Fiscal 2023 and Fiscal 2024 for the Campaign Finance Board (CFB) and the Board of Elections (BOE) due to the enactment of this bill. According to testimony provided by BOE, and articles by several news organizations, it is estimated that approximately 900,000 people will become newly-eligible to vote in municipal elections as a result of the enactment of this legislation. It is anticipated that while the BOE could use existing resources to register newly-eligible municipal voters, it would require additional resources to handle voting costs in citywide municipal elections. The passage of this legislation would also result in additional expenses for any special election. However, given the inherent difficulty of predicting the timing and expenses of special elections, this estimate only covers the costs of compliance for each scheduled municipal election cycle. Given prior patterns of voter turnout in recent citywide municipal elections, it is estimated that the BOE would incur additional costs of \$2.3 million in Fiscal 2023 for the citywide primary and \$2.3 million in Fiscal 2024 for the general election to handle the anticipated influx of newly eligible voters. Furthermore, the CFB would likely incur costs associated with the printing and mailing of voter guides for primary and general elections to those newly-eligible municipal voters who register to vote. Given prior patterns in voter registration in the City, it is estimated that the CFB would incur costs of \$1.7 million in Fiscal 2023 and Fiscal 2024 to provide registered municipal voters with voter guides in the citywide primary and general elections.

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 1867 on January 23, 2020 and was referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on September 20, 2021, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 1867-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1867-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 1867-A:)**

Int. No. 1867-A

By Council Members Rodriguez, Menchaca, Dromm, Cabrera, Chin, Kallos, Miller, Van Bramer, Levin, Reynoso, Rivera, Ayala, Lander, Cornegy, Adams, Ampry-Samuel, Levine, Louis, Powers, Rosenthal, Cumbo, Eugene, the Public Advocate (Mr. Williams), Perkins, Koo, Salamanca, Riley, Barron, Dinowitz, Gibson, Brooks-Powers, Feliz, Moya, D. Diaz, Brannan and Cabán.

**A Local Law to amend the New York city charter, in relation to allowing lawful permanent residents and persons authorized to work in the United States in New York city to participate 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 PERMANENT RESIDENTS AND PERSONS AUTHORIZED TO WORK IN THE UNITED STATES*

- § 1057-aa Definitions and applicability of the election law.*
- § 1057-bb Municipal voter qualifications and registration.*
- § 1057-cc The role of the board of elections in the city of New York.*
- § 1057-dd Poll administration.*
- § 1057-ee Municipal voter registration application forms.*
- § 1057-ff Party affiliations.*
- § 1057-gg Availability and accessibility of municipal voter registration application forms.*
- § 1057-hh Absentee ballot procedures.*
- § 1057-ii Registration and enrollment deadlines.*
- § 1057-jj Municipal voter notification.*
- § 1057-kk Notification of ability to cancel registration.*
- § 1057-ll Notification for individuals applying for citizenship.*
- § 1057-mm Change of address procedures.*
- § 1057-nn Confidentiality.*
- § 1057-oo Community participation.*
- § 1057-pp Transitioning to citizenship.*
- § 1057-qq Challenges.*
- § 1057-rr State and federal elections.*
- § 1057-ss Violations.*
- § 1057-tt Advisory group.*
- § 1057-uu Petitioning.*
- § 1057-vv Registration confirmation letters.*
- § 1057-aa Definitions and applicability of the election law.*

*a. For purposes of this chapter, the following terms have the following meanings:*

*Municipal election. The term "municipal election" means any general, primary, or run-off election for a municipal office, any special election for a municipal office including but not limited to any election in which all candidates are nominated by independent nominating petition pursuant to the charter, and any municipal referendum.*

*Municipal office. The term "municipal office" means the offices of mayor, public advocate, comptroller, borough president, and council member.*

*Municipal referendum. The term "municipal referendum" means an election for the approval of a local law, as defined in section 2 of the municipal home rule law, submitted to the voters of the city of New York.*

*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 is a resident of New York city and will have been such a resident for 30 consecutive days or longer by the date of such election, who meets all qualifications for registering or pre-registering to vote under the election law, except for possessing United States citizenship, and who has registered or pre-registered to vote with the board of elections in the city of New York under this chapter.*

*Municipal voter registration. The term "municipal voter registration" means the method by which the board of elections in the city of New York registers or pre-registers new municipal voters pursuant to the provisions of this chapter.*

*Municipal voting. The term "municipal voting" means the processes required under this chapter that facilitate municipal voter registration and voting by municipal voters in municipal elections.*

*New York state board of elections voter registration application. The term "New York state board of elections voter registration application" means the application used by the New York state board of elections to register or pre-register voters under title two of article five of the New York state election law.*

*Resident of New York city. The term "resident of New York city" means a person who resides within the city of New York.*

*U.S. citizen voter. The term "U.S. citizen voter" means a person who meets all qualifications for registering or pre-registering to vote under the election law including possessing United States citizenship.*

*b. Municipal voting, as set forth in this chapter, shall be governed by applicable provisions of the election law, except that the provisions of the election law set forth in this chapter, as amended from time to time, and any successor provisions, shall apply as modified herein. References to the sections modified in this chapter shall be deemed to refer to such sections as they are so modified when and to the extent that they apply to municipal voting. References to provisions of the election law in this chapter shall be deemed to refer to any successor provisions. Provisions of the election law not specified in this chapter shall apply to municipal voting, provided however that such provisions shall not be construed to prevent or impede the application of this chapter.*

*§1057-bb Municipal voter qualifications and registration.*

*a. Consistent with the provisions of this chapter, eligible municipal voters shall have the right to vote in municipal elections and shall be entitled to the same rights and privileges as U.S. citizen voters with regard to municipal elections. All registered municipal voters shall have their names entered in the registration records maintained by the board of elections in the city of New York under article 5 of the election law for the purposes of registering and voting in municipal elections and may thereafter vote in any such election. Registrations for municipal voters entered in such records shall not contain United States citizenship data as required under 5-500 of the election law and shall be designated with an "M". Municipal voter registration records shall be filed with the state board of elections with such designation, to be included in any appropriate list or database in accordance with law.*

*b. Section 5-102 of the election law shall apply to municipal elections, except that the qualification of United States citizenship shall not apply to municipal voters registering to vote in municipal elections and the municipal voting processes implemented pursuant to this chapter.*

*c. References to voter qualification or voter eligibility in the election law shall be construed to include municipal voter qualifications with respect to the municipal voting processes implemented pursuant to this chapter.*

*§1057-cc The role of the board of elections in the city of New York. The board of elections in the city of New York shall adopt all necessary rules and carry out all necessary staff training to carry out the provisions of this chapter.*

*§1057-dd Poll administration.*

*a. For each municipal election, the board of elections in the city of New York shall produce a poll ledger or computer generated registration list that combines municipal voters and other U.S. citizen voters for each election district or poll site. Municipal voters shall not be required to form a separate line or vote in a separate location from U.S. citizen voters. The poll ledger or computer generated registration list entries for municipal voters shall be marked with an "M".*

*b. Whenever a municipal election occurs on the same date and in the same district as an election in which a municipal voter is not eligible to vote, the board of elections in the city of New York shall produce separate municipal ballots to be distributed only to municipal voters appearing to vote on such date and in such district. Such municipal ballots shall be, as nearly as practicable, in the same form as those to be voted in the district by U.S. citizen voters during early voting or on election day as provided in title 1 of article 7 of the election law, except that such ballots shall be limited to municipal elections. Such municipal ballot shall contain the words "Municipal Ballot", endorsed thereon and any other markings or unique coloration the board of elections in the city of New York deems appropriate.*

*§1057-ee Municipal voter registration application form.*

*a. The board of elections in the city of New York shall design and distribute a municipal voter registration application form that will allow municipal voters to apply for registration, pre-registration, and change of enrollment in the manner that U.S. citizen voters may so apply to such board. Such form shall include, but need not be limited to, the following:*

*1. Notice that individuals registering or pre-registering using municipal voter forms will be registered or pre-registered to vote in municipal elections only, and expressly stating that municipal voters are not qualified to vote in state or federal elections.*

*2. Information on the qualifications to vote at the state and federal levels according to the election law, and information on how individuals who meet such qualifications can register or pre-register.*

*3. 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.*

*4. Notice that registration and enrollment is not complete until the municipal voter registration application form is received and accepted by the board of elections in the city of New York.*

*5. 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.*

*6. The following notice in conspicuous type that contrasts in typography, layout or color with all other words on such form: "IMPORTANT NOTICE FOR NON-UNITED STATES CITIZENS. Any information you provide to the Board of Elections, including your name and address, may be obtained by Immigration and Customs Enforcement (ICE) and other agencies, organizations, and individuals. In addition, if you apply for naturalization, you will be asked whether you have ever registered or voted in a federal, state, or local election in the United States. You may wish to consult with an immigration attorney, an organization that protects immigrant rights, or other knowledgeable source before providing any personal information to the Board of Elections and before registering to vote in New York City. You can find a list of nonprofit organizations that specialize in protecting the rights of immigrants on the website of the New York City Campaign Finance Board. Individuals in New York City applying for United States citizenship through naturalization may request notice of their eligibility to register and to vote in New York City."*

*7. The following spaces to be filled in by the applicant:*

*(a). Space to indicate whether the applicant is a lawful permanent resident or is authorized to work in the United States and the statement "If you checked "no" in response to this question, do not complete this form."*

*(b). Space for the applicant to indicate whether or not he or she has ever voted or registered to vote as a municipal voter before and, if so, the approximate year in which such applicant last voted or registered as such and his or her name and address at the time.*

*(c). 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 am a resident of New York City and 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 will only vote at an election at which I maintain such status, 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 \$5,000 and/or jailed for up to four years.”*

*b. Such form shall contain all information required to be included on the statewide application form for U.S. citizen voters under subdivision 5 of section 5-210 of the election law, except as modified in this section. Such form shall not contain the notice concerning citizenship required pursuant to paragraph (g) of such subdivision or the information required to be included under subparagraphs (i), (vi) and (xii) of paragraph (k) of such subdivision.*

*c. Titles eight and nine of article five of the election law shall not apply to municipal voter registration.*

*§1057-ff Party affiliations.*

*a. Individuals who enroll in a political party using a municipal voter registration form shall be considered qualified members of that party only for the purposes of municipal elections.*

*b. References to political party member qualifications in the election law shall be construed to include municipal voter qualifications with respect to voting in municipal elections as set forth in this chapter.*

*§1057-gg Availability and accessibility of municipal voter registration application forms.*

*a. The board of elections in the city of New York and the campaign finance board shall coordinate efforts to ensure that municipal voter registration application forms are available at every location where New York state board of elections voter registration application forms are made available pursuant to programs of city agencies, including but not limited to programs implemented pursuant to section 5-211 of the election law and section 1057-a of the charter.*

*b. The board of elections in the city of New York shall translate the municipal voter registration application form into languages served by such board pursuant to state and federal law in a manner that is consistent with translations of the statewide application form.*

*§1057-hh Absentee ballot procedures.*

*a. The board of elections in the city of New York shall prescribe a standard municipal voter absentee ballot application form that will allow a registered municipal voter to cast an absentee ballot for municipal elections. The use of any application form which substantially complies with the provisions of this section shall be acceptable and any application filed on such a form shall be accepted for filing. Such application form shall contain all information required to be included on the absentee ballot application form for U.S. citizen voters under section 8-400 of the election law, except as modified herein. Such form shall contain the following modifications to section 8-400 of the election law with respect to municipal voting:*

*1. Paragraph (b) of subdivision 3 of such section shall apply to municipal voting, except that the statement required in such paragraph shall be deemed to be a statement that the applicant is a qualified and registered municipal voter.*

*2. Paragraph (d) of subdivision 3 of such section shall apply to municipal voting, except that the application requirements in such paragraph shall be deemed to only permit application for an absentee ballot for municipal elections.*

*3. Subdivision 4 of such section shall apply to municipal voting, except that the application requirements in such paragraph shall be deemed to only permit application for an absentee ballot for municipal elections.*

*b. Upon receipt of a municipal voter absentee ballot application form, the board of elections shall forthwith determine upon such inquiry as it deems proper whether the applicant is qualified to vote and receive an absentee ballot under the election law as modified by this chapter, and if it finds the applicant is not so qualified it shall reject the application after investigation as provided in section 8-402 of the election law as further modified by this chapter.*

*c. The board of elections in the city of New York shall translate the municipal voter absentee ballot application form into languages served by such board pursuant to state and federal law in a manner that is consistent with translations of municipal voter registration application form.*

*d. Whenever a municipal election occurs on the same date and in the same district as an election in which a municipal voter is not eligible to vote, the board of elections in the city of New York shall produce separate municipal absentee ballots containing only municipal elections to be distributed only to municipal absentee voters on such date and in such district. Such municipal absentee ballots shall be, as nearly as practicable, in*

*the same form as the municipal ballot to be voted in the district during early voting and election day as required by section 1057-dd, except that such municipal absentee ballot need not have a stub, and shall have the words "Municipal Absentee Ballot", endorsed thereon.*

*e. Section 7-122 of the election law shall apply to absentee ballots and municipal absentee ballots mailed to municipal voters, except that the affirmation of United States citizenship in subdivision six of such section shall not apply to an inner affirmation envelope included with an absentee ballot or municipal absentee ballot distributed to a municipal voter and shall be replaced with an affirmation stating that the undersigned is qualified to vote under this chapter.*

*f. The board of elections in the city of New York may prescribe a separate absentee ballot for military voters who are municipal voters consistent with section 7-123 of the election law, but omitting the otherwise required affirmation of United States citizenship and replacing it with an affirmation that the military voter meets the qualifications of a municipal voter under this chapter.*

*§1057-ii Registration and enrollment.*

*a. Registration and enrollment deadlines for municipal voters in each municipal election shall be the same as the deadlines in the election law for U.S. citizen voters in such elections.*

*b. Section 5-214 of the election law shall apply to registered municipal voters, except that with respect to municipal voters, the registration card under such section shall be marked with an "M" and contain a statement that it is for municipal voting only.*

*§1057-jj Municipal voter notification. The board of elections in the city of New York shall create and implement a notification system for municipal voters that is consistent with the requirements of section 5-210 of the election law and section 1057-d of the charter with respect to U.S. citizen voters.*

*§1057-kk Notification of ability to cancel registration. The board of elections in the city of New York shall, simultaneously with providing written confirmation of registration to vote as part of the notification system created and implemented under section 1057-jj, 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-ll 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 register and to vote in New York city pursuant to this chapter.*

*§1057-mm Change of address procedures. The board of elections in the city of New York shall, consistent with section 5-208 of the election law as modified by this section, transfer the registration and enrollment of a municipal voter for whom it receives a notice of change of address to another address in New York city, or for any municipal voter who submits a municipal ballot in an affidavit ballot envelope which sets forth such a new address.*

*§1057-nn Confidentiality.*

*a. No inquiry shall be made as to the immigration status of a potential municipal voter or municipal voter, other than to verify the identity of the municipal voter and ascertain whether he or she is qualified to vote under the election law as modified by 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 local confidentiality laws and policies that pertain to U.S. 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 otherwise required by this chapter or state or federal law.*

*d. Lists of municipal voters shall not be published, distributed or otherwise provided to the public by the board of elections in the city of New York or any other governmental agency separately or distinctly from a complete voter registration list of voters qualified to vote in a municipal election in New York city or a political subdivision thereof.*

*§1057-oo Community participation.*

*a. The board of elections in the city of New York and the campaign finance board shall consult regularly with appropriate organizations, including advocacy groups and community associations, in the implementation*

of this chapter. Such boards 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.

b. The campaign finance board shall maintain on its website a list of nonprofit organizations that specialize in protecting the rights of immigrants and are able to provide potential municipal voters with information about the immigration and other consequences of registering to vote as a municipal voter under this chapter.

§1057-pp 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-qq Challenges. Any municipal voter's qualifications to register to vote under this chapter may be challenged according to the terms of the election law, except that "The Qualification Oath" in section 8-504 of the election law shall not be administered to municipal voters, and shall be replaced with the following "Municipal Voter Qualification Oath" to read: "You do swear (or affirm) that you are eighteen years of age or older, that you are a lawful permanent resident or authorized to work in the United States, that you are a resident 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-rr 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 political party position or on any state or federal ballot question.

§1057-ss Violations.

a. Any person who knowingly and willfully violates any provision of this section of the charter which violation is not specifically covered by section 17-168 or any other provision of article seventeen of the election law is guilty of a misdemeanor.

b. A public officer or employee who knowingly and willfully omits, refuses or neglects to perform any act required of such public officer or employee 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 subject to section 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 one hundred dollars nor more than five hundred dollars, or by both such fine and imprisonment.

§1057-tt Advisory group.

a. There shall be an advisory group to provide recommendations regarding any problems or potential improvements with respect to municipal voting.

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 60 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, 2023, 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.*

*§ 1057-uu. Petitioning. Municipal voters shall be deemed qualified or registered voters, and enrolled voters where they have chosen to enroll in a political party, for purposes of signing and witnessing petitions in relation to designation and nomination for municipal offices and in relation to municipal referenda but shall not be otherwise be so deemed pursuant to applicable provisions of the election law or any other law.*

*§ 1057-vv Registration confirmation letters. The board of elections in the city of New York shall, upon request, provide any pre-registered municipal voter, registered municipal voter or formerly-registered municipal voter with a letter confirming the dates during which such individual was registered or pre-registered as a municipal voter, and explaining the rights and privileges afforded to municipal voters pursuant to this chapter.*

§ 2. No later than July 1, 2022, the board of elections in the city of New York shall submit to the mayor and speaker of the council a report containing a plan for achieving timely implementation of this local law for applicable elections held on or after January 9, 2023. Failure by such board to submit such a report within 30 days of July 1, 2022 shall create a rebuttable presumption that such board is declining to implement this local law.

§ 3. Section one of this local law takes effect on December 9, 2022 and shall apply to municipal elections held on or after January 9, 2023, provided that before such date, the board of elections in the city of New York and any other governmental agency may take such actions as are necessary or appropriate to implement this local law. Section two of this local law takes effect immediately.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, KEITH POWERS, DARMA V. DIAZ; Committee on Governmental Operations, December 8, 2021 (Remote Hearing).

On a previous motion of the Speaker (Council Member Johnson), and adopted, **the foregoing matter had been separated from the General Order Calendar and considered for a vote before the remaining General Order items; this bill was coupled for a vote on a Roll Call for an Item Laid Aside for initial consideration (please see the discussion and vote on Int. No. 1867-A printed following the Land Call-up section of these Minutes).**

Report for Int. No. 2459-A

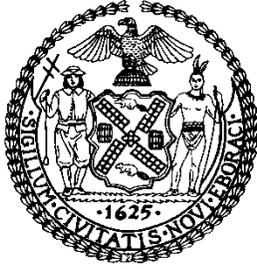
**Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to establishing an office of information privacy.**

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on November 23, 2021 (Minutes, page 3461), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 1621-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 2459-A:*



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

**PROPOSED INT. NO. 2459-A**

**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the New York city charter in relation to establishing an office of information privacy. **SPONSORS:** Council Members Feliz (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill would require the Mayor to establish an Office of Information Privacy, which would be headed by the City's Chief Privacy Officer, and would expand the duties of the Chief Privacy Officer.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements, as the Chief Privacy Officer already undertakes the additional duties that the legislation would require.

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 2459 on November 23, 2021 and was referred to the Committee on Governmental Operations (Committee). A hearing was held by the Committee on November 29, 2021, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 2459-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 2459-A will be submitted to the full council for a vote on December 9, 2021.

**DATE PREPARED:** December 1, 2021.

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

**(The following is the text of Int. No. 2459-A:)**

Int. No. 2459-A

By Council Members Feliz, Kallos and D. Diaz (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to establishing an office of information privacy**

*Be it enacted by the Council as follows:*

Section 1. Subdivision h of section 8 of the New York city charter, as added by local law number 245 for the year 2017, is amended to read as follows:

h. The mayor shall [designate the head of] *establish* an office of *information privacy*. *Such office may be established within the executive office of the mayor or as a separate office or within any [of such] other agency or office headed by a mayoral appointee as the mayor may determine. [to act as] Such office shall be headed by the city's chief privacy officer, who shall be appointed by the mayor or by the head of such other agency or office. All city agencies shall cooperate with the office so as to ensure the efficient performance of its duties.* For the purposes of this subdivision, identifying information has the same meaning as set forth in section 23-1201 of the administrative code. Consistent with the provisions of subdivision g of this section, [such] *the chief privacy officer shall have the power and duty to:*

1. promulgate, after receiving the recommendations of the committee established pursuant to section 23-1204 of the administrative code, policies, and protocols regarding the collection, retention, and disclosure of identifying information by agencies, contractors, and subcontractors, provided that particular policies and protocols may apply to all agencies, contractors, and subcontractors or to a subset thereof;

2. provide guidance and information to the city and every agency thereof on federal, state, and local laws, policies, and protocols related to the collection, retention, and disclosure of identifying information and direct agencies to make any changes necessary to achieve or maintain such compliance;

3. review, in collaboration with the committee established pursuant to section 23-1204 of the administrative code, agency identifying information reports submitted pursuant to section 23-1205 of the administrative code;

4. specify types of information, in addition to identifying information as defined in section 23-1201 of the administrative code, that shall be subject to protection by agencies, as required by such officer, based on the nature of such information and the circumstances of its collection or potential disclosure;

5. *advise the mayor and senior city officials and provide guidance to city agencies on issues related to privacy, and on strategies, legislative proposals, and city and agency policies and best practices for advancing privacy protections;*

6. *establish citywide privacy policies, standards, and requirements, and modify or expand them as necessary to meet the evolving privacy protection needs of the city and its agencies;*

7. *issue guidance to support agency compliance with privacy laws, policies, and privacy best practice standards and requirements;*

8. *advise agencies on the privacy aspects of suspected and known incidents involving the unauthorized collection, access, acquisition, use, or disclosure of identifying information, working together with the office of*

*cyber command and the department of information technology and telecommunications and other city officials responsible for managing the technical aspects of the city's incident investigation, response, and recovery processes;*

*9. in collaboration with the office of cyber command, department of information technology and telecommunications, the law department, relevant agency counsel, and other city agencies and officials as needed, advise on any necessary actions regarding identifying information in response to such actual and suspected incidents;*

*10. train or cause to be trained city employees and contractors on privacy laws, policies, and best practices;*

*11. advise city agencies on privacy strategies and required or appropriate privacy provisions for data sharing initiatives, and assist in the development of privacy policies and contract terms for data sharing agreements, in coordination with relevant agencies and the law department as appropriate; and*

*12. promulgate rules as necessary to carry out the powers and duties of the office.*

§ 2. This local law takes effect immediately.

FERNANDO CABRERA, *Chairperson*; YDANIS A. RODRIGUEZ, BEN KALLOS, STEPHEN T. LEVIN, KEITH POWERS, KALMAN YEGER, DARMA V. DIAZ; Committee on Governmental Operations, December 8, 2021 (Remote Hearing).

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. 1625-B

**Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to make available FDA-approved methods of non-surgical contraception and long-acting reversible contraception at its health centers, health stations, health clinics and other health facilities.**

The Committee on Health, to which the annexed proposed amended local law was referred on June 26, 2019 (Minutes, page 2181), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On December 8, 2021, the Committee on Health, chaired by Council Member Mark Levine, held a vote on Introduction Number 1625-B (Int. No. 1625-B), sponsored by Council Member Carlina Rivera. The legislation was previously heard at a joint hearing of this Committee with the Committee on Women and Gender Equity, chaired by Council Member Helen Rosenthal, on October 28, 2020, at which the Committee received testimony from the New York City (NYC) Department of Health and Mental Hygiene (DOHMH), the NYC Commission on Gender Equity (CGE), advocacy groups, health professionals and other interested parties. On December 8, 2021, the Committee passed this legislation by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

## II. BACKGROUND

### *Reproductive Health*

Reproductive health, broadly defined, refers to the health and social conditions of human reproductive systems during all life stages.<sup>24</sup> This includes, but is not limited to:

- Family planning services and counseling, terminating a pregnancy (also known as abortion), birth control, emergency contraception, sterilization and pregnancy testing;
- Fertility-related medical procedures;
- Sexual health education;
- Access to medical services and information; and
- Sexually transmitted disease prevention, testing and treatment.<sup>25</sup>

While this Committee Report adopts a broader definition in the interest of understanding the full spectrum of issues relating to reproductive health, it should be noted and is perhaps not surprising that many definitions of reproductive health focus more narrowly on addressing the reproductive health needs of women.<sup>26</sup> These definitions include, but are not limited to, those addressing reproductive decisions—whether a woman seeks to reproduce or avoid reproduction, the impact of the process of reproduction on health and the associated issues related to a woman’s autonomy, privacy and agency over such decisions.<sup>27</sup>

The World Health Organization (WHO) identifies 17 “Reproductive Health Indicators” which further provide a framework for assessing the state of reproductive health.<sup>28</sup> These WHO indicators include:

1. The total fertility rate;
2. Contraceptive prevalence;
3. The maternal mortality ratio;
4. The percentage of women attended by health personnel during pregnancy;
5. The percentage of births attended by skilled health personnel;
6. The number of facilities with basic obstetric care;
7. The number of facilities with comprehensive obstetric care;
8. The perinatal mortality rate;
9. The percentage of live births with low birth weight;
10. The positive syphilis serology in pregnant women;
11. The percentage of anemia in pregnant women;

<sup>24</sup> National Institute of Environmental Health Sciences, *Reproductive Health*, the National Institute of Health (n.d.), available at <https://www.niehs.nih.gov/health/topics/conditions/repro-health/index.cfm>; See NYC Commission on Human Rights, *FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions* (n.d.), available at [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions\\_KYR\\_8.20.2019.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions_KYR_8.20.2019.pdf); See, e.g., Mahmoud Fathalla, *Promotion of Research in Human Reproduction: Global Needs and Perspectives*, 3 HUM. REPROD. 7, 7 (1988) (defining reproductive health as requiring, among other things, “that people have the ability to reproduce and the ability to regulate their fertility”).

<sup>25</sup> NYC Commission on Human Rights, *FACT SHEET: Protections Against Employment Discrimination Based on Sexual and Reproductive Health Decisions* (n.d.), available at [https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions\\_KYR\\_8.20.2019.pdf](https://www1.nyc.gov/assets/cchr/downloads/pdf/publications/SexualReproHealthDecisions_KYR_8.20.2019.pdf).

<sup>26</sup> See Rebecca Cook, Bernard Dickens & Mahmoud Fathala, *Reproductive Health and Human*

*Rights: Integrating Medicine, Ethics and Law*, 14-18 (2003) (explaining the importance of gender differences in the context of reproductive health).

<sup>27</sup> See, e.g., Ruth Bader Ginsburg, *Some Thoughts on Autonomy and Equality in Relation to Roe v. Wade*, 63 N.C. L. REV. 375, 383 (1985) (noting that a woman’s ability to control her reproductive capacity is equivalent to her ability to take autonomous charge of her life); Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

<sup>28</sup> World Health Organization [hereinafter “WHO”], *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf); See also, Ritu Sadana, *Definition and Measurement of Reproductive Health*, 80 BULL. WHO. 407 (2002); Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

12. The percentage of obstetric admissions owing to abortion;
13. The percentage of women with genital cutting, also known as female genital mutilation or female circumcision (“FGM/C”)<sup>29</sup>;
14. The percentage of women who report trying for a pregnancy for two years or more;
15. The incidence of urethritis in men;
16. HIV prevalence in pregnant women; and
17. Knowledge of HIV-prevention practices.<sup>30</sup>

Research has shown that deficiencies in these indicators are largely conditions that can be alleviated with a combination of better access to health services, improvement in economic and social conditions and increased protections for those seeking reproductive health care services.<sup>31</sup> Accordingly, in recent years, important measures have been established at the federal, state and local levels to ensure that the right to receive reproductive health services are protected, a process often referred to as reproductive justice.<sup>32</sup> Generally speaking, reproductive justice seeks to ensure reproductive rights,<sup>33</sup> or the rights of individuals to have access to sexual and reproductive healthcare and autonomy in sexual and reproductive decision-making.<sup>34</sup> The Council currently provides approximately \$1.3 million in discretionary funding for a range of services related to reproductive and sexual health services.<sup>35</sup>

### **III. ISSUES AND CONCERNS**

#### *a. Contraception / Non-Surgical & Long-Acting Reversible Contraceptives (LARC)*

Long Acting Reversible Contraception refers to several FDA-approved methods of birth control that are intended to last for at least several years without requiring any user action (such as taking a daily pill).<sup>36</sup> Long

<sup>29</sup> Note: This paper utilizes the term “female genital cutting,” rather than “female genital mutilation” to give deference to the affected women and girls, often migrants, who live in the midst of a dominant discourse categorizing them as “mutilated” and sexually disfigured. While “female circumcision” is another common term, “female genital mutilation” is also referenced in recognition of the fact that it is the most commonly used term, including in terms of usage in legislation and treaties. Further, while this paper also utilizes the acronym FGC, FGM is also often shortened to FGM/C in recognition of updated and current language. See S. Johnsdotter, *The Impact of Migration on Attitudes to Female Genital Cutting and Experiences of Sexual Dysfunction Among Migrant Women with FGC*, 10(1) CURRENT SEXUAL HEALTH REPORTS 18-24 (2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5840240/>; S. Fried, A. Mahmoud Warsame, V. Berggren, E. Isman & A. Johansson, *Outpatients’ Perspectives on Problems and Needs Related to Female Genital Mutilation/Cutting: a Qualitative Study from Somaliland*, 2013(1) OBST. AND GYN. INTL (2013), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3784275/>; U.S. Department of Health and Human Services, Office on Women’s Health, *Female Genital Mutilation or Cutting* (n.d.), available at <https://www.womenshealth.gov/a-z-topics/female-genital-cutting>; New York Department of Health, *Female Genital Mutilation/Female Circumcision Reference Card for Health Care Providers* (n.d.), available at [https://www.health.ny.gov/community/adults/women/female\\_circumcision/providers.htm](https://www.health.ny.gov/community/adults/women/female_circumcision/providers.htm) (explaining why it is “more appropriate” to use FGC/FC than FGM).

<sup>30</sup> WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf); See also, Ritu Sadana, *Definition and Measurement of Reproductive Health*, 80 BULL. WHO. 407, 407 (2002).

<sup>31</sup> Lance Gable, *Reproductive Health as a Human Right*, 60 Case W. Res. L. Rev. 957, 957 (Summer 2020).

<sup>32</sup> See, e.g., Elizabeth Nash, Lizamarie Mohammed, Zohra Ansari-Thomas, and Olivia Cappello, *Laws Affecting Reproductive Health and Rights: State Policy Trends at Midyear, 2018*, Guttmacher Institute (July 2018), available at <https://www.guttmacher.org/article/2018/07/laws-affecting-reproductive-health-and-rights-state-policy-trends-midyear-2018>.

<sup>33</sup> See, e.g., National Council of Jewish Women, *Understanding Reproductive Health, Rights, and Justice* (n.d.), available at <https://www.ncjw.org/wp-content/uploads/2017/12/RJ-RH-RR-Chart.pdf>.

<sup>34</sup> Amnesty International USA, *Reproductive Rights: A Fact Sheet* (2007), available at <https://web.archive.org/web/20070714111432/http://www.amnestyusa.org/women/pdf/reproductiverights.pdf>.

<sup>35</sup> This includes Long Acting Reversible Contraceptives (LARC) and abortion access: \$702,900 for the Dedicated Contraceptive Fund, \$378,070 for the Reproductive and Sexual Health Services Initiative, and an additional \$250,000 for the New York Abortion Access fund. The New York City Council, “Fiscal Year 2011 Adopted Expense Budget Adjustment Summary / Schedule C,” (June 30, 2020), available at <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/06/Fiscal-2021-Schedule-C-Cover-REPORT-Final.pdf>.

<sup>36</sup> See, e.g., “Long-Acting Reversible Contraception: Intrauterine Device and Implant,” The American College of Obstetricians and Gynecologists, available at <https://www.acog.org/Patients/FAQs/Long-Acting-Reversible-Contraception-Intrauterine-Device-and-Implant?IsMobileSet=false#methods>.

Acting Reversible Contraceptive (LARC) methods include intrauterine contraceptives, implants, and injections, and are considered the most effective form of birth control in preventing unwanted pregnancy, beside abstinence.<sup>37</sup> Despite its efficacy, only 5.8% of adolescents and women ages 15–19 have ever used a LARC method, with 3% ever using an IUD and 2.8% ever using a contraceptive implant.<sup>38</sup> Some barriers to use of LARC methods by young women and adolescents include lack of familiarity or understanding about LARCs, lack of access, low parental acceptance, high costs of initiation, and obstetrician–gynecologists’ and other health care providers’ misconceptions about the safety of LARC use in adolescents.<sup>39</sup> When cost barriers were eliminated and the LARC method was explained, research found that more than two thirds of females aged 14–20 years chose a LARC method.<sup>40</sup>

In May 2016, then Speaker Melissa Mark-Viverito published the Young Women’s Initiative (YWI) Report and Recommendations.<sup>41</sup> One of the recommendations in the report was to “create a dedicated fund for access to contraceptives, including long-acting reversible contraception (LARC), which incorporates culturally relevant counseling, focuses on patient choice and integrates age- and developmentally-appropriate support for young people.”<sup>42</sup> At the time of this announcement, of the 145 School Based Health Centers (SBHCs) serving over 345 schools in the five boroughs of New York City, only 50 high school sites provided comprehensive reproductive health services including “on-site dispensing of hormonal and long-acting reversible contraception.”<sup>43</sup> At around the same time, DOHMH began a “#MaybethelIUD campaign” to promote LARC methods as an accessible option for young people wanting to prevent unwanted pregnancy.<sup>44</sup> The YWI fund utilized Colorado’s privately-funded Colorado Family Planning Initiative as a model.<sup>45</sup> In total, the fund set aside \$365,000 to provide LARCs at no cost to clients who were uninsured, ineligible for Medicaid, or otherwise lacking the resources to pay out of pocket.<sup>46</sup> Funding was used to cover applicable LARC service fees or to purchase LARCs, using the Title X Family Planning Program, the 340B Drug Pricing Program, and any other cost-saving programs available.<sup>47</sup>

Currently, DOHMH maintains several health clinics centered on patient sexual health, immunization, and Tuberculosis (TB) services.<sup>48</sup> The Department’s eight sexual health clinics provide low- to no-cost services for sexually transmitted infections (STIs), and accept all types of insurance, including:

- Medicare Part B
- Fee-for-Service Medicaid
- Medicaid Managed Care
- Affinity Health Plan
- AmeriChoice
- Amerigroup
- EmblemHealth (GHI/HIP)
- Healthfirst
- HealthPlus Amerigroup
- MetroPlus.<sup>49</sup>

<sup>37</sup> See *id.*; see also, “About LARCs,” Planned Parenthood, available at <https://www.plannedparenthood.org/planned-parenthood-mar-monte/patient-resources/long-acting-reversible-contraception-2>.

<sup>38</sup> “ACOG Committee Opinion,” The American College of Obstetricians and Gynecologists, Number 735, May 2018, available at <https://www.acog.org/Clinical-Guidance-and-Publications/Committee-Opinions/Committee-on-Adolescent-Health-Care/Adolescents-and-Long-Acting-Reversible-Contraception?IsMobileSet=false>.

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> New York City Council, “New York City Young Women’s Initiative: Report and Recommendations” (May 2016), available at <https://www.ggenyc.org/wp-content/uploads/2018/11/YWI-Report-and-Recommendations.pdf>.

<sup>42</sup> *Supra* note 15 at 10.

<sup>43</sup> *Id.* at 33.

<sup>44</sup> *Id.* at 39.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* at 109.

<sup>47</sup> *Id.*

<sup>48</sup> “NYC Health Clinics,” DOHMH, available at <https://www1.nyc.gov/site/doh/services/allclinics.page>.

<sup>49</sup> “Sexual Health Clinics,” DOHMH, available at <https://www1.nyc.gov/site/doh/services/sexual-health-clinics.page>.

Additionally, if an interested party has no health insurance or cannot pay the fee, they may still receive health services through these clinics.<sup>50</sup> Currently, due to the COVID-19 pandemic, these sexual health clinics are only serving patients at a reduced capacity, as sites are being utilized for COVID testing.<sup>51</sup>

*b. Breastfeeding*

In 2018, the City Council passed Local Law 185, which requires employers covered by the Human Rights Law to provide lactation rooms, as well as refrigerators, in reasonable proximity to work areas for the purposes of expressing and storing breast milk,<sup>52</sup> and Local Law 186, which requires employers in the City to establish, and distribute to all new employees, policies describing lactation room accommodations, including the process by which an employee can request such accommodation.<sup>53</sup> Additionally, Local Law 186 requires the NYC Commission on Human Rights to establish and make available a model lactation room accommodation policy.<sup>54</sup>

These laws, which went into effect in March 2019, expand the rights of working mothers in the workplace.<sup>55</sup> This includes acknowledgement of workplace barriers to expressing breast milk, including allowing for milk expression in the work schedule, accommodations to express and store milk, and workplace support.<sup>56</sup> While efforts to improve breastfeeding practices are often stymied by a lack of information, cultural and family traditions, and stigmatization of women in public places and at the workplace, studies consistently show that breast milk is generally safe, clean and includes antibodies,<sup>57</sup> and that breastfed children are more likely to survive and thrive.<sup>58</sup> Moreover, breastmilk substitutes constitute a \$70 billion industry dominated by a few American and European companies, and increasing breastfeeding rates for infants younger than six months of age to 90 percent in the U.S. could save the American healthcare systems at least \$2.45 billion.<sup>59</sup>

According to DOHMH, breastfeeding rates differ by race/ethnicity, poverty, neighborhood poverty and age in NYC.<sup>60</sup> As such, the City has been working to promote breastfeeding through several initiatives, including a Baby Café in Brownsville, Brooklyn, to provide spaces for pregnant and breastfeeding mothers to meet other parents and to learn from lactation consultants on staff, the compilation of an online accessible breastfeeding toolkit for businesses, as well as a list of breastfeeding-friendly spaces throughout the five boroughs.<sup>61</sup> Improving access helps to normalize breastfeeding, which is beneficial for both mother and baby.<sup>62</sup>

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<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> 2018 N.Y.C. Local Law No. 185, N.Y.C. Admin. Code §§17-199.1

<sup>53</sup> 2018 N.Y.C. Local Law No. 186, N.Y.C. Admin. Code §§8-107.

<sup>54</sup> *Id.*

<sup>55</sup> NYC Commission on Human Rights, Law: “Lactation Accommodations” (n.d.), available at <https://www1.nyc.gov/site/cchr/law/lactation.page>.

<sup>56</sup> 2018 N.Y.C. Local Law No. 185, N.Y.C. Admin. Code §§17-199.1; 2018 N.Y.C. Local Law No. 186, N.Y.C. Admin. Code §§8-107.

<sup>57</sup> Nigel C. Rollins, et al., “Why invest, and what it will take to improve breastfeeding practices?” *The Lancet* (Jan. 20, 2016), available at [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(15\)01044-2/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(15)01044-2/fulltext).

<sup>58</sup> United Nations, Office of the High Commissioner: *Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in law and in practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding*, News (n.d.), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20871&LangID=E>.

<sup>59</sup> Andrew Jacobs, “Opposition to Breast-Feeding Resolution by U.S. Stuns World Health Officials” *New York Times* (Jul. 8, 2018), available at <https://www.nytimes.com/2018/07/08/health/world-health-breastfeeding-ecuador-trump.html>.

<sup>60</sup> NYC Department of Health and Mental Hygiene, *Epi Data Brief* (Aug. 2015), available at <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief57.pdf>.

<sup>61</sup> NYC Department of Health and Mental Hygiene, *Health Department Recognizes Breastfeeding-Friendly Spaces in Brooklyn, Launches Breastfeeding Toolkit and Baby Cafes*, News (Aug. 23, 2018), available at <https://www1.nyc.gov/site/doh/about/press/pr2018/pr069-18.page>.

<sup>62</sup> United Nations, Office of the High Commissioner: *Joint statement by the UN Special Rapporteurs on the Right to Food, Right to Health, the Working Group on Discrimination against Women in law and in practice, and the Committee on the Rights of the Child in support of increased efforts to promote, support and protect breast-feeding*, News (n.d.), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20871&LangID=E>.

c. *Unnecessary and Harmful Medical Procedures: Preventing Surgeries on Intersex Youth*

People who are intersex are born with sex characteristics that do not fit typical binary notions of male or female bodies.<sup>63</sup> Intersex is an umbrella term used to describe a wide range of natural bodily variations, including variations concerning one's genitals, gonads, and chromosome patterns.<sup>64</sup> Intersex traits can be visible at birth, become apparent at puberty, or may not be physically apparent at all.<sup>65</sup> According to estimates listed by the United Nations, between 0.05 percent and 1.7 percent of the population is born with intersex traits.<sup>66</sup>

Children born with variations in their sex characteristics are often subjected to "normalizing" surgeries that are irreversible, risky, and medically unnecessary.<sup>67</sup> Such procedures can cause permanent infertility, pain, incontinence, loss of sexual sensation, and lifelong mental suffering, including depression.<sup>68</sup> The surgeries are often performed when the child is too young to consent.<sup>69</sup> Despite their risks and lack of medical necessity, surgeries continue today, including in New York City.<sup>70</sup> There is much advocacy around promoting education and awareness of the harms of such surgeries, resulting in more medical professionals and institutions condemning the practice, as well as cities and states attempting to outlaw the surgeries outright.<sup>71</sup>

d. *Female Genital Cutting*

Female Genital Cutting (FGC), also known as Female Genital Mutilation, is defined by the WHO as "all procedures that involve partial or total removal of the external female genitalia, or other injury to the female genital organs for non-medical reasons."<sup>72</sup> FGC is a historical and cultural practice performed in over 30 countries, including in the United States.<sup>73</sup> FGC is practiced in households across educational and socioeconomic

<sup>63</sup> Fact Sheet Intersex, Free & Equal, The United Nations for LGBT Equality, available at <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

<sup>64</sup> *Id.* Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>65</sup> *Id.* Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>66</sup> *Id.* Laurie Sobel, et al., "Proposed Changes to Title X: Implications for Women and Family Planning Providers" Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>67</sup> *Intersex Children*, Human Rights Watch, available at <https://www.hrw.org/topic/childrens-rights/intersex-children#> New York Abortion Access Fund, *About* (n.d.), available at <https://www.nyaaf.org/about/>.

<sup>68</sup> Fact Sheet Intersex, Free & Equal, The United Nations for LGBT Equality, available at <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>

<sup>69</sup> Human Rights Watch, "I Want to Be Like Nature Made Me": Medically Unnecessary Surgeries on Intersex Children in the US, available at <https://www.hrw.org/report/2017/07/25/i-want-be-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>

<sup>70</sup> Carrie Battan, *Leading Cornell Doctor Performing Genital Cutting*, *The Nation*, June 21, 2020, available at

<https://www.thenation.com/article/archive/leading-cornell-doctor-performing-genital-cutting/> & Jael Goldfine, *Intersex Activists Marched in NYC to #EndIntersexSurgery*, Paper, October 29, 2018, available at <https://www.papermag.com/end-intersex-surgery-2616342004.html?rebelltitem=20#rebelltitem20>

<sup>71</sup> Nora Neus, *Bill proposed by NY state senator would ban medically unnecessary surgeries on intersex children*, CNN, November 8, 2019, available at <https://www.cnn.com/2019/11/08/health/ny-bill-bans-intersex-surgery-children/index.html>; Muri Assunção, *Chicago hospital apologizes for performing genital surgery on intersex infants: 'Approach was harmful and wrong'*, *The NY Daily News*, August 1, 2020, available at <https://www.nydailynews.com/news/national/ny-chicago-hospital-apologizes-genital-surgery-intersex-infants-20200801-ixm75peugfh2jolunx5exfztmu-story.html>; & Shefali Luthra, *Boston Children's Hospital will no longer perform two types of intersex surgery on children*, the 19th, October 21, 2020, available at [https://19thnews.org/2020/10/boston-childrens-hospital-will-no-longer-perform-two-types-of-intersex-surgery-on-children/?utm\\_source=STAT+Newsletters&utm\\_campaign=2304913877-MR\\_COPY\\_01&utm\\_medium=email&utm\\_term=0\\_8cab1d7961-2304913877-151778981](https://19thnews.org/2020/10/boston-childrens-hospital-will-no-longer-perform-two-types-of-intersex-surgery-on-children/?utm_source=STAT+Newsletters&utm_campaign=2304913877-MR_COPY_01&utm_medium=email&utm_term=0_8cab1d7961-2304913877-151778981)

<sup>72</sup> WHO, *Female Genital Mutilation: Key Facts* (Jan. 31, 2018), available at <http://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation>.

<sup>73</sup> Note: The United Nations Children Fund reports that FGC is found in countries beyond those listed in many guides and the 29 that the United Nations covers, and the total worldwide number is unknown. United Nations Children's Fund (hereinafter UNICEF), *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (2013), available at <https://data.unicef.org/resources/female-genital-mutilationcutting-statistical-overview-exploration-dynamics-change/>; WHO, *Supra* note 49; See Owolabi Bjälkander, Donald S. Grant, Vanja Berggren, Heli Bathija & Lars Almroth, *Female Genital Mutilation in Sierra Leone: Forms, Reliability of Reported Status, and Accuracy of Related Demographic and Health Survey Questions*, 2013(1) OBSTETRICS AND GYN INTL 1–14 (2013), available at <https://www.hindawi.com/journals/ogi/2013/680926/>.

divides, and occurs among many religious groups<sup>74</sup> for various sociocultural reasons, varying from one region and ethnic group to another.<sup>75</sup> While FGC is condemned as a human rights violation by many international treaties and conventions,<sup>76</sup> where it is practiced, FGC is often performed in line with social norms “to ensure that girls are socially accepted and marriageable, and to uphold their status and honor and that of the entire family.”<sup>77</sup> Other historical reasons and purposes expressed for the practice, beyond safeguarding virginity before marriage or enhancing fertility, range from cleanliness and beauty to acting as a rite of passage into adulthood.<sup>78</sup>

However, FGC has no known health benefits, and women and girls who have undergone FGC procedures are at great risk of suffering both short- and long-term health complications, including increased risks during childbirth, psychological trauma, and even death.<sup>79</sup> Further, the painful and traumatic procedure is performed mainly on children and adolescents between the ages of infancy and 15 and without anesthetic.<sup>80</sup> It is therefore also frequently performed without full, informed consent, with or without coercion.<sup>81</sup> Accordingly, FGC has been widely recognized as a violation of basic human rights, including the principles of equality and non-discrimination on the basis of sex, the right to life when the procedure results in death, and the right to freedom from torture or cruel, inhumane or degrading treatment or punishment, as well as the rights of the child.<sup>82</sup>

It is estimated that over 200 million women and girls worldwide have experienced FGC.<sup>83</sup> According to the United Nations Population Fund (UNFPA), if the current rate continues, a further 68 million girls could be subjected to FGC by 2030.<sup>84</sup> In the U.S., the risk for FGC is especially high in areas with substantial ties to countries where FGC is legal or frequently practiced.<sup>85</sup> According to the Population Reference Bureau (PRB), a nonprofit organization specializing in statistical collection and supply, approximately ten percent of the at-risk women and girls in the U.S. (or 48,000) live in New York, which is second only to California.<sup>86</sup> Additionally, most women and girls at risk of FGC in this country reside in cities or suburbs of large metropolitan areas, and

<sup>74</sup> Population Reference Bureau (hereinafter PRB), *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>.

<sup>75</sup> WHO, *Care of Girls & Women Living with Female Genital Mutilation: A Clinical Handbook* (2018), 16-7, available at <http://apps.who.int/iris/bitstream/handle/10665/272429/9789241513913-eng.pdf?ua=1>.

<sup>76</sup> See, e.g., Human Rights Watch, *They Took Me and Told Me Nothing: Female Genital Mutilation in Iraqi Kurdistan* (2010), 1, 8, available at <https://www.lawschool.cornell.edu/womenandjustice/upload/They-Took-Me-and-Told-Me-Nothing.pdf> (describing several international treaties, including a Convention of the Elimination of All Forms of Discrimination, or CEDAW, Committee decision in 1990 calling on all states to eradicate FGC).

<sup>77</sup> UNICEF, *Female Genital Mutilation/Cutting: A Statistical Overview and Exploration of the Dynamics of Change* (2013), available at <https://data.unicef.org/resources/female-genital-mutilationcutting-statistical-overview-exploration-dynamics-change/>; WHO, Reproductive Health Indicators for Global Monitoring, *WHO Second Interagency Meeting*, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf).

<sup>78</sup> WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf).

<sup>79</sup> WHO, *Reproductive Health Indicators for Global Monitoring*, WHO Second Interagency Meeting, Geneva, Switz., 20-23 (July 17-19, 2000), available at [http://whqlibdoc.who.int/hq/2001/WHO\\_RHR\\_01.19.pdf](http://whqlibdoc.who.int/hq/2001/WHO_RHR_01.19.pdf).

<sup>80</sup> B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at [https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#\\_edn49](https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49); Equality Now, *End FGM* (n.d.), available at [https://www.equalitynow.org/end\\_fgm?locale=en](https://www.equalitynow.org/end_fgm?locale=en).

<sup>81</sup> B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at [https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#\\_edn49](https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49).

<sup>82</sup> B.D. Williams-Breault, *Eradicating Female Genital Mutilation/Cutting: Human Rights-Based Approaches of Legislation, Education, and Community Empowerment*, HEALTH AND HUMAN RIGHTS JOURNAL (Aug. 2018), available at [https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#\\_edn49](https://www.hhrjournal.org/2018/08/eradicating-female-genital-mutilation-cutting-human-rights-based-approaches-of-legislation-education-and-community-empowerment/#_edn49).

<sup>83</sup> The United Nations Population Fund (hereinafter UNFPA), *Female Genital Mutilation (FGM) - Frequently Asked Questions* (Feb. 2018), available at <https://www.unfpa.org/resources/female-genital-mutilation-fgm-frequently-asked-questions>.

<sup>84</sup> UNFPA, *UNFPA-UNICEF Joint Programme to Eliminate Female Genital Mutilation* (Feb. 6, 2018), available at <https://www.unfpa.org/unfpa-unicef-joint-programme-eliminate-female-genital-mutilation>.

<sup>85</sup> Samantha Allen, *New York Cracks Down on Female Genital Mutilation*, THE DAILY BEAST (Dec. 2, 2015), available at <https://www.thedailybeast.com/new-york-cracks-down-on-female-genital-mutilation?ref=scroll>.

<sup>86</sup> PRB, *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>.

the New York-Newark-Jersey City Metro Area ranks first among all metropolitan areas in the country, with an estimated 65,893 women and girls at risk of FGC.<sup>87</sup>

*e. Access to Abortion*

While New York was the first state in the country to make abortion legal in 1971, if a pregnant woman requested it,<sup>88</sup> it was not until the New York state legislature passed and Governor Cuomo signed the Reproductive Health Act (RHA)<sup>89</sup> into law in 2019 that the full protections provided under *Roe v. Wade*<sup>90</sup> were codified into New York state law.<sup>91</sup> The RHA did not enact any major changes in the way abortion is provided in New York, but it is significant in that it brought New York into line with *Roe v. Wade* by:

- Removing abortion from the state Penal Code,<sup>92</sup>
- Legalizing abortions performed after 24-weeks' gestation in cases of fetal non-viability or threat to a woman's health,<sup>93</sup>
- Expanding upon those who can provide abortions to include health-care professionals other than doctors, such as nurse practitioners and physician assistants;<sup>94</sup> and
- Repealing Public Health Law § 4164,<sup>95</sup> which required an abortion after the 12th week of pregnancy be performed in a hospital and only on an in-patient basis, and repealing Penal Law §§ 125.40, 125.45, 125.50, 125.55 and 125.60, related to homicide, self-abortion, and related offenses.<sup>96</sup>

It is estimated that nearly one in four women in the U.S. will have an abortion in their lifetimes.<sup>97</sup> In an age where the cost of unintended pregnancies continues to be high, and can be prevented through proper sex education, access to contraception and abortion,<sup>98</sup> and surgical abortion is one of the safest surgical procedures

<sup>87</sup> Note: When considering New Jersey, 13 percent of all women and girls at risk of FGC live in the NYC metropolitan area, see PRB, *Female Genital Mutilation/Cutting: Data and Trends Update 2014 – Infographic* (2014), available at <https://www.prb.org/infographic-fgm/>; Samantha Allen, *New York Cracks Down on Female Genital Mutilation*, THE DAILY BEAST (Dec. 2, 2015), available at <https://www.thedailybeast.com/new-york-cracks-down-on-female-genital-mutilation?ref=scroll>.

<sup>88</sup> See Julia Jacobs, “Remembering an Era Before Roe, When New York Had the ‘Most Liberal’ Abortion Law” *New York Times* (Jul. 19, 2018), available at <https://www.nytimes.com/2018/07/19/us/politics/new-york-abortion-roe-wade-nyt.html>

<sup>89</sup> Formerly Assembly Bill 1748 / Senate Bill 2796. New York State Senate, *Reproductive Health Act* (last visited Jan. 27, 2020), available at <https://www.nysenate.gov/issues/reproductive-health-act>.

<sup>90</sup> In 1973, the U.S. Supreme Court case *Roe v. Wade* ruled that the Constitution of the United States protects a pregnant woman's liberty to choose to have an abortion without excessive government restriction. See *Roe v. Wade*, 410 U.S. 113 (1973).

<sup>91</sup> See American Civil Liberties Union of New York, “Legislative Memo: Reproductive Health Act” (Jan. 23, 2019), available at <https://www.nyclu.org/en/legislation/legislative-memo-reproductive-health-act>.

<sup>92</sup> New York Senate, *Reproductive Health Act* (last visited Jan. 27, 2020), available at <https://www.nysenate.gov/issues/reproductive-health-act>; See Christina Cauterucci, *New York State Still Bans Abortions After 24 Weeks. A Proposed Law Could Offer Exceptions*, SLATE (May 25, 2017), available at <https://slate.com/human-interest/2017/05/new-york-state-still-bans-abortions-after-24-weeks-a-proposed-law-could-offer-exceptions.html>.

<sup>93</sup> Or, an “Act to amend the public health law, in relation to enacting the reproductive health act and revising existing provisions of law regarding abortion; to amend the penal law, the criminal procedure law, the county law and the judiciary law, in relation to abortion; to repeal certain provisions of the public health law relating to abortion; to repeal certain provisions of the education law relating to the sale of contraceptives; and to repeal certain provisions of the penal law relating to abortion.” See New York State Senator Liz Krueger, *Senate Bill S2796* (2017-2018), available at <https://www.nysenate.gov/legislation/bills/2017/S2796>; New York State Panel Law (last visited Jan. 27, 2020), available at <http://ypdcrime.com/penal.law/article125.htm#p125.05>.

<sup>94</sup> New York State Senator Liz Krueger, *Senate Bill S2796* (2017-2018), available at <https://www.nysenate.gov/legislation/bills/2017/S2796>.

<sup>95</sup> Public Health Law § 4164, available at <https://codes.findlaw.com/ny/public-health-law/pbh-sect-4164.html>.

<sup>96</sup> See New York Penal Law § 125.05, § 125.20, § 125.40-60.

<sup>97</sup> Rebecca Wind, *Abortion is a Common Experience for U.S. Women, Despite Dramatic Declines in Rates*, GUTTMACHER INSTITUTE (Oct. 19, 2017), available at <https://www.guttmacher.org/news-release/2017/abortion-common-experience-us-women-despite-dramatic-declines-rates>.

<sup>98</sup> See James Trussell, “The Cost of Unintended Pregnancy in the United States” (3)75 *Contraception*, 163, 163 (2007), available at <https://doi.org/10.1016/j.contraception.2006.11.009>.

for women in the U.S.,<sup>99</sup> the RHA provides enhanced protections for women and ensures access to safe, legal abortion in New York.<sup>100</sup>

*f. Title X*

Title X, officially known as Public Law 91-572 or “Population Research and Voluntary Family Planning Programs,” is the sole federal program dedicated to family planning services.<sup>101</sup> Title X was created to promote positive birth outcomes and healthy families by allowing individuals to decide the number and spacing of their children, and provides funds assist low-income patients with accessing services such as contraceptive counseling and testing for sexually transmitted infections.<sup>102</sup> Title X has recently undergone substantial changes, the effects of which are still being ascertained.

On June 1, 2018, the Trump Administration issued a proposed rule change for the federal Title X family planning program that would make significant changes to the program and to the types of providers that qualify for funding.<sup>103</sup> A final Title X Rule was issued by the Department of Health and Human Services (HHS) on February 22, 2019 and finalized on March 4, 2019.<sup>104</sup> The current regulation has five major provisions: (1) service,<sup>105</sup> (2) training;<sup>106</sup> (3) research;<sup>107</sup> (4) information and education;<sup>108</sup> and (5) the prohibition of abortion.<sup>109</sup>

<sup>99</sup> The National Academies of Science, Engineering and Medicine, *The Safety and Quality of Abortion Care in the United States* (Mat. 2018), available at <http://nationalacademies.org/hmd/reports/2018/the-safety-and-quality-of-abortion-care-in-the-united-states.aspx>; Guttmacher Institute; Tracy Weitz et al., *Safety of Aspiration Abortion Performed by Nurse Practitioners, Certified Nurse Midwives, and Physician Assistants under a California Legal Waiver*, 103(3) AMERICAN JOURNAL OF PUBLIC HEALTH 454-461 (2013).

<sup>100</sup> See ACLU of New York, *What You Need to Know about the Reproductive Health Act* (last visited October 26, 2020), available at <https://www.nyclu.org/en/campaigns/what-you-need-know-about-reproductive-health-act>; New York State Senator Liz Krueger, *FAQs about the Reproductive Health Act* (Feb. 12, 2019), available at <https://www.nysenate.gov/newsroom/articles/2019/liz-krueger/faqs-about-reproductive-health-act>.

<sup>101</sup> See New York Penal Law § 125.05, § 125.20, § 125.40-60.

<sup>102</sup> *Id.*

<sup>103</sup> U.S. Federal Register, Compliance With Statutory Program Integrity Requirements, A Proposed Rule by the Health and Human Services Department: “Compliance With Statutory Program Integrity Requirements” (Jun. 1, 2018), available at <https://www.federalregister.gov/documents/2018/06/01/2018-11673/compliance-with-statutory-program-integrity-requirements>.

<sup>104</sup> U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates>.

<sup>105</sup> See section 1001, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants under Section 1001 assist in the establishment and operation of voluntary family planning projects which provide a broad range of acceptable and effective family planning methods and related preventive health services that include natural family planning methods, infertility services, and services for adolescents; highly effective contraceptive methods; breast and cervical cancer screening and prevention services that correspond with nationally recognized standards of care; STD and HIV prevention education, counseling, testing, and referral; adolescent abstinence counseling; and other preventive health services. The broad range of services does not include abortion as a method of family planning.”).

<sup>106</sup> See section 1003, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants under Section 1003 provide training for personnel working in family planning services projects described under Section 1001. The purpose of this training is to promote and improve the delivery of family planning services. Read more about the National Training Centers.”).

<sup>107</sup> See section 1004, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants and contracts under Section 1004 provide for projects for research in the biomedical, contraceptive development, behavioral, and program implementation fields related to family planning and population. Projects under this Section conduct data analysis and related research and evaluation on issues of interest to the family planning field, as well as research into specific topic areas related to service delivery improvement. Research on male reproductive health has been a focus of applied research activities since 1997. All research activities funded under Section 1004 support ensuring and improving the quality of family planning services. Read more about Title X Service Delivery Improvement activities.”).

<sup>108</sup> See Section 1005, U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “grants and contracts under Section 1005 provide for the development and dissemination of informational and educational materials including the OPA website and the Title X family planning clinic locator database.”).

<sup>109</sup> See Section 1008; U.S. Department of Health & Human Services, Office of Population Affairs, Title X Statutes, Regulations, and Legislative Mandates (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants/title-x-statutes-regulations-and-legislative-mandates> (explaining that, “none of the funds appropriated under this title shall be used in programs where abortion is a method

While the Administration highlights that non-directive pregnancy counseling, including non-directive counseling on abortion, is permitted under the rule,<sup>110</sup> reproductive health advocates have expressed concerns about restrictions to health providers that receive federal Title X funds under the regulations and the “domestic gag rule” created by the rule’s provision on abortion.<sup>111</sup> Advocates explain that in addition to restricting abortion access, the regulations:

- Block the availability of federal funds to family planning providers like Planned Parenthood that also offer abortion services;<sup>112</sup>
- Curtail counseling and referrals to abortion services by Title X funded providers;<sup>113</sup>
- Eliminate current requirements that Title X sites offer a broad range of medically approved family planning methods and non-directive pregnancy options counseling that includes information about prenatal care/delivery, adoption, and abortion,<sup>114</sup> and
- Direct new funds to faith-based and other organizations that promote fertility awareness and abstinence as methods of family planning.<sup>115</sup>

When the Federal government implemented the “gag rule” that would have undermined the integrity of family planning programs in August 2019, at least six states,<sup>116</sup> including New York,<sup>117</sup> and a number of organizations, such as Planned Parenthood and Public Health Solutions,<sup>118</sup> who receive funding through Title X, formally withdrew from the Title X program.<sup>119</sup> To help make up for the \$25 million per year in Title X grants that the two grantees of Title X in New York, Public Health Solutions (PHS) and the New York State Department of Health (NYSDOH), were no longer receiving,<sup>120</sup> and ensure that New Yorkers continued to have access to sexual and reproductive health services, New York State included \$14.2 million in funding for such services in the Fiscal 2021 State Budget.<sup>121</sup> However, funding gaps remain, and advocates have expressed concern that

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of family planning.”); U.S. Department of Health & Human Services, HHS Press Office “HHS Releases Final Title X Rule Detailing Family Planning Grant Program (Feb. 22, 2019), available at <https://www.hhs.gov/about/news/2019/02/22/hhs-releases-final-title-x-rule-detailing-family-planning-grant-program.html>; Note: Cuts to Title X eligibility also affects 340B funding, which allows health centers to negotiate significantly better drug pricing.

<sup>110</sup> U.S. Department of Health & Human Services, HHS Press Office “HHS Releases Final Title X Rule Detailing Family Planning Grant Program (Feb. 22, 2019), available at <https://www.hhs.gov/about/news/2019/02/22/hhs-releases-final-title-x-rule-detailing-family-planning-grant-program.html>.

<sup>111</sup> See U.S. Department of Health & Human Services, Office of Population Affairs, *Title X Service Grants* (n.d.), available at <https://opa.hhs.gov/grant-programs/title-x-service-grants>; Office of NYC Comptroller Scott M. Stringer, *Title X Funding in NYC: A Critical Resource That Must Be Protected* (Aug. 2017), available at [https://comptroller.nyc.gov/wp-content/uploads/documents/Title\\_X\\_Funding\\_in\\_NYC.pdf](https://comptroller.nyc.gov/wp-content/uploads/documents/Title_X_Funding_in_NYC.pdf); Public Law 91-572 (Dec. 25, 1970).

<sup>112</sup> Note: Sites that do not offer abortion services may still qualify for Title X funds, but may decide not to participate because of concerns about clinical standards of care, medical liability, and burdensome administrative requirements. See Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>113</sup> Laurie Sobel, et al., “Proposed Changes to Title X: Implications for Women and Family Planning Providers” Kaiser Family Foundation (Nov. 21, 2018), available at <https://www.kff.org/womens-health-policy/issue-brief/proposed-changes-to-title-x-implications-for-women-and-family-planning-providers/>.

<sup>114</sup> *Id.*

<sup>115</sup> *Id.*

<sup>116</sup> Carter Sherman, *6 States Are Now Rejecting Federal Money Because of Trump's Abortion 'Gag Rule,'* VICE NEWS (Aug. 30, 2019), available at <https://www.vice.com/en/article/ne8n8b/6-states-are-now-rejecting-federal-money-because-of-trumps-abortion-gag-rule>.

<sup>117</sup> Andy Babusik, *New York State Says "No" to Trump's "Gag Rule" for Title X Funding,* FOX (Aug. 28, 2019), available at <http://www.wicz.com/story/40976715/new-york-state-says-no-to-trumps-gag-rule-for-title-x-funding>.

<sup>118</sup> See, e.g., Sarah MacCammon, *Planned Parenthood Withdraws From Title X Program Over Trump Abortion Rule,* NPR (Aug. 19, 2019), available at <https://www.npr.org/2019/08/19/752438119/planned-parenthood-out-of-title-x-over-trump-rule>; Public Health Solutions, *Statement from PHS President and CEO, Lisa M. David Rejecting Title X Funding* (Aug. 2, 2019), available at <https://www.healthsolutions.org/blog/statement-from-phs-president-ceo-lisa-m-david-rejecting-title-x-funding/>.

<sup>119</sup> See Jennifer Calfas, *States Look to Fill Funding Gaps for Clinics Providing Abortions,* WALL STREET JOURNAL (Feb. 14, 2020), available at <https://www.wsj.com/articles/states-look-to-fill-funding-gaps-for-clinics-providing-abortions-11581718953>.

<sup>120</sup> PHS sub-grantees included organizations like Community Health Network (CHN) and Planned Parenthood of New York (PPNY), while 11 hospitals in NYC receive funding through NYSDOH. Together, NYSDOH and PHS.

<sup>121</sup> New York State, *Making Progress Happen: FY 2021 Executive Budget (2020)*, available at <https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/FY2021BudgetBook.pdf>.

limiting providers has major repercussions for low-income women across the country that rely on them for their family planning care.<sup>122</sup>

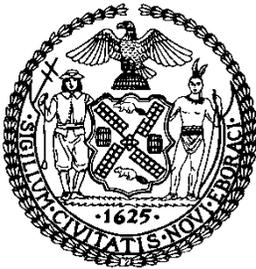
#### IV. BILL ANALYSIS

##### Int. No. 1625-B

This bill would require the Department of Health and Mental Hygiene (DOHMH) to make available FDA-approved methods of non-surgical contraception, as well as long-acting reversible contraception (LARC), which includes, but is not limited to, intrauterine devices and subdermal contraceptive implants. DOHMH would be required to make non-surgical contraception and LARC available at health centers, health stations, health clinics and other health facilities operated or maintained by DOHMH which also offer services relating to the diagnosis and treatment of sexually transmitted diseases. DOHMH would also be required to offer cultural competency trainings to its employees.

Since its initial hearing, the bill was amended to require LARC services only at facilities that have the infrastructure to do so, and to require timely referrals at all facilities.

(The following is the text of the Fiscal Impact Statement for Int. No. 1625-A:)



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

PROPOSED INTRO. NO: 1625-A

COMMITTEE: Health

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to make available FDA-approved methods of non-surgical contraception and long-acting reversible contraception at its health centers, health stations, health clinics and other health facilities.

**SPONSORS:** Council Members Rivera, Chin, Ampry-Samuel, Adams, Ayala, Levine, Rose, Moya, Louis, Rosenthal, Barron, Lander, Koslowitz, Cumbo, Gibson, Cornegy and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1625-A would require the Department of Health and Mental Hygiene (DOHMH) to make available FDA-approved methods of non-surgical contraception, as well as long-acting reversible contraception (LARC), which includes, but is not limited to, intrauterine devices, injections or injectable, or subdermal contraceptive implants. DOHMH would be required to make non-surgical contraception and LARC available at health centers, health stations, health clinics and other health facilities operated or

<sup>122</sup> Ruth Dawson, *Trump Administration's Domestic Gag Rule Has Slashed the Title X Network's Capacity by Half* (Feb. 5, 2020), available at <https://www.guttmacher.org/article/2020/02/trump-administrations-domestic-gag-rule-has-slashed-title-x-networks-capacity-half#>; Judith M. Orvos, *Impact of Title X changes on family planning access for Texas teens*, *Contemporary OB/GYN* (Mar. 5, 2020), available at <https://www.contemporaryobgyn.net/view/impact-title-x-changes-family-planning-access-texas-teens>; Laurie Sobel, et al., "Proposed Changes to Title X: Implications for Women and Family Planning Providers" Kaiser Family Foundation (Sep. 20, 2019), available at <https://www.kff.org/womens-health-policy/issue-brief/data-note-impact-of-new-title-x-regulations-on-network-participation/>.

maintained by DOHMH which also offer services relating to the diagnosis and treatment of sexually transmitted diseases. DOHMH would also be required to offer cultural competency trainings to its employees.

**EFFECTIVE DATE:** This local law would take effect 180 days after it became law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro No. 1625-A as the designated agency would utilize existing resources to comply with the requirements of this 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  
Crielhien R. Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on June 26, 2019 and was referred to the Committee on Health (Committee). A hearing was held by the Committee, jointly with the Committee on Women and Gender Equity on October 28, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1625-A, will be considered on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1625-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 2, 2021.

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

**(The following is the text of Int. No. 1625-B:)**

Int. No. 1625-B

By Council Members Rivera, Chin, Ampry-Samuel, Adams, Ayala, Levine, Rose, Moya, Louis, Rosenthal, Barron, Lander, Koslowitz, Cumbo, Gibson, Cornegy, Kallos, D. Diaz, Cabán and Brooks-Powers.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to make available FDA-approved methods of non-surgical contraception and long-acting reversible contraception at its health centers, health stations, health clinics and other health facilities**

*Be it enacted by the Council as follows:*

Section 1. Section 17-184 of the administrative code of the city of New York, as added by local law 19 for the year 2003, is amended to read as follows:

§ 17-184 Availability of [emergency] contraception. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Emergency contraception. The term "emergency contraception" means one or more medications, used separately or in combination, to be administered to or self-administered by a patient in a dosage and manner intended to prevent pregnancy when used within a medically recommended amount of time following unprotected or inadequately protected vaginal receptive sexual intercourse and dispensed for that purpose in accordance with professional standards of practice, and which has been found safe and effective for such use by the United States food and drug administration.*

*Long-acting reversible contraception. The term "long-acting reversible contraception" means one or more reversible contraceptive methods, including, but not limited to, intrauterine devices and subdermal contraceptive implants, to be inserted or removed by trained clinicians in accordance with accepted standards of medical practice, in a manner intended to prevent pregnancy for an extended period of time without user action, and which has been found safe and effective for such use by the United States food and drug administration.*

*b. Availability. The department shall make available non-surgical contraception which has been found safe and effective for such use by the United States food and drug administration, emergency contraception [at each], and long-acting reversible contraception, to all patients served by health [center] centers, health [station] stations, health [clinic] clinics or other health [facility] facilities operated or maintained by the department which also [offers] offer services relating to the diagnosis and treatment of sexually transmitted [diseases. For purposes of this section, the term "emergency contraception" shall mean one or more prescription drugs, used separately or in combination, to be administered to or self-administered by a patient in a dosage and manner intended to prevent pregnancy when used within a medically recommended amount of time following sexual intercourse and dispensed for that purpose in accordance with professional standards of practice, and which has been found safe and effective for such use by the United States food and drug administration.] infections. The department shall provide information on free or low-cost access to the administration, insertion, and removal of long-acting reversible contraception methods. Timely referrals will be provided to such health centers, health stations, health clinics, or other health facilities which offer long-acting reversible contraception, as well as to qualified family planning providers, if needed, for other services.*

*c. Cultural sensitivity training. The department shall annually offer training to all employees of health centers, health stations, health clinics, and other health facilities maintained by the department which also offer services relating to the diagnosis and treatment of sexually transmitted infections. The training should include, but not be limited to:*

- 1. The history of the provision of long-acting contraceptive, including the history of sterilization abuse;*
- 2. Comprehensive, scientifically accurate information about the full range of contraceptive options in a medically ethical and culturally sensitive manner; and*
- 3. Implicit and explicit biases which can result in the harm of a patient, particularly those which can impede the fair and equal treatment of all patients.*

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

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; OSWALD FELIZ; Committee on Health, December 8, 2021 (Remote Hearing).

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. 2309-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 requiring registration for short-term rentals.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 12, 2021 (Minutes, page 1421), respectfully

**REPORTS:****Introduction**

On December 8, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., held a hearing on Int. No. 2309-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals. This bill was first heard on September 13, 2021. More information about this bill, together with materials for that hearing, can be found at <https://on.nyc.gov/3owkNOB>.

**Background****Int. No. 2309-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals**

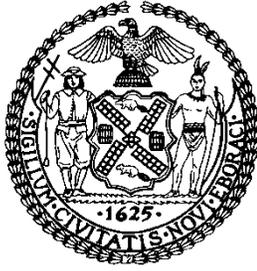
Int. No. 2309-A would require applicants seeking to rent out rooms in Class A dwelling units for fewer than 30 consecutive days as short-term rentals, to register with the Mayor's Office of Special Enforcement and obtain a registration number before being permitted to rent out rooms in such a manner. A booking service would be required to verify the short-term rental registration number of any room in such a dwelling unit before listing it on their service.

This legislation would take effect 12 months after it becomes law, except that sections 26-3104 and 26-3203 would take effect 16 months after becoming law.

**Update**

On Wednesday, December 8, 2021, the Committee adopted Int. No. 2309-A by a vote of seven in the affirmative, zero in the negative, and one abstention.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2309-A:)**



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

**PROPOSED INTRO. NO: 2309-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals.

**SPONSOR:** Council Member Kallos, Rivera, Rosenthal, Reynoso, Gibson, Powers, Ayala, Brannan, Gennaro, Moya, Adams, Dromm, Levine, Salamanca, Holden, Dinowitz, Treyger, Koslowitz, Riley and Feliz.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2309-A would require applicants seeking to rent out rooms in Class A dwelling units for fewer than 30 consecutive days as short-term rentals, to register with the Mayor's Office of Special Enforcement (OSE) and obtain a registration number before being permitted to rent out rooms in such a manner. Booking services would also be required to obtain a registration from OSE and to verify the short-term rental registration number of any accommodation before listing it on their service. In addition, OSE would create and maintain an electronic system that a booking service may use to verify whether a short-term rental registration has been issued for a dwelling unit or housing accommodation in the City.

**EFFECTIVE DATE:** This local law would take effect 12 months after it becomes law, except that the provisions regarding penalties and enforcement would take effect 16 months after it becomes law, and OSE may take such actions as are necessary for its implementation, including the promulgation of rules, before such dates.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$1,460,000	\$1,320,000	\$1,320,000
<b>Net</b>	\$1,460,000	\$1,320,000	\$1,320,000

**IMPACT ON REVENUES:** It is estimated that there would be no impact on revenues resulting from the enactment of this legislation. While the legislation permits the relevant agency to establish a fee to charge and collect from a booking service for use of such system, it is currently unknown how much, if any, fees for registration would be imposed by the agency. While the legislation permits the collection of penalties for violations of the law, this estimate assumes compliance with the law.

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would result in City-tax levy expense costs of approximately \$1.5 million in Fiscal 2023 and \$1.3 million in Fiscal 2024 and the outyears. The Fiscal 2023 expense costs include a prorated Personal Services (PS) costs of \$510,000 for thirteen additional headcount positions associated with administration, management, investigation, and maintenance, as well as Other Than Personal Services (OTPS) costs of \$950,000 for IT needs and maintenance. For Fiscal 2024 and the outyears, expense costs include PS costs of \$1.02 million for thirteen headcount positions and OTPS costs of \$300,000 for IT needs and maintenance. Because the bill requires the administering agency to create and maintain an electronic system that a booking service may use to verify whether a short-term rental registration has been issued, it is likely that there would be additional capital costs associated with the implementation of this local law. However, that amount any capital cost is undetermined at this time.

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

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. No. 2309 on May 12, 2021 and referred to the Committee on Housing and Buildings (Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2309-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2309-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 2309-A:)**

Int. No. 2309-A

By Council Members Kallos, Rivera, Rosenthal, Reynoso, Gibson, Powers, Ayala, Brannan, Gennaro, Moya, Adams, Dromm, Levine, Salamanca, Holden, Dinowitz, Treyger, Koslowitz, Riley and Feliz.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring registration for short-term rentals**

*Be it enacted by the Council as follows:*

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 31 to read as follows:

**CHAPTER 31**  
**REGISTRATION REQUIREMENTS FOR SHORT-TERM RENTALS**

*§ 26-3101 Definitions. As used in this chapter:*

*Administering agency. The term "administering agency" means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.*

*Booking service. The term "booking service" has the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.*

*Class A multiple dwelling. The term "class A multiple dwelling" has the meaning ascribed to such term by the housing maintenance code, except that for the purposes of this chapter the term class A multiple dwelling shall also be deemed to include an "interim multiple dwelling" as defined in section 281 of the multiple dwelling law.*

*Class B multiple dwelling. The term "class B multiple dwelling" has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.*

*Dwelling unit. The term "dwelling unit" has the meaning ascribed to such term by subchapter 1 of the*

*housing maintenance code.*

*Listing.* The term "listing" means an advertisement on a booking service that offers a short-term rental.

*Registered host or host.* The term "registered host" or "host" means a natural person who is a permanent occupant of a dwelling unit registered in accordance with this chapter.

*Private dwelling.* The term "private dwelling" has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

*Rooming unit.* The term "rooming unit" has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

*Short-term rental.* The term "short-term rental" means a rental for fewer than 30 consecutive days of a dwelling unit within a private dwelling or class A multiple dwelling, or in the case of a mixed use building, a rental of a class A dwelling unit therein for fewer than 30 consecutive days.

§ 26-3102 *Short-term rental registration.* a. It shall be unlawful for a person who owns, manages, occupies or otherwise controls a dwelling unit to offer, manage or administer the short-term rental of such dwelling unit unless such dwelling unit is registered in accordance with this chapter, such dwelling unit has been issued a unique short-term rental registration number, and such registration is currently valid. It shall be unlawful for a person who owns, manages, occupies or otherwise controls a dwelling unit to falsely represent or falsely advertise a dwelling unit as registered for short-term rental pursuant to this chapter when such dwelling unit is not so registered. This chapter does not apply to the short-term rental of class B multiple dwellings or class B dwelling units within mixed use buildings.

b. The form and manner of applying for a short-term rental registration or renewal thereof shall be established by rules of the administering agency.

c. No short-term rental registration shall be issued unless:

1. The applicant is a natural person who is a permanent occupant of the dwelling unit and is either: (i) the owner of such dwelling unit, or (ii) a tenant of such dwelling unit who certifies in a form and manner to be specified by the administering agency that they are not prohibited by the terms of a lease or other agreement from applying for a short-term rental registration for such dwelling unit and from subsequently acting as a host for short-term rentals within such dwelling unit;

2. The applicant has described, in a form acceptable to the administering agency, any parts of the premises containing such unit or accommodation that a person occupying a short-term rental at such unit or accommodation will be allowed to occupy or use;

3. The applicant certifies in a form and manner to be specified by the administering agency that they understand and agree to comply with provisions of the zoning resolution, multiple dwelling law, housing maintenance code and New York city construction codes relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings;

4. The administering agency has determined that, in accordance with the records of the department of buildings, the department of housing preservation and development and the fire department, there are no uncorrected violations of the New York city construction codes, the housing maintenance code or the fire code that would endanger occupants of such dwelling unit;

5. The administering agency has verified the occupancy classification of the building, or with respect to a mixed use building, the occupancy classification of the dwelling unit to be occupied as a short-term rental;

6. The administering agency has verified that the building does not appear on the prohibited buildings list published pursuant to this section;

7. Where the applicant uses a booking service, the applicant has provided the uniform resource locator or listing identifier and the associated booking service name for all existing listings of the dwelling unit and agrees that any listing of such dwelling unit with a booking service shall be reported to the administering agency prior to such listing being used to make an agreement for a short-term rental; and

8. The applicant has paid an application or renewal fee in an amount to be established by rule by the administering agency.

d. No registration shall be issued for the short-term rental of a dwelling unit the rent of which is regulated in accordance with the emergency tenant protection act of 1974, the rent stabilization law of 1969, the local emergency housing rent control act of 1962, sections four hundred twenty-one-a or four hundred eighty-nine of the real property tax law, in a housing development organized pursuant to article two of the private housing

*finance law and supervised by the department of housing preservation and development, or any other law or rule or an agreement with a governmental entity.*

*e. No short-term rental registration shall be issued for a dwelling unit in a New York city housing authority development.*

*f. No short-term rental registration shall be issued for a rooming unit.*

*g. Issuance of a registration for a dwelling unit pursuant to this chapter shall not be construed as permission for or approval of the use of such dwelling unit for any occupancy that would be in violation of a lease, cooperative bylaws, condominium association rules and regulations, the multiple dwelling law, the zoning resolution, the New York city construction codes, the housing maintenance code or any other applicable rules, regulations, or laws.*

*h. A short-term rental registration or renewal thereof shall be valid for a period established by the administering agency, but not to exceed the demonstrated right of occupancy by the applicant.*

*i. A short-term rental registration or renewal thereof is not transferable.*

*j. If the information provided by an applicant in connection with an application for a short-term rental registration or renewal thereof changes before the expiration of such registration or renewal thereof, such applicant shall submit such changes to the administering agency in a time, form and manner established by the administering agency.*

*k. Upon receipt of a complete initial application, the administering agency shall notify the owner of record of the dwelling unit and of the building, informing the owners that an application for a short-term rental registration has been received.*

*l. The administering agency shall create and maintain a prohibited buildings list of all addresses whose owner, including any applicable board of a cooperative or condominium corporation or their managers and agents, has notified the agency in a form and manner to be specified by the administering agency that no short-term rental of any dwelling unit therein is permitted. The administering agency shall adopt rules with respect to applications for inclusion on the prohibited buildings list, including, but not limited to, rules requiring building owners to certify that leases and other occupancy agreements for dwelling units within the building prohibit short-term rentals and rules relating to removing buildings from the prohibited building list. Where all dwelling units in a building are prohibited pursuant to subsection (d) of this section, such buildings shall also be included on the prohibited building list. The administering agency shall publish the prohibited buildings list on the city open data web portal.*

*m. The administering agency shall as soon as practicable, for each booking service disclosed by the registrant as having a listing for the registered dwelling unit, notify such booking service of any revocation of a short-term rental registration.*

*§ 26-3103 Posting and advertising requirements. a. A registered host of a dwelling unit shall, in a form and manner established by the administering agency, conspicuously post and maintain within such dwelling unit, during each short-term rental thereof: (i) a diagram indicating normal and emergency egress routes from such unit and the building containing such unit, and (ii) a copy of the short-term rental registration certificate for such unit which shall include the registration number along with a number to call in the event of an emergency.*

*b. A registered host shall include in any advertisement or other offer for the short-term rental of a dwelling unit the short-term registration number for such unit.*

*c. A registered host shall maintain, for at least seven years after such short-term rental, a record of each such short-term rental in a manner established by the administering agency and containing such information as the administering agency shall prescribe. Such records shall be provided to the administering agency in accordance with the rules of such agency and applicable law.*

*§ 26-3104 Penalties and enforcement. a. Any person who violates subdivision a of section 26-3102 shall be liable for a civil penalty of not more than the lesser of \$5000 or three times the revenue generated by the short-term rental for each such violation.*

*b. Any registered host who violates the provisions of this chapter or rules of the administering agency promulgated pursuant to this chapter shall be liable for a civil penalty of not more than \$5000 for each such violation.*

*c. Any person who makes a material false statement or conceals a material fact in connection with the filing of an application or renewal thereof pursuant to this chapter shall be liable for a civil penalty of not more than \$1000 for each such violation, in addition to revocation pursuant to the provisions of this section.*

*d. The registration of a dwelling unit shall be revoked, after notice and opportunity to be heard, where:*

*1. Such dwelling unit has been used in violation of restrictions in the zoning resolution, multiple dwelling law, housing maintenance code and New York city construction codes relating to the short-term rental of dwelling units in private dwellings and class A multiple dwellings, or in class A dwelling units within mixed use buildings;*

*2. The applicant made a material false statement or concealed a material fact in connection with the filing of an application or renewal thereof pursuant to this chapter;*

*3. The registered host has committed three or more violations of this chapter or rules of the administering agency within a period of 24 months;*

*4. The dwelling unit was added to the prohibited building list after the registration had been approved; or*

*5. The administering agency, subsequent to issuing the registration, discovers information that would have precluded the administering agency from granting the registration had it been known at the time.*

*e. Civil penalties for violations of this chapter and rules of the administering agency promulgated pursuant to this chapter may be recovered in proceedings before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings in accordance with the rules of such tribunal or in an action in a court of competent jurisdiction. Notices of violation, administrative summonses and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.*

*f. The administering agency shall be authorized to conduct investigations, to issue subpoenas, to receive evidence, to hear complaints regarding activities subject to this section, to hold public hearings, to take testimony and to promulgate, amend and modify procedures and practices governing such proceedings.*

*§ 26-3105 Reporting. a. The administering agency shall make the following information on each short-term rental registration available on the city open data web portal in as close to real time as practicable:*

*1. registration number;*

*2. uniform resource locators associated with such registration;*

*3. address and unit number of the dwelling unit, including latitude and longitude;*

*4. status of the registration, including active or revoked; and*

*5. expiration date of registration.*

*b. No later than September 1 of each year, the administering agency shall submit a report to the mayor and to the speaker of the city council and post on the administering agency's website, a report including, but not limited to, the following information for the twelve-month period ending the preceding June 30, disaggregated by council district:*

*1. the number of active registrations;*

*2. the number of short-term registration applications and renewals: applied for, granted, refused, revoked and pending;*

*3. the average time to process registration applications and renewals;*

*4. a summary of the reasons for applications or renewals to be refused or revoked;*

*5. total number and reasons for summonses issued;*

*6. total penalties imposed and collected.*

*c. The administering agency shall provide a website page where members of the public may submit a registration number or uniform resource locator that will return associated information provided in paragraph (a) and instructions on how to file a complaint related to unregistered activity.*

*§ 2. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:*

#### *CHAPTER 32*

#### *REQUIREMENTS FOR BOOKING SERVICES WITH RESPECT TO SHORT-TERM RENTALS*

*§ 26-3201 Definitions. As used in this chapter:*

*Administering agency. The term "administering agency" means the office of special enforcement, as established under executive order number 96 for the year 2006, or such other agency as the mayor may designate by executive order.*

*Application program interface. The term "application program interface" means a software intermediary*

that makes it possible for application programs to interact with each other and share data or successor technologies.

*Class B multiple dwelling.* The term *class B multiple dwelling* has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

*Booking service.* The term “*booking service*” has the meaning ascribed to such term by section 26-2101, as added by local law number 146 for the year 2018.

*Directly or indirectly.* The term “*directly or indirectly*” has the meaning ascribed to such term by section 26-2101.

*Dwelling unit.* The term “*dwelling unit*” has the meaning ascribed to such term by subchapter 1 of the housing maintenance code.

*Electronic verification system.* The term “*electronic verification system*” means an application program interface created and maintained by the administering agency that a booking service may use to: (i) verify whether the housing accommodation or dwelling unit that is the subject of a short-term rental is included on the list of class B multiple dwellings published pursuant to section 26-2103, as added by local law number 146 for the year 2018; or (ii) verify that the dwelling unit or housing accommodation that is the subject of such short-term rental has a currently valid short-term rental registration number, and that the full legal name of the host and the physical address of the dwelling unit associated with such short-term rental match the host and physical address information associated with such registration number, and that the uniform resource locator or listing identifier being used to offer the short term rental is associated with the currently valid short-term rental registration number; and (iii) obtain a unique confirmation number reflecting that such verification has occurred.

*Listing.* The term “*listing*” means an advertisement on a booking service that offers a short-term rental.

*Short-term rental.* The term “*short-term rental*” has the meaning ascribed to such term in section 26-2101, as added by local law number 146 for the year 2018.

*Short-term rental registration number.* The term “*short-term rental registration number*” means a registration number issued in accordance with the registration of a dwelling unit pursuant to chapter 31 of this title.

§ 26-3202 *Verification of lawful rental.* a. It shall be unlawful for a booking service to charge, collect or receive a fee from a person in connection with a short-term rental of a dwelling unit or housing accommodation unless such booking service has used the electronic verification system maintained by the administering agency either to (i) verify that such short-term rental is for a dwelling unit or housing accommodation within a class B multiple dwelling on the list of class B multiple dwellings published pursuant to section 26-2103, as added by local law number 146 for the year 2018; or (ii) to verify that the dwelling unit or housing accommodation that is the subject of such short-term rental is associated with the short-term rental registration number submitted by such person to the booking service and such registration is currently valid, that the uniform resource locator or listing identifier being used to offer the short-term rental is associated with the short-term rental registration number, and that the host and physical address information provided by such person to the booking service match the information contained in the electronic verification system, including, but not limited to, the full legal name of the host and the full physical address of the dwelling unit or housing accommodation. The electronic verification system shall provide a unique confirmation number reflecting that such verification has occurred. A booking service shall reconfirm the active registration of a dwelling unit any time it knows or should have known that any data it used to complete the verification in this section has changed, and the administering agency may establish by rule a minimum reverification period.

b. A booking service shall report to the administering agency on a monthly basis in a manner and form established by the administering agency for each transaction relating to a short-term rental: the booking services public uniform resource locator for the listing or other identifier, and the unique confirmation number obtained from the electronic verification. Upon submission of such report, a booking service shall certify that the verification required by subdivision a of this section has occurred for each transaction in the report.

c. *Electronic verification system fee.* There shall be a fee for the use of the electronic verification system in an amount to be established by rule by the administering agency. Such fee shall not exceed the cost to build, operate, and maintain such system.

§ 26-3203 *Penalties.* a. For each transaction in which a booking service charges, collects or receives a fee, directly or indirectly, for activity described in the definition of booking service in relation to a short-term rental

*in violation of subdivision a of section 26-3202, such booking service shall be liable for a civil penalty of not more than \$1,500; provided that if such booking service can establish the amount of such fee, such civil penalty shall be not more than three times such fee.*

*b. If a booking service fails to provide information in compliance with subdivision b of section 26-3202, such booking service shall be liable for a civil penalty to be assessed once per reporting period for each transaction the booking service has failed to report. The civil penalty shall not be more than the greater of \$1,500 or the total fees collected during the preceding year by the booking service for transactions related to the registration number or uniform resource locator.*

*c. Civil penalties for violations of this chapter and rules of the administering agency promulgated pursuant to this chapter may be recovered in proceedings before an administrative tribunal within the jurisdiction of the office of administrative trials and hearings in accordance with the rules of such tribunal or in an action in a court of competent jurisdiction. Notices of violation, administrative summonses and appearance tickets for violations may be issued by officers and employees of the administering agency or other city agencies designated by such administering agency.*

*d. The administering agency shall be authorized to conduct investigations, to issue subpoenas, to receive evidence, to hear complaints regarding activities subject to this section, to hold public hearings, to take testimony and to promulgate, amend and modify procedures and practices governing such proceedings.*

§ 3. This local law takes effect 12 months after it becomes law, except that section 26-3104 of the administrative code of the city of New York, as added by section one of this local law, and section 26-3203 of the administrative code of the city of New York, as added by section two of this local law, take effect 16 months after it becomes law, and the administering agency shall take such actions as are necessary for its implementation, including the promulgation of rules, before such dates.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, December 8, 2021 (Remote Hearing). *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 Land Use

Report for Int. No. 2443-A

### **Report of the Committee on Land Use 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 increasing penalties related to using joint living work quarters for artists contrary to zoning.**

The Committee on Land Use, to which the annexed proposed amended local law was referred on November 10, 2021 (Minutes, page 3069), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On November 9, 2021, the Subcommittee of Zoning and Franchises heard Preconsidered Int. No. by Council Member Chin, a Local Law to amend the administrative code of the city of New York, in relation to increasing penalties related to using joint living work quarters for artists contrary to zoning, which was introduced at a Stated Council meeting on November 10, 2021 as Int. 2443. Based on testimony given at that hearing and negotiations with the Administration, the bill was subsequently amended as Proposed Int. No. 2443-A. This bill is related to application Nos. C 210422 ZMM and N 210423 ZRM for the SoHo/NoHo Neighborhood Plan.

On December 9, 2021, the Subcommittee on Zoning and Franchises voted to approve the proposed bill, as amended, by a vote of 7 in the affirmative, zero in the negative, with zero abstentions. Also on December 9, 2021, the Committee on Land Use voted to approve the proposed bill as amended, by a vote of 16 in the affirmative, zero in the negative, with zero abstentions.

#### **II. BACKGROUND**

Joint living work quarters for artists (JLWQA) are spaces in non-residential buildings used both as living quarters and work space by artists and their households.<sup>1</sup> During the 1960's and 1970's with the decline in the industrial economy in the SoHo/NoHo area, artist lofts gained prominence and legal status.<sup>2</sup> First, in SoHo in 1971 when SoHo was rezoned from M1-5 to M1-5A/B, establishing JLWQA as a Use Group 17D manufacturing use, and then in 1976 when NoHo was rezoned from M1-5 to M1-5B.<sup>3</sup> In these zoning districts, located only in SoHo and NoHo, artists may occupy JLWQA's as an industrial use pursuant to the requirements of the Zoning Resolution (ZR) section 42-14, which incorporates the definitions of a JLWQA and "artist" found in section 12-10 of the ZR.<sup>5</sup> One such requirement, is a requirement that the artist occupant be certified as an artist by the New York City Department of Cultural Affairs (DCLA).<sup>6</sup> DCLA has promulgated rules and prescribed guidelines for an artist to obtain certification<sup>7</sup> that are consistent with the definition of "artist" in section 276 of the Multiple Dwelling Law.<sup>8</sup>

<sup>1</sup> New York City Department of City Planning, *Zoning Handbook*, (2018).

<sup>2</sup> *Envision SoHo/NoHo: A Summary of Findings and Recommendations*, (2019).

<sup>3</sup> *Id* at 24

<sup>4</sup> As an enabling act, New York State's multiple dwelling law was amended to establish Article 7B ("Artists Loft Law")

<sup>5</sup> See ZR sections 42-14, and 12-10 definitions of "joint living work quarters for artists" and "artist" available at: <https://zr.planning.nyc.gov/>

<sup>6</sup> See ZR section 12-10

<sup>7</sup> See N.Y. Multiple Dwelling Law §§ 275-276 and 58 RCNY, Chapter 1.

<sup>8</sup> "As used in this article, the word "artist" means a person who is regularly engaged in the fine arts, such as painting and sculpture or in the performing or creative arts, including choreography and filmmaking, or in the composition of music on a professional basis, and is so certified by the city department of cultural affairs and/or state council on the arts." N.Y. Mult. Dwell. Law § 276 (McKinney)

While the number of artists seeking DCLA certification has declined sharply in recent years,<sup>9</sup> the desirability of the SoHo/NoHo area has made the market for JLWQA units so strong that these units have been sold to non-artists contrary to zoning and to the detriment of SoHo/NoHo's legacy as an arts enclave. According to data gathered by the Department of City Planning (DCP) there are over 1636 units designated as JLWQA's in their Certificate of Occupancy (C of O).<sup>10</sup> Currently, many of the units intended for occupancy by certified artists are not so occupied, in violation of the requirements in the ZR.<sup>11</sup> Such violations are due to several factors, including an occupant's inability to meet the artist certification requirements and lack of enforcement.

The current amount of the penalty for occupying a JLWQA contrary to zoning requirements is \$1,250.<sup>12</sup> This bill will significantly increase current penalties and act as a deterrent for these units to be occupied by non-artists, or those not meeting the requirements in the zoning resolution, in the future.

### III. SUMMARY OF LEGISLATION

The bill was introduced as Int. No. 2443 at a stated meeting on November 10, 2021. The bill would have classified uses contrary to the 12-10 zoning resolution definition of joint living work quarters for artists as major violations under the Administrative Code and increased penalties associated with these violations. A first violation would have been subject to a penalty of not less than \$15,000, with subsequent violations subject to a penalty of not less than \$25,000. In addition, monthly penalties of \$1,000 for each month the violation was not corrected may have been imposed.

The bill was subsequently amended as Proposed Int. No. 2443-A. While the original proposed civil penalty increases remain the same, except for specifying that subsequent offenses are capped at \$25,000, Proposed Int. No. 2443-A imposes additional requirements on new purchasers of JLWQA units. Specifically, that within 90 days of acquiring a JLWQA, the new owner of said JLWQA must file with the City Register a statement that the property is a JLWQA subject to the JLWQA requirements in the zoning resolution. In addition, Proposed Int. 2443-A authorizes the City to record a property's JLWQA status at the City Register. Finally, Proposed Int. No. 2443-A specifies that the new penalties and requirements become effective, not immediately, but rather 180 days after it becomes a law.

### IV. ANALYSIS OF LEGISLATION

Bill section one, adds to Int. No. 2443, a new section 7-629 to the Administrative Code related to joint living work quarters for artists. Subdivision a of new section 7-629 establishes definitions for "city register" and "joint living-work quarters for artists."

Subdivision b of new section 7-629 provides that within 90 days of acquiring a joint living work quarter for artists, an owner must file a statement with the City Register that the property is a joint living work quarter for artists subject to the applicable requirements in the zoning resolution. This subdivision also provides that such requirement shall not apply to owners of joint living work quarters for artists who owned the property prior to the effective date of this local law.

Last, Subdivision c of new section 7-629 provides that an office or agency designated by the mayor may record with the City Register a property's status as a joint living work quarter for artists in the City of New York, including the borough, block and lot number as set forth in the tax map.

Bill section two amends section 28-201.2.2 of the Administrative Code, by adding a new item 8 that classifies as a major violation a violation of a requirement, established pursuant to the zoning resolution, related to a use contrary to the definition of joint living work quarters for artists, as defined by section 12-10 of the zoning resolution.

Bill section 3 amends section 28-202.1 of the Administrative Code by adding a new exception 13 providing that a violation of a requirement, established pursuant to the zoning resolution, related to a use contrary to the

<sup>9</sup> "SoHo/NoHo Neighborhood Plan, As Approved by the City Planning Commission Presentation" (October 20, 2021)

<sup>10</sup> *Id* at 42.

<sup>11</sup> *Supra* Note 8 at 42.

<sup>12</sup> *See* New York City Department of Buildings Penalty Schedule at 1 RCNY §102-01.

definition of joint living work quarters for artists, as defined by section 12-10 of the zoning resolution, shall be subject to a civil penalty of not less than \$15,000 for the first offense and \$25,000 for each subsequent offense. In addition to such civil penalties, a separate monthly penalty may be imposed of \$1,000 for each month that the violation is not corrected.

Section 4 of the bill provides that this local law takes effect 180 days after it becomes law.

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

**(The following is the text of Int. No. 2443-A:)**

Int. No. 2443-A

By Council Member Chin.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties related to using joint living work quarters for artists contrary to zoning**

*Be it enacted by the Council as follows:*

Section 1. Chapter 6 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-629 to read as follows:

§ 7-629 *Joint living-work quarters for artists. a. Definition. For the purposes of this section, the following terms have the following meanings:*

*City register. The term “city register” means the office of the register of the city of New York.*

*Joint living-work quarters for artists. The term “joint living-work quarters for artists” has the same meaning as such term is defined in section 12-10 of the zoning resolution.*

*b. Recording requirement for owners of joint living-work quarters for artists. Within 90 days of acquiring ownership of a property that is a joint living-work quarter for artists, the owner of such property must record in the city register, or in the case of property within the county of Richmond, in the office of the clerk of such county, a statement that such property is a joint living-work quarter for artists, and that such property is therefore subject to regulations governing joint living-work quarters for artists pursuant to the zoning resolution. Such requirement shall not apply to an owner of such property who acquired ownership of such property prior to the effective date of the local law that added this section.*

*c. Notice recorded by city agencies. In addition to any statement required to be recorded by the owner of a property that is a joint living-work quarter for artists pursuant to subdivision b of this section, for any property in the city of New York that is a joint living-work quarter for artists, an office or agency designated by the mayor may, where such office or agency determines it to be in the public interest, timely record in the city register, or in the case of property within the county of Richmond, in the office of the clerk of such county, notice that such property is a joint living-work quarter for artists, and that such property is therefore subject to regulations governing joint living-work quarters for artists pursuant to the zoning resolution. Each such notice shall include the borough, block and lot number of such property as set forth on the tax map.*

§ 2. Section 28-201.2.2 of the administrative code of the city of New York is amended by adding a new item 8 to read as follows:

*8. A violation of a requirement, established pursuant to the zoning resolution, related to a use contrary to the definition of joint living-work quarters for artists, as defined by section 12-10 of the zoning resolution.*

§ 3. Section 28-202.1 of the administrative code of the city of New York is amended by adding a new exception 13 to read as follows:

*13. A violation of a requirement, established pursuant to the zoning resolution, related to a use contrary to the definition of joint living-work quarters for artists, as defined by section 12-10 of the zoning resolution, shall be subject to a civil penalty of not less than \$15,000 for the first offense and \$25,000 for each subsequent offense. In addition to such civil penalties, a separate monthly penalty may be imposed of \$1,000 for each month that the violation is not corrected.*

§ 4. This local law takes effect 180 days after it becomes law.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

Laid Over by the Council.

Report for L.U. No. 899

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210412 ZSM (175 Park Avenue) submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify: the qualifying site definition of Section 81-613 (Definitions); the floor area requirements for an increase in floor area pursuant Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites); the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements); the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space); the publicly accessible space requirements of Section 81-681 (Mandatory Requirements for Qualifying Sites) and Section 37-70 (Public Plazas); and the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site; in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2842), respectfully

#### **REPORTS:**

#### **SUBJECT**

**MANHATTAN CB-5 – SIX APPLICATIONS RELATED TO 175 PARK AVENUE**

**C 210412 ZSM (L.U. No. 899)**

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify:

1. the qualifying site definition of Section 81-613 (Definitions) to include two or more zoning lots that are contiguous and in include the zoning lot occupied by Grand Central Terminal;
2. the requirement that a development exceed the basic maximum floor area ratio set forth in Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites) as a pre-condition to an increase in floor area pursuant to such table, where a qualifying site includes the zoning lot occupied by Grand Central Terminal;
3. the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements);
4. the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements);
5. the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets), and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space);
6. the requirement that the publicly accessible space required pursuant to Section 81-681 (Mandatory Requirements for Qualifying Sites), comply with the provisions of Section 37-70 (Public Plazas); and
7. the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time period not to exceed 10 years, for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001, and 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

**C 210413 ZSM (L.U. No. 900)**

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict).

**C 210414 ZSM (L.U. No. 901)**

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-644 of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Section 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning

Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea).

**C 210415 ZSM (L.U. No. 902)**

City Planning Commission decision approving an application submitted by Commodore Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution as follows:

1. to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where an above-grade public concourse, in the form of an open or enclosed, publicly accessible space for public use and enjoyment on the qualifying site; and
2. to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths) to allow a reduction in the required number of berths;

in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict).

**N 210416 ZRM (L.U. No. 903)**

City Planning Commission decision approving an application submitted by Commodore Owner, 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 the provisions of the East Midtown Subdistrict in Article VIII, Chapter 1 (Special Midtown District).

**C 210417 PPM (L.U. No. 904)**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition of a city-owned property located at 175 Park Avenue aka 109 East 42nd Street (Block 1280, Lot 30), pursuant to zoning.

**INTENT**

To grant an approval of the special permit pursuant to ZR Section 81-685 to allow for modifications to the East Midtown Subdistrict regulations; approval of the special permit pursuant to ZR Section 81-621 to permit hotel use; approval of the special permit pursuant to ZR Section 81-644 to permit an increase in floor area to allow for transit improvements; approval of the special permit pursuant to ZR Section 81-645 to permit an increase in floor area to allow for public concourse improvements and modify loading regulations; amend zoning text to amend provisions relating to existing special permits; and approve the disposition of non-residential City-owned property to facilitate the development of a 2.25 million-square-foot hotel and office tower, located at 175 Park Avenue (Block 1280, Lot 30), in the East Midtown neighborhood of Manhattan, Community District 5.

**PUBLIC HEARING****DATE:** November 9, 2021**Witnesses in Favor:** Seventeen**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 903 and 904, and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 899 through 902.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Borelli.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolutions.

**Editor's Note:*****In Favor:***

*Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.*

***Against:****None****Abstain:****None.*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

## Report for L.U. No. 900

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210413 ZSM (175 Park Avenue) submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2843), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 899 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

## Report for L.U. No. 901

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210414 ZSM (175 Park Avenue) submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-644 of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Section 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2843), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 899 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 902

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210415 ZSM (175 Park Avenue) submitted by Commodore Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites); and to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths); in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on September 12, 2021 (Minutes, page 2844), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 899 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

## Report for L.U. No. 903

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210416 ZRM (175 Park Avenue) submitted by Commodore Owner 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 the provisions of the East Midtown Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2844), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 899 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

## Report for L.U. No. 904

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210417 PPM (175 Park Avenue) submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition pursuant to zoning of a city owned property located at 175 Park Avenue aka 109 East 42nd Street (Block 1280, Lot 30), Borough of Manhattan, Community District 5, Council District 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2844), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 899 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 906

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210438(A) ZSM (250 Water Street) submitted by 250 Seaport District, LLC 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 Procedure for the grant of special permits pursuant to the following sections of the Zoning Resolution: Section 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Section 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location); in connection with a proposed mixed use development in a C6-2A District, within a Large-Scale General Development, within the Special Lower Manhattan District, on property located at 250 Water Street (Block 98, Lot 1), Borough of Manhattan, Community District 1, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2845), respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **MANHATTAN CB-1 – TWO APPLICATIONS RELATED TO 250 WATER STREET**

#### **C 210438(A) ZSM (L.U. No. 906)**

City Planning Commission decision approving an application submitted by 250 Seaport District, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution:

1. Section 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and
2. Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Section 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location);

in connection with a proposed mixed use development on property located at 250 Water Street (Block 98, Lot 1), in a C6-2A District, within a Large-Scale General Development generally bounded by Pearl Street, Peck Slip, Water Street, Beekman Street and its easterly prolongation, the U.S. Pierhead line and John Street and its easterly prolongation (Block 73, p/o Lot 10, p/o Lot 8, Lot 11 & a portion of Marginal Street, Wharf or Place, Block 98, Lot 1, Block 74, p/o Lot 20, and the de-mapped portions of Fulton Street, Water Street & Front Street), in C4-6, C5-3, and C6-2A Districts, within the Special Lower Manhattan District.

**N 210439 ZRM (L.U. No. 907)**

City Planning Commission decision approving an application submitted by 250 Seaport District, 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 the provisions of the South Street Seaport Subdistrict in Article IX Chapter 1 (Special Lower Manhattan District).

**INTENT**

To grant an approval of zoning special permit to allow the distribution of total allowable floor area without regard to zoning lot lines and to modify height, setback and street wall requirements; and approve a zoning text amendment to modify Zoning Resolution (ZR) Article IX, Chapter 1 to facilitate the development of a mixed-use building with 547,000 square feet of zoning floor area located at 250 Water Street (Block 98, Lot 1) in the South Street Seaport area of Lower Manhattan, Community District 1.

**PUBLIC HEARING**

**DATE:** October 25, 2021

**Witnesses in Favor:** Sixty-six

**Witnesses Against:** Eighteen

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 9, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 906 and 907.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

None

**Abstain:**

Barron.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

Report for L.U. No. 907

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210439 ZRM (250 Water Street) submitted by 250 Seaport District, 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 the provisions of the South Street Seaport Subdistrict in Article IX Chapter 1 (Special Lower Manhattan District), Borough of Manhattan, Community District 1, Council District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on October 21, 2021 (Minutes, page 2845), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 906 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

Report for L.U. No. 914

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210462 ZMK (Special Brooklyn Navy Yard District) submitted by Building 77 QALICB, Inc. and the NYC Small Business Services pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an R6B District to an M2-1 District, changing from an M1-2 District to an M2-1 District, changing from an M3-1 District to an M2-1 District, and establishing a Special Brooklyn Navy Yard District (BNY), Borough of Brooklyn Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3115), respectfully

**REPORTS:**

**SUBJECT****BROOKLYN CB-2 – TWO APPLICATIONS RELATED TO SPECIAL BROOKLYN  
NAVY YARD DISTRICT****C 210462 ZMK (Pre. L.U. No. 914)**

City Planning Commission decision approving an application submitted by Building 77 QALICB, Inc. and the NYC Small Business Services, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an R6B District to an M2-1 District property bounded by the following courses:
  - (i) a line 400 feet northeasterly of Navy Street;
  - (ii) a line perpendicular to the last named course at a point 400 feet southeasterly (as measured on such named course) from the point of intersection of the southerly street line of Evans Street and the easterly street line of Little Street;
  - (iii) a line passing through a point along the northeasterly street line of Navy Street, 95 feet southeasterly (as measured along the street line) from the point of intersection of the northeasterly street line of Navy Street and the easterly prolongation of a line 100 feet northerly of York Street and proceeding northerly at an angle 138 degrees to the northeasterly street line of Navy Street;
  - (iv) a line passing through a point along the last named course, 170 feet northerly of the northeasterly street line of Navy Street (as measured along the last named course), proceeding easterly at an angle 92 degrees to the last named course; and
  - (v) a line passing through a point along the last named course, 131 feet easterly of the intersection of the last named course and Course 1(iii) above (as measured along the last named course), proceeding northeasterly at an angle 117 degrees to the last named course;
2. changing from an M1-2 District to an M2-1 District property bounded by:
  - a. a line 400 feet northeasterly and easterly of Navy Street, the easterly centerline prolongation of Sands Street, Navy Street, and Course 1(ii); and
  - b. a line 400 feet northerly of Flushing Avenue, the northerly centerline prolongation of North Oxford Street, Flushing Avenue, and a line 680 feet easterly of Navy Street;
3. changing from an M3-1 District to an M2-1 District property bounded by:
  - a. a line 400 feet northerly of Flushing Avenue, a line 3,515 feet easterly of Navy Street, Flushing Avenue, and the northerly centerline prolongation of North Oxford Street; and
  - b. the following courses:
    - (i) Kent Avenue;
    - (ii) the southwesterly prolongation of the northwesterly street line of Clymer Street;
    - (iii) a line passing through the intersection of the southwesterly prolongation of the northwesterly street line of Clymer Street and the southwesterly street line of Kent Avenue and proceeding southerly at an angle 46 degrees from the southwesterly street line of Kent Avenue;

- (iv) the southwesterly centerline prolongation of Taylor Street;
  - (v) a line passing through a point along the last named course 311 feet southwesterly (as measured along the last named course) of the intersection of the last named course and Course 3b(iii), proceeding northwesterly at an angle 100 degrees to the last named course;
  - (vi) the U.S. Pierhead and Bulkhead Line;
  - (vii) a line passing through a point along Course 3b(v) distant 919 feet northwesterly (as measured along Course 3b(v)) from the intersection of Course 3b(v) and Course 3b(iv), proceeding northeasterly at an angle 90 degrees to Course 3b(v);
  - (viii) a line passing through two points, the first being a point along the last named course 350 feet northeasterly of the intersection of the last named course and **Course 3b(vi)** and the second being a point on the U.S. Pierhead and Bulkhead Line distant 149 feet southerly (as measured along the US Pierhead and Bulkhead Line) from the point of intersection of the U.S. Pierhead and Bulkhead Line and a southerly boundary line of the NYC Pierhead Line;
  - (ix) the U.S. Pierhead and Bulkhead Line; and
  - (x) the easterly prolongation of the NYC Pierhead Line; and
- c. the following courses:
- (i) a line 400 feet northeasterly and easterly of Navy Street;
  - (ii) a line passing through the point of intersection of the last named course and Course 1(v) proceeding easterly at an angle 115 degrees to Course 1(v);
  - (iii) a line passing through a point along the last named course 540 feet easterly (as measured along the last named course) from the intersection of the last named course and Course 1(v) proceeding southerly at an angle 90 degrees to the last named course; and
  - (iv) a line passing through a point along the last named course 294 feet southerly (as measured along the last named course) from the intersection of the last named course and Course 3c(ii) proceeding southwesterly at an angle 141 degrees to the last named course;
4. establishing a Special Brooklyn Navy Yard District (BNY) bounded by the following courses:
- (i) the U.S. Pierhead and Bulkhead Line;
  - (ii) the NYC Pierhead Line and its easterly prolongation;
  - (iii) Kent Avenue;
  - (iv) the northerly centerline prolongation of Classon Avenue;
  - (v) Williamsburg Street West;
  - (vi) Flushing Avenue;
  - (vii) a line 680 feet easterly of Navy Street;
  - (viii) a line 350 feet northerly of Flushing Avenue;
  - (ix) a line passing through a point on the last named course 272 feet westerly of the intersection of the last named course and Course 4(vii) proceeding northwesterly at an angle 135 degrees to the last named course;
  - (x) a line 34 feet southerly of the easterly centerline prolongation of Sands Street;
  - (xi) a line 132 feet easterly of Navy Street;
  - (xii) a line 50 feet southerly of the easterly centerline prolongation of Sands Street;
  - (xiii) Navy Street;
  - (xiv) Course 1(iii)
  - (xv) Course 1(iv)
  - (xvi) Course 1(v)
  - (xvii) Course 3c(ii)
  - (xviii) the northerly prolongation of Course 3c(iii)

as shown on a diagram (for illustrative purposes only) dated June 7, 2021.

**N 210463 (A) ZRK (Pre. L.U. No. 915)**

City Planning Commission decision approving an application submitted by Building 77 QALICB, Inc. and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying related sections.

**INTENT**

To approve the amendment to rezone the project area to change an R6B, M1-2, and M3-1 district to an M2-1 district and to establish the Special Brooklyn Navy Yard District (BNY); and amend zoning text amendment to establish the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modify underlying regulations with regards to use, bulk, signage, ground floor streetscape, open space, parking and loading, and the waterfront area to facilitate a 4.6 million square foot expansion of the Brooklyn Navy Yard with new industrial, commercial, and community facility uses throughout the waterfront campus, located in Brooklyn, Community District 2.

**PUBLIC HEARING**

**DATE:** October 25, 2021

**Witnesses in Favor:** Twelve

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 2, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 914 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 915.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.

**Against:**            **Abstain:**  
None                    None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 915

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210463(A) ZRK (Special Brooklyn Navy Yard District) submitted by Building 77 QALICB, Inc. and NYC Small Business Services, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Brooklyn Navy Yard District (Article XIV, Chapter 4) and modifying other related Sections, Borough of Brooklyn Community District 2, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3115), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 914 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 918

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210422 ZMM (SoHo/NoHo Neighborhood Plan) submitted by New York City Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos.12a & 12c: changing from an M1-5A District to an M1-5/R7X District, changing from an M1-5B District to an M1-5/R7X District, changing from an M1-5A District to an M1-5/R9X District, changing from an M1-5B District to an M1-5/R9X District, changing from an M1-5A District to an M1-6/R10 District, changing from an M1-5B District to an M1-6/R10 District, and establishing**

**a Special SoHo-NoHo Mixed Use District (SNX), Borough of Manhattan, Community District 2, Council Districts 1 and 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3116), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB-2 – TWO APPLICATIONS RELATED TO SOHO/NOHO NEIGHBORHOOD PLAN**

**C 210422 ZMM (L.U. No. 918)**

City Planning Commission decision approving an application submitted by New York City Department of City Planning (DCP), pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 12a and 12c, changing from an M1-5A District to an M1-5/R7X District, changing from an M1-5B District to an M1-5/R7X District, changing from an M1-5A District to an M1-5/R9X District, changing from an M1-5B District to an M1-5/R9X District, changing from an M1-5A District to an M1-6/R10 District, changing from an M1-5B District to an M1-6/R10 District, establishing a Special SoHo-NoHo Mixed Use District (SNX) in Manhattan, Community District 2.

**N 210423 ZRM (L.U. No. 919)**

City Planning Commission decision approving an application submitted by the Department of City Planning for an amendment of the Zoning Resolution of the City of New York, establishing the Special SoHo-NoHo Mixed Use District (Article XIV, Chapter 3) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, and modifying related Sections, Manhattan, Community District 2.

**INTENT**

To approve the amendment to rezone the project area to change M1-5A and M1-5B districts to M1-5/R7X, M1-5/R9X, M1-6/R10 districts and establish the Special SoHo-NoHo Mixed Use District and to approve the amendment to establish the Special SoHo-NoHo Mixed Use District in Zoning Resolution (ZR) Section 14-03 and establish a Mandatory Inclusionary Housing (MIH) area.

**PUBLIC HEARING**

**DATE:** November 9, 2021

**Witnesses in Favor:** Thirty-Nine

**Witnesses Against:** Ninety-Six

**SUBCOMMITTEE RECOMMENDATION****DATE:** December 9, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 918 and 919.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

Barron

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

Report for L.U. No. 919

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210423 ZRM (SoHo/NoHo Neighborhood Plan) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special SoHo-NoHo Mixed Use District (Article XIV, Chapter 3), and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and other related Sections, Borough of Manhattan, Community District 2, Council Districts 1 and 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3116), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 918 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

Report for L.U. No. 922

**Report of the Committee on Land Use in favor of approving Application No. 20225007 HAK (Bed-Stuy East and Weeksville Mosaic) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law requesting approval of an Urban Development Action Area Project, waiver of the designation requirement of Section 693 of the General Municipal Law, waiver of the requirements of Charter Sections 197-c and 197-d, and approval of an exemption from real property taxation for properties located at Block 1363, Lots 7 and 60, Block 1433, Lot 19, Block 1451, Lot 40, Block 1464, Lot 79, Block 1474, Lot 65, Block 1514, Lot 59, Block 1519, Lot 63, Block 1524, Lot 43, Block 1531, Lot 65, Block 1561, Lot 9, Block 1668, Lot 48, Block 1769, Lot 56, and Block 3511, Lot 64, Borough of Brooklyn, Community Districts 3, 8, and 16, Council Districts 36 and 4.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3117) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CBs - 3, 8, and 16**

**20225007 HAK**

Application submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at Block 1363, Lots 7 and 60; Block 1433, Lot 19; Block 1451, Lot 40; Block 1464, Lot 79; Block 1474, Lot 65; Block 1514, Lot 59; Block 1519, Lot 63; Block 1524, Lot 43; Block 1531, Lot 65; Block 1561, Lot 9; Block 1668, Lot 48; Block 1769, Lot 56\*; Block 3511, Lot 64, Council Districts 36 and 41, Community Districts 3, 8, and 16.

**INTENT**

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Section 696 of the General Municipal Law for the project consisting new construction of approximately 14 buildings containing a total of approximately forty-six (46) cooperative units on the Project Area.

**PUBLIC HEARING**

**DATE:** November 17, 2021

**Witnesses in Favor:** Six

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

**In Favor:**

**Against:**

**Abstain:**

**COMMITTEE ACTION**

**DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

**Against:**

**Abstain:**

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

Res. No. 1846

**Resolution approving an Urban Development Action Area Project and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of the General Municipal Law, and approving a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at Block 1363, Lots 7 and 60; Block 1433, Lot 19; Block 1451, Lot 40; Block 1464, Lot 79; Block 1474, Lot 65; Block 1514, Lot 59; Block 1519, Lot 63; Block 1524, Lot 43; Block 1531, Lot 65; Block 1561, Lot 9; Block 1668, Lot 48; Block 1769, Lot 56; Block 3511, Lot 64, Borough of Brooklyn, Community Districts 3, 8, and 16 (L.U. No. 922; 20225007 HAK).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on October 19, 2021 its request dated October 19, 2021 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at Block 1363, Lots 7 and 60; Block 1433, Lot 19; Block 1451, Lot 40; Block 1464, Lot 79; Block 1474, Lot 65; Block 1514, Lot 59; Block 1519, Lot 63; Block 1524, Lot 43; Block 1531, Lot 65; Block 1561, Lot 9; Block 1668, Lot 48; Block 1769, Lot 56\*; Block 3511, Lot 64, Community Districts 3, 8, and 16, Borough of Brooklyn (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on November 17, 2021; and

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

**RESOLVED:**

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

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

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

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

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on October 15, 2021, a copy of which is attached hereto.

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

- a. For the purposes hereof, the following terms shall have the following meanings:
  - (1) "CLT" shall mean CLT Interboro CLT Housing Development Fund Corporation or a community land trust housing development fund company that acquires all or a portion of the Exemption Area with the prior written consent of HPD.
  - (2) "Company" shall mean Habitat Mosaic Brooklyn LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - (3) "Coop HDFC" shall mean a housing development fund company that acquires all or a portion of the Exemption Area and/or a leasehold interest in all or a portion of the Exemption Area with the prior written consent of HPD.
  - (4) "Effective Date" shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - (5) "Exemption" shall mean the exemption from real property taxation provided hereunder.
  - (6) "Exemption Area" shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1363, Lots 7 and 60, Block 1433, Lot 19, Block 1451, Lot 40, Block 1464, Lot 79, Block 1474, Lot 65, Block 1514, Lot 59, Block 1519, Lot 63, Block 1524, Lot 43, Block 1531, Lot 65, Block 1561, Lot 9, Block 1668, Lot 48, Block 1769, Lot 56, and Block 3511, Lot 64 on the Tax Map of the City of New York.
  - (7) "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, leased, or controlled by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - (8) "HDFC" shall mean Habitat Mosaic Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - (9) "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - (10) "Owner" shall mean either (i) the HDFC and the Company, or (ii) the CLT and/or the Coop HDFC.
  - (11) "Regulatory Agreement" shall mean the regulatory agreement(s) between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

**ATTACHMENT:**

**PROJECT SUMMARY**

1. **PROGRAM:** OPEN DOOR PROGRAM
2. **PROJECT:** Bed-Stuy East and Weeksville Mosaic
3. **LOCATION:**
- a. **BOROUGH:** Brooklyn
- b. **COMMUNITY DISTRICT:** 3, 8, 16
- c. **COUNCIL DISTRICT:** 36, 41
- d. **PROJECT AREA (or EXEMPTION AREA):**

<u>BLOCKS</u>	<u>LOTS</u>
1514	59
1519	63
1524	43
1531	65
1561	9
1668	48
1363	7
1363	60
1433	19
1451	40
1474	65
3511	64
1464	79
1769	56

<b>e. DISPOSITION AREA:</b>	<u>BLOCKS</u>	<u>LOTS</u>
	1514	59
	1519	63
	1524	43
	1531	65
	1561	9
	1668	48
	1363	7
	1363	60
	1433	19
	1451	40
	1474	65
	3511	64
	1464	79

4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of

the appraised value ("Land Debt").

5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 14
7. **APPROXIMATE NUMBER OF UNITS:** 46
8. **HOUSING TYPE:** Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
9. **ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between up to 80% and 100% of the area median income (AMI).
10. **LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the HDFC cooperative and/or CLT will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering one or more notes and mortgages and/or a conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program's restrictions.
11. **INCOME TARGETS:** Families with annual household incomes between up to 80% and 110% of AMI.
12. **PROPOSED FACILITIES:** None
13. **PROPOSED CODES/ORDINANCES:** None
14. **ENVIRONMENTAL STATUS:** Negative Declaration
15. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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 L.U. No. 923

**Report of the Committee on Land Use in favor of approving Application No. N 210482 ZRY (Health and Fitness Citywide Text Amendment) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right, Citywide.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3118) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**CITYWIDE**

**N 210382 ZRY**

City Planning Commission decision approving an application submitted by New York City Department of City Planning for an amendment of the text of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York, to modify Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) and related Sections, to change regulations for gyms, spas, licensed massage therapy, and other health and fitness facilities, all Community Districts, Citywide.

**INTENT**

To approve the amendment to modify Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) and related Sections, to change regulations for gyms, spas, licensed massage therapy, and other health and fitness facilities, which would remove an existing special permit and restore these activities to as-of-right uses, as they were within the 1961 Zoning Resolution.

**PUBLIC HEARING**

**DATE:** November 18, 2021

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** December 9, 2021

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

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1847

**Resolution approving the decision of the City Planning Commission on Application No. N 210382 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 923).**

By Council Members Salamanca and Moya,

**WHEREAS**, New York City Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals) and related Sections, to change regulations for gyms, spas, licensed massage therapy, and other health and fitness facilities, which would remove an existing special permit and restore these activities to as-of-right uses, as they were within the 1961 Zoning Resolution, all Community Districts, Citywide (Application No. N 210382 ZRY) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on November 5, 2021, its decision dated October 20, 2021 (the “Decision”), on the Application;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 18, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 17, 2021 (CEQR No. 21DCP183Y);

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210382 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

**ARTICLE I**

**GENERAL PROVISIONS**

**Chapter 2**

**Construction of Language and Definitions**

\* \* \*

**12-10**

**DEFINITIONS**

Words in the text or tables of this Resolution which are italicized shall be interpreted in accordance with the provisions set forth in this Section.

\* \* \*

**[Note: This definition is being replaced by the definition #Unlicensed physical treatment establishment#]**

~~Adult physical culture establishments~~

~~An "adult physical culture establishment," is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under #physical culture or health establishment# in Section 12-10 and which are, therefore, not included within the definition of an #adult physical culture establishment#:~~

- (1) ~~treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;~~

- (2) ~~electrolysis treatment by a licensed operator of electrolysis equipment;~~
- (3) ~~hospitals, #long term care facilities#, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4;~~
- (4) ~~barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and~~
- (5) ~~athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.~~

~~#Adult physical culture establishments# are not permitted in any District.~~

Advertising sign — see Sign, advertising

\* \* \*

#### Health and fitness establishments

A “health and fitness establishment” is any establishment that is equipped and arranged to provide instruction, services, or activities which improve or affect a person’s physical condition by physical exercise or provide relaxation services.

#Health and fitness establishments# include, but are not limited to, the following:

- (a) establishments containing high-intensity #uses#, including:
  - (1) gymnasiums where the predominant use of floor space involves the use of exercise equipment or weights; or
  - (2) gymnasiums and other indoor recreation establishments used for activities, including basketball, martial arts for adults, handball, paddleball, racquetball, squash, tennis, rock climbing, soccer, or volleyball;
  - (b) other establishments used for exercises including aerobics, exercise dance, youth martial arts, Pilates, or yoga studios; and
  - (c) therapeutic or relaxation service establishments including tanning salons, spas, bathhouses, isolation flotation tanks, or meditation facilities.

Establishments containing high-intensity #uses# listed above are subject to the supplemental #use# regulations of Sections 32-413 and 123-33, as applicable.

For “physical culture or health establishments” existing on [date of adoption] that were allowed pursuant to special permit by the Board of Standards and Appeals, such establishments may continue under the terms and conditions established at approval and may continue after the expiration of such special permit, provided that such establishment is not #enlarged#, #expanded#, or otherwise changed in a manner that deviates from the approved establishment.

As an alternative, a “physical culture or health establishment” existing on [date of adoption] may continue pursuant to the applicable provisions for #health and fitness establishments#, and may #enlarge#, #expand#, or

change the range of activities therein, in accordance with the District regulations, provided that any applicable supplemental #use# regulations are met.

Height factor

\* \* \*

Outer court recess — see Court recess, outer-

~~Physical culture or health establishments~~

~~A "physical culture or health establishment" is any establishment or facility, including #commercial# and non-#commercial# clubs, which is equipped and arranged to provide instruction, services, or activities which improve or affect a person's physical condition by physical exercise or by massage. Physical exercise programs include aerobics, martial arts or the use of exercise equipment.~~

~~Therapeutic or relaxation services, such as sun tanning, baths, showers, tubs, jacuzzis, whirlpools, saunas, steam rooms, isolation floatation tanks and meditation facilities may be provided only as #accessory# to the physical exercise program or massage facility. Except as specifically provided in Special Purpose Districts, #physical culture or health establishments# are only permitted pursuant to the provisions of Section 73-36. No license or permit shall be issued by the New York City Department of Health in conjunction with any health-related facility/services pursuant to this Section until a certificate of occupancy has been issued by the Department of Buildings establishing the #use# of the premises as a #physical culture or health establishment#.~~

Plaza

\* \* \*

Unlicensed physical treatment establishment

An #unlicensed physical treatment establishment# is any establishment that offers or advertises or is equipped or arranged so as to provide as part of its services, whether as a principal #use# or as an #accessory use#, massages, body rubs, alcohol rubs, baths or other similar treatment administered by a person that is not a healthcare professional licensed by the State of New York to provide such service, or under the supervision of such licensee and working in a manner allowed by the license. However, #unlicensed physical treatment establishments# shall not include barbershops or beauty parlors that offer massage to the scalp, the face, the neck or shoulders only.

#Unlicensed physical treatment establishments# shall not be permitted in any District.

Urban plaza — see Plaza, urban

\* \* \*

**ARTICLE II  
RESIDENCE DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**22-10  
USES PERMITTED AS-OF-RIGHT**

\* \* \*

**22-14  
Use Group 4  
R1 R2 R3 R4 R5 R6 R7 R8 R9 R10**

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

Ambulatory diagnostic or treatment health care facilities<sup>1</sup>, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities licensed by the State of New York, or a facility in which patients are diagnosed or treated by health care professionals, licensed by the State of New York or by persons under the supervision of such licensee for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~, or ophthalmic dispensing. In #buildings# containing #residences#, such facilities shall be limited to locations below the level of the first #story# ceiling, except that such facilities may be located on a second #story# provided there is separate access from the outside or directly from a portion of such facility located on the ground floor.

Clubs<sup>2</sup>, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~
- (d) ~~any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~

\* \* \*

**22-20  
USES PERMITTED BY SPECIAL PERMIT**

**22-21  
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\* \* \*

R1 R2  
Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~
- (d) ~~any activities or #uses# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**32-10  
USES PERMITTED AS-OF-RIGHT**

\* \* \*

**32-15  
Use Group 6  
C1 C2 C4 C5 C6 C8**

Use Group 6 consists primarily of retail stores and personal service establishments which:

- (1) provide for a wide variety of local consumer needs; and
- (2) have a small service area and are, therefore, distributed widely throughout the City.

Public service establishments serving small areas are also included. Retail and service establishments are listed in two subgroups, both of which are permitted in all C1 Districts.

\* \* \*

## C. Retail or Service Establishments

\* \* \*

Gift shops [PRC-B]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment [PRC-B]

\* \* \*

## E. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 [PRC-D]~~

\* \* \*

**32-18****Use Group 9**

C2 C4 C5 C6 C8

Use Group 9 consists primarily of business and other services which:

- (1) serve a large area and are, therefore, appropriate in secondary, major or central commercial shopping areas, and
- (2) are also appropriate in local service districts, since these are typically located on the periphery of major or secondary centers.

## A. Retail or Service Establishments

\* \* \*

Docks for sightseeing, excursion or sport fishing vessels, other than #gambling vessels#, limited to the following aggregate dock capacities per #zoning lot#:

200 in C2 Districts; 500 in C4-1, C4-2, C4-3, C4-4, C8-1, C8-2, C8-3 Districts; 2,500 in C4-4A, C4-5, C4-6, C4-7, C5, C6, C8-4 Districts.

“Dock capacity” is the U.S. Coast Guard-certified capacity of the largest vessel using a dock. “Aggregate dock capacity” is the sum of the dock capacities of all docks on the #zoning lot# [PRC-H]

~~\*Gymnasiums, used exclusively for basketball, handball, paddleball, racketball, squash and tennis. [PRC-B]~~

\*\*#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment [PRC-B]

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects [PRC-B1]

\* \* \*

\* In C4 or C5 Districts, a #use# in Use Group 9, marked with an asterisk, shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street wall# of the #building# in which it is located, as provided in Section 32-423 (Limitation on ground floor location)

\*\* In C1-8 and C1-9 Districts, and in C1 Districts mapped within an R9 or an R10 District, #uses# marked with two asterisks shall be allowed as-of-right

\* \* \*

**32-23**

Use Group 14  
C2 C3 C7 C8

Use Group 14 consists of the special services and facilities required for boating and related activities.

A. Retail or Service

\* \* \*

Fishing tackle or equipment, rental or sales [PRC-B1]

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment [PRC-B]

Ice vending machines, coin-operated, including those machines that are self-contained, dealing directly with the ultimate consumer. Such self-contained machines shall be limited to 1,600 pounds capacity solely for the use of such self-contained machines

\* \* \*

B. Clubs

Non-commercial clubs, without restrictions on activities or facilities ~~except for any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10~~ [PRC-D]

\* \* \*

**32-30**

**USES PERMITTED BY SPECIAL PERMIT**

**32-31**

By the Board of Standards and Appeals

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3

\* \* \*

C6  
Newspaper publishing establishments

~~C1-8X C1-9 C2 C4 C5 C6 C8~~  
~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), massage establishments [PRC-B]~~

C1 C2 C3 C4 C5 C6 C7 C8  
Public transit or railroad electric substations, limited in each case to a site of not more than 40,000 square feet

\* \* \*

### **32-40 SUPPLEMENTARY USE REGULATIONS**

#### **32-41 Enclosure Within Buildings** C1 C2 C3 C4 C5 C6 C8

In the districts indicated, except as otherwise specifically provided in the Use Groups permitted in such districts and in Sections 36-11 (General Provisions); and 36-61 (Permitted Accessory Off-street Loading Berths) ~~and 73-36 (Physical Culture or Health Establishments)~~, all permitted #uses# which are created by #development#, or which are #enlarged# or #extended#, or which result from a change of #use# shall be subject to the provisions of this Section with respect to enclosure within #buildings#. With respect to the #enlargement# or #extension# of an existing #use#, such provisions shall apply to the #enlarged# or #extended# portion of such #use#.

\* \* \*

#### **32-413 Health and Fitness Establishments** C1 C2 C3 C4 C5 C6

In the districts indicated, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a Certificate of Occupancy that such #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and

(2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\* \* \*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

\* \* \*

**Chapter 2  
Use Regulations**

\* \* \*

**42-10  
USES PERMITTED AS-OF-RIGHT**

\* \* \*

**42-13  
Use Groups 6C, 9A and 12B  
M2 M3**

Use Groups 6C, 9A and 12B as set forth in Sections 32-15, 32-18, and 32-21. Use Group 6C shall be limited to antique stores; art galleries, commercial; artists’ supply stores; automobile supply stores; banks; bicycle sales; candy or ice cream stores; cigar or tobacco stores; custom furrier shops; docks for ferries or water taxis; eating or drinking establishments with entertainment but not dancing, with a capacity of 200 persons or less; eating or drinking establishments with musical entertainment but not dancing, with a capacity of 200 persons or less; frozen food lockers; fishing tackle or equipment, rental or sales; #health and fitness establishments#; jewelry or art metal craft shops; locksmith shops; meeting halls; millinery shops; music stores; newsstands, open or closed; paint stores; picture framing shops; and watch or clock repair shops.

Use Group 9A shall be limited to blueprinting or photostatting establishments; business schools or colleges; #health and fitness establishments#; medical or dental laboratories; musical instrument repairs; printing establishments; public auction rooms; studios - art, music, dancing, or theatrical; trade or other schools for adults; typewriter or other small business machine sales, rental or repairs; and umbrella repairs.

Use Group 12B shall be limited to antique stores; art galleries, commercial; candy or ice cream stores; cigar or tobacco stores; delicatessen stores; jewelry or art metal craft shops; music stores; and newsstands.

\* \* \*

**42-14  
Use Group 17**

M1 M2 M3

**[Note: This Section is also proposed to be amended as part of  
N 210423 ZRM: SoHo-NoHo Neighborhood Plan]**

Use Group 17 consists primarily of #manufacturing uses# that:

- (1) can conform to high performance standards by controlling objectionable influences; and
- (2) in so doing, can limit their impact on adjacent residential areas; and
- (3) normally generate a great deal of traffic, both pedestrian and freight.

\* \* \*

D. Special #uses# in M1-5A and M1-5B Districts

M1-5A M1-5B

\* \* \*

- (3) In addition to the above restrictions, the following #uses# are not permitted as of right in any #building or other structure# or on any tract of land in M1-5A or M1-5B Districts:

\* \* \*

- (e) Banquet halls, wedding chapels, and catering establishments, ~~#physical culture or health establishments#, including gymnasiums, reducing salons, massage establishments or steam baths. However, this provision shall not apply to gymnasiums occupying not more than 10,000 square feet and used exclusively for the following sports facilities: basketball, handball, squash and tennis.~~

\* \* \*

**42-30  
USES PERMITTED BY SPECIAL PERMIT**

**42-31  
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

\* \* \*

M1-5A M1-5B M1-5M M1-6M

Eating or drinking establishments, with entertainment and a capacity of more than 200 persons or establishments of any capacity with dancing [PRC-D]

~~M1 M2 M3-~~

~~#Physical culture or health establishments#, including gymnasiums (not permitted under Use Group 9), and massage establishments~~

M1 M2 M3  
Radio or television towers, non-#accessory#

\* \* \*

**ARTICLE V  
NON-CONFORMING USES AND NON-COMPLYING BUILDINGS**

**Chapter 2  
Non-Conforming Uses**

\* \* \*

**52-70  
TERMINATION OF CERTAIN NON-CONFORMING USES AFTER AMORTIZATION**

\* \* \*

**52-76  
~~Adult Physical Culture Establishments~~**

~~In all districts, any #adult physical culture establishment#, unless subject to an earlier termination requirement contained in this Resolution, shall terminate not later than one year after November 16, 1978, and thereafter the space formerly occupied by such #use# shall be used only for a conforming #use#.~~

\* \* \*

**ARTICLE VI  
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2  
Special Regulations Applying in the Waterfront Area**

\* \* \*

**62-20  
SPECIAL USE REGULATIONS**

**62-21  
Classification of Uses in the Waterfront Area**

\* \* \*

**62-212  
Waterfront-Enhancing (WE) uses**

WE #uses# comprise a group of primarily recreational, cultural, entertainment or retail shopping #uses# that, when located at the water's edge, add to the public use and enjoyment of the waterfront. WE #uses# shall be limited to the following:

\* \* \*

From Use Group 9:

\*Boat showrooms or sales establishments

Catering establishments (also listed in Use Group 13)

~~Gymnasiums used exclusively for basketball, handball, paddleball, racketball, squash and tennis~~

#Health and fitness establishments# with no limitation on #floor area# per establishment

Wedding chapels or banquet halls (also listed in Use Group 13)

\* \* \*

## ARTICLE VII ADMINISTRATION

### Chapter 3 Special Permits by the Board of Standards and Appeals

\* \* \*

#### 73-10 SPECIAL PERMIT USES

#### 73-11 General Provisions

Subject to the general findings required by Section 73-03 and in accordance with the provisions contained in Sections 73-12 to ~~73-36~~ 73-35, inclusive, the Board of Standards and Appeals shall have the power to permit special permit #uses#, and shall have the power to impose appropriate conditions and safeguards thereon.

\* \* \*

#### 73-36 ~~Physical Culture or Health Establishments~~

(a) ~~In C1-8X, C1-9, C2, C4, C5, C6, C8, M1, M2 or M3 Districts, and in certain special districts as specified in the provisions of such special district, the Board of Standards and Appeals may permit #physical culture or health establishments# as defined in Section 12-10, including gymnasiums (not permitted under Use Group 9) or massage establishments other than #adult physical culture establishments#, for a term not to exceed 10 years, provided the following findings are made:~~

(1) ~~that such #use# is so located as not to impair the essential character or the future use or development of the surrounding area; and~~

- (2) ~~that such #use# contains:~~
- (i) ~~one or more of the following regulation size sports facilities: handball courts, basketball courts, squash courts, paddleball courts, racketball courts, tennis courts; or~~
  - (ii) ~~a swimming pool of a minimum 1,500 square feet; or~~
  - (iii) ~~facilities for classes, instruction and programs for physical improvement, body building, weight reduction, aerobics or martial arts; or~~
  - (iv) ~~facilities for the practice of massage by New York State licensed masseurs or masseuses.~~

~~Therapeutic or relaxation services may be provided only as #accessory# to programmed facilities as described in paragraphs (a)(2)(i) through (a)(2)(iv) of this Section.~~

- (b) ~~In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the Board may permit #physical culture or health establishments# located on the roof of a #commercial building# or the #commercial# portion of a #mixed building#, provided the following additional findings are made:~~
- (1) ~~that such #use# shall be an incidental part of a permitted #physical culture or health establishment# located within the same #commercial# or #mixed building#;~~
  - (2) ~~that such #use# shall be open and unobstructed to the sky;~~
  - (3) ~~that such #use# shall be located on a roof not less than 23 feet above #curb level#;~~
  - (4) ~~that the application for such #use# shall be made jointly by the owner of the #building# and the operator of such #physical culture or health establishment#; and~~
  - (5) ~~that the Board shall prescribe appropriate controls to minimize adverse impacts on the surrounding area, including but not limited to, requirements for the location, size and types of signs, limitations on the manner and/or hours of operation, shielding of floodlights, adequate screening, and the control of undue noise including the amplification of sound, music or voices.~~
- (c) ~~No special permit shall be issued pursuant to this Section unless:~~
- (1) ~~the Board shall have referred the application to the Department of Investigation for a background check of the owner, operator and all principals having an interest in any application filed under a partnership or corporate name and shall have received a report from the Department of Investigation which the Board shall determine to be satisfactory; and~~
  - (2) ~~the Board, in any resolution granting a special permit, shall have specified how each of the findings required by this Section are made.~~

~~The Board shall retain the right to revoke the special permit, at any time, if it determines that the nature or manner of operation of the permitted #use# has been altered from that authorized.~~

~~The Board may prescribe appropriate conditions and safeguards including location of #signs# and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community.~~

**73-40**

**MODIFICATIONS OF USE OR PARKING REGULATIONS**

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 4  
Special Permits by the City Planning Commission**

\* \* \*

**74-74  
Large-scale General Development**

\* \* \*

**74-744  
Modification of use regulations**

(a) #Use# modifications

\* \* \*

~~(4) #Physical culture or health establishments#~~

~~For a #large scale general development# located within an #MIH site#, in a C4 District within Queens Community District 14, #physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply.~~

\* \* \*

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Midtown District**

\* \* \*

**81-06  
Applicability of Article VII Provisions**

**81-061  
Applicability of Article VII, Chapter 3**

\* \* \*

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals shall only be applicable as modified below:

Section 73-16 (Public Transit, Railroad or Electrical Utility Substations) shall be applicable subject to the provisions of the #Special Midtown District#.

Section 73-28 (Newspaper Publishing) shall be applicable subject to the provisions of the #Special Midtown District#.

~~Section 73-36 (Physical Culture or Health Establishments) shall be applicable subject to the locational restrictions of the #Special Midtown District#.~~

Section 73-51 (Modification of Supplementary Use Regulations) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

Section 73-52 (Modifications for Zoning Lots Divided by District Boundaries) shall be applicable subject to the height and setback or alternate height and setback regulations of the #Special Midtown District#.

\* \* \*

## **81-60 SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT**

\* \* \*

### **81-62 Special Use Provisions**

\* \* \*

#### **81-622 Location of uses in mixed buildings**

For #mixed buildings developed# on #qualifying sites#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit the following #uses#, subject to the underlying zoning district regulations, on the same #story# as, or at any #story# above, #residential uses#, provided that no access exists between such #uses# at any level above the ground floor:

open or enclosed observation decks;

open or enclosed publicly accessible spaces;

eating or drinking establishments, as listed in Use Groups 6A, 6C, 10A and 12A;

bowling alleys, as listed in Use Group 8A and 12A;

theaters, as listed in Use Group 8A;

commercial art galleries, as listed in Use Group 6C;

~~gymnasiums, used exclusively for basketball, handball, paddleball, racquetball, squash and tennis, as listed in Use Group 9A;~~

#health and fitness establishments#, as listed in Use Groups 6C and 9A;

wedding chapels and banquet halls, as listed in Use Group 9A;

enclosed skating rinks, as listed in Use Group 12A;

swimming pools and gymnasium #uses# which are #accessory# to any other #use# located within the #building#; and

~~#physical culture or health establishments# permitted pursuant to Section 73-36.~~

For such #uses#, the provisions of Section 32-41 (Enclosure Within Buildings) shall not apply.

\* \* \*

**81-70  
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

**81-72  
Use Regulations Modified**

\* \* \*

**81-722  
Use Group T**

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

#Uses# marked with an asterisk (\*) are allowed only on #narrow street# frontages.

#Uses# marked with double asterisks (\*\*) are allowed only on floors other than the ground floor.

#Uses# marked thus (\*\*\*) qualify as #uses# satisfying the requirements of Section 81-724 (Requirements for entertainment-related uses).

#Use#

\* \* \*

Gift shops

~~\*Gymnasiums~~

Hair products for headwear

Hardware stores

#Health and fitness establishments#

Historical exhibits - not permitted in C5 Districts

\* \* \*

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 3  
Special Limited Commercial District**

**83-00  
GENERAL PURPOSES**

**83-03  
Use Group “LC”**

Use Group “LC” comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

\* \* \*

G. Retail or Service Establishments

\* \* \*

Gift shops

~~\*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\* \* \*

Photographic studios

~~\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#~~

Picture framing shops

\* \* \*

\* In #Special Limited Commercial Districts#, a #use# marked with an asterisk (\*) shall not be located on the ground floor of a #building# unless such #use# is at least 50 feet from the #street# wall of the #building# in which it is located

~~\*\* In #Special Limited Commercial Districts#, a #use# marked with a double asterisk (\*\*) shall be permitted only by special permit of the Board of Standard and Appeals pursuant to Section 73-36 (Physical Culture or Health Establishments)~~

~~\*\*\*~~

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
Special Battery Park City District**

\*\*\*

**84-00  
GENERAL PURPOSES**

\*\*\*

**84-03  
Use Regulations (For Zone A and Zone C)**

\*\*\*

**84-031  
Special permit uses**

\*\*\*

The following #uses# are permitted only by special permit of the Board of Standards and Appeals:

Electrical or gas utility substations, open or enclosed, pursuant to Section 73-14

Public utility stations for oil or gas metering or regulating, pursuant to Section 73-15

Telephone exchanges or other communications equipment structures, pursuant to Section 73-14

~~In Zone A, #physical culture or health establishments# in subzone A-4 only, pursuant to Section 73-36. However, #physical culture or health establishments# located below the level of the first #story# ceiling shall not be permitted to front on the #Esplanade#.~~

~~\*\*\*~~

**84-10  
ZONE A GENERAL DISTRICT REGULATIONS**

\*\*\*

**84-12  
Use Regulations**

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses# at any level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses#, or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a ~~#physical culture or health establishment#~~ #health and fitness establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a ~~#physical culture and health establishment#~~ #health and fitness establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

\* \* \*

**84-30**  
**ZONE C**

\* \* \*

**84-32**  
Use Regulations

Use regulations applicable in C6-6 Districts shall apply subject to the provisions of Sections 84-031 (Special permit uses) and 84-032 (Uses not permitted). In addition, the following #uses# shall be permitted:

Indoor interactive entertainment facilities, with eating and drinking, consisting of mechanical, electronic or computer supported games provided that a minimum of four square feet of waiting area within the #zoning lot# shall be provided for each person permitted under the occupant capacity as determined by the New York City Building Code. The required waiting area shall be in an enclosed lobby and shall not include space occupied by stairs, corridors or restrooms.

Parking facilities, public, subject to Section 84-341

~~#Physical culture or health establishments#~~

Sporting goods or equipment, sale or rental, including instruction in skiing, sailing or skin diving, as permitted in Use Group 14

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**[Removing provisions relating to physical culture establishments in the CPC-approved 495 11<sup>th</sup> Avenue (N 210325 ZRM) to be superseded by the Health and Fitness Citywide Text Amendment.]**

**Chapter 3  
Special Hudson Yards District (HY)**

\* \* \*

**93-10  
USE REGULATIONS**

\* \* \*

**~~93-19  
Physical Culture or Health Establishments~~**

~~Within Subdistrict G, #physical culture or health establishments# shall be permitted as of right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use#.~~

\* \* \*

**Chapter 4  
Special Sheepshead Bay District**

**94-00  
GENERAL PURPOSES**

\* \* \*

**94-06  
Special Use Regulations**

**94-061  
Permitted residential, community facility and commercial uses**

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

\* \* \*

Gift shops

~~Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Hardware stores, limited to marine supplies

\* \* \*

#### **94-062**

##### Use Group SB

In Areas A, B, C, D and E, except as stated in this Section, all #commercial uses# permitted by Use Group SB shall be limited to a maximum #floor area# of 3,500 square feet per establishment and to a maximum frontage per establishment at ground floor level of 35 feet when facing any plaza, Emmons Avenue, Sheepshead Bay Road, Ocean Avenue and Bedford Avenue. Any #use# marked with a single asterisk (\*) shall not be located on the ground floor of a #building#.

\* \* \*

##### C. Retail or service establishments

\* \* \*

Gift shop

\* ~~Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

Jewelry or art metal shops

\* \* \*

Photographic equipment or supply stores

~~\*\* #Physical culture or health establishments#, other than #adult physical culture establishments#, including gymnasiums, having a rated capacity of not more than 50 people~~

Picture framing shops

\* \* \*

~~\*\* #Uses# listed in Use Group SB, marked with a double asterisk, are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

\* \* \*

**94-064**

Supplementary use regulations

The provisions of Article VII, Chapter 3 (Special Permits by the Board of Standards and Appeals), Sections 73-10 through 73-52, relating to modifications of #use#, shall not apply in the Special District, ~~except that Section 73-36 (Physical Culture or Health Establishments) shall be applicable.~~

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Transit Land Use District**

**95-00  
GENERAL PURPOSES**

\* \* \*

**95-08  
Special Use Regulations**

\* \* \*

**95-081  
Use Group T**

Use Group T comprises a group of retail establishments selected to promote and strengthen retail business in the Special District. #Uses# marked with an asterisk (\*) shall not be located at the subway mezzanine level or along the bounding walls of a transit easement volume.

\* \* \*

**D. Retail or Service Establishments**

\* \* \*

Gift shops

~~\*\*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#

\*Ice cream stores

\* \* \*

Photographic studios

~~\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steam baths, but other than #adult physical culture establishments#~~

Picture framing shops

\* \* \*

~~\*\* #Uses# in Use Group T marked with a double asterisk are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 7  
Special 125th Street District**

\* \* \*

**97-20  
LOCATION AND ACCESS REGULATIONS**

\* \* \*

**97-21  
Supplemental Use and Streetscape Regulations Along 125th Street**

\* \* \*

**97-212  
Uses not permitted on the ground floor of buildings**

The following #uses# are not permitted within #stories# that have a floor level within five feet of #curb level# in #buildings developed# after April 30, 2008, or within #stories# that have a floor level within five feet of #curb level# within portions of #buildings enlarged# after April 30, 2008, where such #building# or portion of a #building# fronts upon 125th Street, or is within 100 feet from 125th Street. Entranceways and lobby space for access to such #uses# shall be permitted at the ground floor level, pursuant to the provisions of Section 97-213 (Access to non-ground floor uses).

\* \* \*

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios.

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

**Chapter 9  
Special Madison Avenue Preservation District**

**99-00  
GENERAL PURPOSES**

\* \* \*

**99-03  
Special Use Regulations**

\* \* \*

**99-031  
Use Group MP**

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

\* \* \*

B. Retail or Service Establishments

\* \* \*

Hardware stores

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing, or repairs shall be limited to 750 square feet per establishment

\* \* \*

Table B

A. Retail or Service Establishments

\* \* \*

Furniture stores, with no limitation on #floor area# per establishment

~~\*Gymnasiums, used exclusively for basketball, handball, squash and tennis~~

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

\*Medical or dental laboratories for research or testing, or the custom manufacture of artificial teeth, dentures, or plates, not involving any danger of fire or explosion nor offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectionable effects

\*Motion picture production studios

Musical instrument repair shops

Office or business machine stores, sales or rental (limited to 40 linear feet of #street# frontage)

~~\*\*#Physical culture or health establishments#, including gymnasiums (not listed under Use Group 9), reducing salons, massage establishments or steambaths, but other than #adult physical culture establishments#~~

Plumbing, heating, or ventilating equipment showrooms, without repair facilities (limited to 40 linear feet of #street# frontage)

\* \* \*

~~#Uses# in Use Group MP marked with a double asterisk (\*\*) are permitted only by special permit of the Board of Standards and Appeals, pursuant to the provisions of Section 73-36~~

\* \* \*

**ARTICLE X  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
Special Manhattanville Mixed Use District**

\* \* \*

**104-10  
SPECIAL USE REGULATIONS**

\* \* \*

**104-16  
Use Group MMU**

Use Group MMU comprises a group of #uses# selected from Use Groups 3, 4, 6, 7, 8, 9, 10, 12 and 17, as modified, including any of such #uses# that are #accessory# to a college or university and open to the public.

\* \* \*

From Use Group 6C:

\* \* \*

Gift shops

#Health and fitness establishments#, open or enclosed, limited to 10,000 square feet of #floor area# per establishment

Interior decorating establishments, provided that #floor area# used for processing, servicing or repairs shall be limited to 750 square feet per establishment

\* \* \*

From Use Group 9A:

Automobile, motorcycle, #trailer# or boat showrooms or sales, with no repair services and with no preparation of vehicles or boats for delivery

Clothing or costume rental establishments

#Health and fitness establishments#, open or enclosed, with no limitation on #floor area# per establishment

Musical instrument repair shops

\* \* \*

#Accessory uses# to all the above #uses# are permitted.

~~#Physical culture or health establishments# are subject to a special permit, pursuant to Section 73-36.~~

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Downtown Jamaica District**

\* \* \*

**115-10  
SPECIAL USE REGULATIONS**

\* \* \*

**115-15  
Modification of Use Regulations in M1-4 Districts**

The #use# regulations of the underlying M1-4 District shall apply, except as modified as follows:

\* \* \*

From Use Group 4A:

Ambulatory diagnostic or treatment health care facilities, limited to public, private, for-profit or not-for-profit medical, health and mental health care facilities in which patients are diagnosed or treated by health care professionals, licensed by the New York State Department of Education or successor agency, for medical, health or mental health conditions, and where such patients are ambulatory rather than admitted. Such facilities shall not include the practice of veterinary medicine, ~~#physical culture or health establishments#~~ or ophthalmic dispensing

Clubs, except:

- (a) clubs, the chief activity of which is a service predominantly carried on as a business;
- (b) non-commercial outdoor swimming pool clubs; or
- (c) any other non-commercial clubs with outdoor swimming pools located less than 500 feet from any #lot line#; ~~or~~
- (d) ~~any activity or #use# listed within the definitions of either #adult physical culture establishments# or #physical culture or health establishments# in Section 12-10 (DEFINITIONS)~~

Community centers or settlement houses

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 6  
Special Stapleton Waterfront District**

\* \* \*

**116-10  
SPECIAL USE REGULATIONS FOR SUBAREAS A, B AND C, THE ESPLANADE, PIER PLACE  
AND THE COVE**

\* \* \*

**116-102**

Special permit uses

~~#Physical culture or health establishments# shall be permitted in Subarea B2. The special permit provisions of Section 73-36 shall not apply.~~

**116-103**

Supplementary use regulations

The provisions of Section 32-41 (Enclosure Within Buildings) shall be modified as follows: In Subarea B3, a farmers' market may be unenclosed.

The provisions of Section 32-423 (Limitation on ground floor location) shall be modified as follows: In Subareas B1 and B2, the #uses# listed in Section 32-18 (Use Group 9) may be located on the ground floor and within 50 feet of any #street wall# of the #building# and with #show windows# facing on the #street#

\* \* \*

**116-60**

**SPECIAL REGULATIONS IN SUBAREA E**

\* \* \*

**116-61****Special Use Regulations**

The #use# regulations of Article VI, Chapter 2 (Special Regulations Applying in the Waterfront Area) shall apply, modified as follows:

- (a) the provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply; and
- (b) the provisions of Section 62-29 (Special Use Regulations for R6, R7, R8, R9 and R10 Districts) are modified to allow #uses# listed in Section 62-212 (Waterfront-Enhancing (WE) uses) to be located anywhere within a #building# existing prior to July 20, 2017, provided that no #commercial floor area# is located above a #dwelling unit#; and
- (c) ~~#physical culture or health establishments# shall be permitted as of right. The special permit provisions of Section 73-36 shall not apply.~~

\* \* \*

**ARTICLE XII****SPECIAL PURPOSE DISTRICTS****Chapter 3****Special Mixed Use Districts**

\* \* \*

**123-30****SUPPLEMENTARY USE REGULATIONS**

\* \* \*

**123-33****Health and Fitness Establishments**

In M1 Districts paired with a #Residence District#, high-intensity #uses#, as listed in the definition of #health and fitness establishments#, shall be subject to the following additional enclosure and environmental conditions:

- (a) such high-intensity #uses# shall be located within #completely enclosed buildings#; and
- (b) where such high-intensity #use# is located in a #building# containing any #residential#, #community facility#, or #commercial use#, an acoustical engineer shall verify to the Department of Buildings prior to the issuance of a certificate of occupancy that such high-intensity #use# is designed according to International Organization for Standardization (ISO) or American National Standards Institute (ANSI) standards for noise control to meet the New York City Noise Code, administered by the Department of Environmental Protection.

Such high-intensity #uses# shall meet the following standards for noise and vibration:

- (1) impact noise measurement shall comply with ISO 16283-2:2020, or subsequent versions; and
- (2) vibration measurement shall comply with ISO 8041:2005 or ANSI/ASA S2.71, or subsequent versions, for on-site vibration measurement and analysis.

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4  
Special Willets Point District**

\* \* \*

**124-10  
SPECIAL USE REGULATIONS**

\* \* \*

**124-12  
Regulation of Commercial Uses in Area B**

(a) Within Area B, as shown on Map 1 in the Appendix to this Chapter, #commercial# and special permit #uses# shall be limited to those #uses# permitted in a C1-4 District and #physical culture or health establishments# pursuant to Section 73-36, provided that #commercial uses# shall be located no more than 100 feet from a #connector street#, the present or former 34th Avenue or Willets Point Boulevard, or Area A, as shown on Map 1 in the Appendix to this Chapter.

\* \* \*

**124-13  
Uses Permitted As-of-Right**

The following special permits shall not apply. In lieu thereof, such #uses# shall be permitted as-of-right:

\* \* \*

In #buildings# with frontage on 126th Street, the following special permits shall not apply. In lieu thereof, such uses shall be permitted as-of-right:

Section 73-244 (In C2, C3, C4\*, C6-4\*\*, M1-5A, M1-5B, M1-5M and M1-6M Districts, the Special Hudson Square District and the Special Tribeca Mixed Use District) shall not apply for eating and drinking establishments with a capacity of more than 200 persons, which shall be permitted as-of-right within 100 feet of a #Residence District# boundary

Section 73-35 (Amusement Arcades)

~~Section 73-36 (Physical Culture or Health Establishments)~~

Section 74-46 (Indoor Interactive Entertainment Facilities)

Section 74-47 (Amusement Arcades)

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 7**

## Special Flushing Waterfront District

\* \* \*

### 126-10

#### SPECIAL USE REGULATIONS

\* \* \*

### 127-12

#### ~~Physical Culture or Health Establishments~~

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, ~~#physical culture or health establishments#~~ shall be permitted as of right. For the purposes of applying the underlying regulations to such ~~#use#~~, a ~~#physical culture or health establishment#~~ shall be considered a Use Group 9 ~~#use#~~ and shall be within parking requirement category B.

### 127-13

#### Sign Regulations

For M1 Districts paired with a ~~#Residence District#~~, the provisions regulating ~~#signs#~~ in C4 Districts, as set forth in Section 32-60 (SIGN REGULATIONS), inclusive, shall apply to any ~~#signs#~~.

\* \* \*

## ARTICLE XIII

### SPECIAL PURPOSE DISTRICTS

#### Chapter 1

#### Special Coney Island District

### 131-00

#### GENERAL PURPOSES

\* \* \*

### 131-04

#### Applicability

\* \* \*

### 131-044

#### ~~Physical culture or health establishments~~

The provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply in the Coney East, Coney North or Coney West Subdistricts. In lieu thereof, ~~#physical culture or health establishments#~~ shall be allowed as of right.

### 131-045 131-044

#### Modification of use and bulk regulations

\* \* \*

**131-10  
SPECIAL USE REGULATIONS**

\* \* \*

**131-12**

Use Groups A, B and C

Special Use Groups are established as set forth in this Section, to promote and strengthen the commercial and entertainment character of the Special District.

\* \* \*

**131-123**

**Use Group C: Retail and service uses**

Use Group C consists of a group of retail and service #uses#, selected from Use Groups 6, 7, 12 and 14, as modified in this Section:

\* \* \*

Gift shops

#Health and fitness establishments# limited to 10,000 square feet of #floor area# per establishment

Jewelry manufacturing from precious metals

\* \* \*

**131-13**

**Special Use Regulations in Subdistricts**

\* \* \*

**131-132**

**Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

\* \* \*

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

\* \* \*

From Use Groups 9A, 9B and 9C:

All #uses#, except for ~~gymnasiums~~ #health and fitness establishments#, public auction rooms, photographic developing or printing establishments for the consumer, or art, music, dancing or theatrical studios

\* \* \*

**ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 4: Special Governors Island District**

\* \* \*

**134-10  
SPECIAL USE REGULATIONS**

**134-11  
Commercial Uses**

The following #commercial uses# shall be allowed

\* \* \*

Any #commercial use# or ~~#physical culture or health establishment#~~ larger than 7,500 square feet in #floor area# shall be permitted provided that, prior to the establishment of such #use#, the applicant shall submit a written description of such #use# to the local community board, together with information to demonstrate that such #use# will promote the goals of the #Special Governors Island District#, complement existing #uses# within the special district, and be compatible with the nature, scale and character of other #uses# within the special district. The local community board shall have the opportunity to respond to such submission with written comments within forty-five (45) days of receipt and the applicant shall thereafter provide the local community board with a written response to such comments, including a description of any modifications to the proposal or, if a recommendation of the local community board has not been adopted, the reasons such modification has not been made.

No building permit shall be issued with respect to a #commercial use# or ~~#physical culture or health establishment#~~ larger than 7,500 square feet unless the Chairperson of the City Planning Commission shall have certified to the Department of Buildings that the applicant has complied with the provisions of this Section.

The provisions of this Section shall not apply to #commercial uses# permitted pursuant to Section 134-12 (Authorization for Certain Commercial Uses).

\* \* \*

**134-13  
~~Physical Culture or Health Establishments~~**

~~#Physical culture or health establishments# shall be permitted in the #Special Governors Island District#, subject to the requirements of Section 134-11. The special permit provisions of Section 73-36 shall not apply.~~

**134-14  
Signs**

For #commercial uses# and ~~#physical culture or health establishments#~~, the #sign# regulations of a C1 District mapped within an R3-2 District shall apply.

\* \* \*

**134-20  
SPECIAL BULK REGULATIONS**

**134-21  
Special Regulations for Commercial Uses**

For ~~#commercial uses# and #physical culture or health establishments#~~, the #floor area# regulations of a C1 District mapped within an R3-2 District shall apply.

\* \* \*

**ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 5  
Special Bay Street Corridor District**

\* \* \*

**135-10  
SPECIAL USE REGULATIONS**

\* \* \*

**135-13  
~~Physical Culture or Health Establishments~~**

~~Within the #Special Bay Street Corridor District#, a #physical culture or health establishment# shall be permitted as of right in #Commercial Districts#. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category PRC-B.~~

**135-14  
Breweries**

\* \* \*

**135-15-135-14  
Modification of Supplemental Use Provisions**

\* \* \*

**ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 8  
Special East Harlem Corridors District**

\* \* \*

**138-10  
SPECIAL USE REGULATIONS**

\* \* \*

**138-13  
~~Physical Culture or Health Establishments~~**

~~Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as of right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.~~

**138-14  
Public Parking Garages**

\* \* \*

**[Removing provisions relating to physical culture establishments in the CPC-approved Special Gowanus Mixed-Use District (N 210178 ZRK) to be superseded by the Health and Fitness Citywide Text Amendment.]**

**ARTICLE XIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 9  
Special Gowanus Mixed Use District**

\* \* \*

**139-10  
SPECIAL USE REGULATIONS**

\* \* \*

**139-13  
Gowanus Retail and Entertainment Uses**

\* \* \*

From Use Group 14, as set forth in Section 32-23:

bicycle sales; candy or ice cream stores; and non-commercial clubs without restrictions on activities or facilities except for any activity or #use# listed within the definitions of #adult physical culture establishments# in Section 12-10 (DEFINITIONS).

\* \* \*

**139-16  
Physical Culture Establishments**

~~In all districts, #physical culture or health establishments# shall be permitted as of right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9A #use#.~~

**[Not including provisions relating to hotels because they have been superseded by the CPC-approved Citywide Hotel Text Amendment (N 210406 ZRY).]**

\* \* \*

**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Jerome Corridor District**

\* \* \*

**141-10  
SPECIAL USE REGULATIONS**

\* \* \*

**141-12  
~~Physical Culture or Health Establishments~~**

~~#Physical culture or health establishments# shall be permitted as of right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

**~~141-13  
Modification of Supplemental Use Provisions~~**

\* \* \*

**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

**Chapter 2  
Special Inwood District**

\* \* \*

**142-10  
SPECIAL USE REGULATIONS**

\* \* \*

**142-11  
Permitted Uses**

~~#Physical culture or health establishments# shall be permitted as-of-right in C2-4, C4, C6-2, M1-4 and M1-5 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.~~

In Subarea B1, as shown on Map 1 (Special Inwood District – Subdistricts and Subareas) in the Appendix to this Chapter, commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps, as listed in Use Group 16C, shall be a permitted #use#.

In Subareas B2 and B3, as shown on Map 1, all #uses# listed in Use Groups 3 and 4 shall be permitted #uses#, and Use Group 6A food stores, including supermarkets, grocery stores, or delicatessen stores, shall not be limited to #floor area# per establishment.

In Subdistrict D, as shown on Map 1, #self-service storage facilities# shall be permitted as-of-right in C6-2A Districts.

\* \* \*

## **APPENDIX A**

### **Index of Uses**

The following is a listing in alphabetical order of #uses# allowed in this Resolution either as #uses# permitted as-of-right, or as #uses# permitted by special permit, together with the Use Group in which each is listed, the parking requirement category of #commercial uses#, if applicable, and the district or districts in which it is permitted.

When a district associated with a given #use# is designated in the Index with an asterisk (\*), the #use# is permitted in such district only by special permit of the Board of Standards and Appeals, as set forth in the applicable portions of this Resolution.

When a district associated with a given #use# is designated in the Index with a double asterisk (\*\*), the #use# is permitted in such district only by special permit of the City Planning Commission, as set forth in the applicable portions of this Resolution.

#Uses# listed in Use Group 11A, 16, 17, or 18 as permitted #uses# in C8 or #Manufacturing Districts# must also meet the applicable performance standards for these districts.

#Uses# listed in Use Group 18 are permitted in M1 or M2 Districts if they can comply with the applicable performance standards for those districts.

This Index is established as a reference guide to this Resolution but is not an integral part thereof. Whenever there is any difference in meaning or implication between the provisions of this Resolution as set forth in Articles I through VII and the text of this Index, the text of the Resolution shall prevail.

#Use# regulations governing the several classes of districts are set forth in the following Chapters of this Resolution:

Residence Districts Article II, Chapter 2  
 Commercial Districts Article III, Chapter 2  
 Manufacturing Districts Article IV, Chapter 2

\* \* \*

Barber shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
Baths, steam (See <del>#Physical culture or health establishments#</del> <u>#Health and fitness establishments#</u> )		
Beaches, commercial [PRC-E]	13	C3* C7 C8 M1 <sup>3</sup> M2 M3

\* \* \*

Gun repairs [PRC-B1]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
Gymnasiums [PRC-B]: (See <u>#health and fitness establishments#</u> )		
<del>Limited</del>	9	<del>C2 C4 C5 C6 C8 M1</del>
<del>Unlimited (See <u>#Physical culture or health establishments#</u>)</del>		
Gypsum manufacture	18	M3

\* \* \*

Hat:		
Bodies manufacture	17	M1 M2 M3
Repair shops [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3
<u>#Health and fitness establishments#</u>		
<u>Limited as to #floor area#</u>	<u>6</u>	<u>C1 C2 C4 C5 C6 C8 M1 M2 M3</u>
	<u>14</u>	<u>C2 C3 C7 C8</u>
<u>Unlimited</u>	<u>9</u>	<u>C1<sup>30</sup> C2 C4 C5 C6 C8 M1 M2 M3</u>
Health Centers	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Health services (see <del>#physical culture or health establishments#</del> <u>#health and fitness establishments#</u> )		

\* \* \*

Markets:		
Retail, including meat (See Food stores)		
Wholesale, produce or meat	17	M1 M2 M3

<del>Masseurs Massage therapists</del> [PRC-B] (See <u>Ambulatory diagnostic and treatment health care facilities</u> )		<del>C2* C4* C5* C6* C8* M1*<sup>3</sup> M2* M3*</del>
Matches manufacture	18	M3

\* \* \*

Photostating establishments [PRC-B1]	9	C2 C4 C5 C6 C8 M1 M2 M3
<del>#Physical culture or health establishments#</del> [PRC-B]		<del>C1<sup>30</sup>* C2* C4* C5* C6* C8* M1* M2* M3*</del>
Picture framing stores [PRC-B]	6	C1 C2 C4 C5 C6 C8 M1 M2 M3

\* \* \*

Rectories	4	R1-R2 R3-R10 C1 C2 C3 C4 C5 C6 C8 M1**
Reducing salons (See <del>#Physical culture or health establishments#</del> <u>#Health and fitness establishments#</u> )		
Refreshment stands, drive-in [PRC-H]	7	C2 C6 <sup>4</sup> C8 M1 M2 M3
	13	C7 C8 M1 <sup>3</sup> M2 M3

\* \* \*

<sup>29</sup> Not permitted in C6-1, C6-2 and C6-3 Districts.

<sup>30</sup> Permitted only in C1-8 and C1-9 Districts and C1 Districts mapped within an R9 or R10 District.

<sup>31</sup> Permitted only in C6-5 and C6-7 Districts.

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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 L.U. No. 924

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210380 ZRY (Fresh II Zoning Text Amendment) submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements, Citywide.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3118), respectfully

**REPORTS:****SUBJECT****CITYWIDE****N 210380 ZRY**

City Planning Commission decision approving an application submitted by New York City Department of City Planning for an amendment of the text of the Zoning Resolution of the City of New York, for an amendment of the text of the Zoning Resolution of the City of New York, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements, all Community Districts, Citywide.

**INTENT**

To approve the amendment for an amendment of the text of the Zoning Resolution of the City of New York, to modify Article VI, Chapter 3 (Special Regulations Applying to FRESH Food Stores) and related Sections, to expand areas in which the program is applicable and to update various requirements, which would facilitate the expansion the FRESH program in areas of the Bronx, Brooklyn, Queens and Staten Island and modification of related regulations in eligible areas that guide the development of FRESH food stores, all Community Districts, Citywide.

**PUBLIC HEARING****DATE:** November 18, 2021**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 9, 2021

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

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

None

**Abstain:**

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

Report for L.U. No. 925

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210164 ZMQ (103-16 Van Wyck Expressway Rezoning) submitted by 10316 Van Wyck Exp LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18c changing from an R3A District to an R6B District and establishing within a proposed R6B District a C2-3 District, Borough of Queens, Community District 10, Council District 28.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3118), respectfully

**REPORTS:****SUBJECT**

**QUEENS CB-10 – TWO APPLICATIONS RELATED TO 103-16 VAN WYCK EXPRESSWAY REZONING**

**C 210164 ZMQ (L.U. No. 925)**

City Planning Commission decision approving an application submitted by 10316 Van Wyck Exp LLC, application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 18c:

1. changing from an R3A District to an R6B District property bounded by a line 100 feet southeasterly of Liberty Avenue, the northeasterly service road of Van Wyck Expressway, a line 195 feet northwesterly of 105<sup>th</sup> Avenue and its northeasterly prolongation, and a line midway between 135<sup>th</sup> Street and Van Wyck Expressway; and
2. establishing within a proposed R6B District a C2-3 District bounded by a line 100 feet southeasterly of Liberty Avenue, Van Wyck Expressway, a line 195 feet northwesterly of 105<sup>th</sup> Avenue, and a line midway between 135<sup>th</sup> Street and Van Wyck Expressway;

Borough of Queens, Community District 10, as shown on a diagram (for illustrative purposes only) dated July 26, 2021.

**N 210165 ZRQ (L.U. No. 926)**

City Planning Commission decision approving an application submitted by 10316 Van Wyck Exp LLC for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 10.

**INTENT**

To approve the amendment to rezone the project area to change an R3A zoning district to an R6B/C2-3 zoning district and to approve the text amendment to establish a Mandatory Inclusionary Housing (MIH) area, which would facilitate the development of a four-story mixed-use building with 18 dwelling units at 103-16 Van Wyck Expressway in the South Ozone Park neighborhood of Queens, Community District 10.

**PUBLIC HEARING**

**DATE:** November 18, 2021

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 2, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 925 and approve with modifications the decision of the City Planning Commission on L.U. No. 926.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**            **Abstain:**  
None                    None.

**COMMITTEE ACTION**

**DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.

**Against:**            **Abstain:**  
None                    None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 926

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210165 ZRQ (103-16 Van Wyck Expressway Rezoning) submitted by 10316 Van Wyck Exp LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 10, Council District 28.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3118), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 925 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 929

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 220062 ZMK (River Ring) submitted by River Street Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, changing from an M3-1 District to a C6-2 District and changing from an M3-1 District to an M1-4 District, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3469), respectfully

#### REPORTS:

#### **BROOKLYN CB-1 – SEVEN APPLICATIONS RELATED TO RIVER RING**

##### **C 220062 ZMK (Pre. L.U. No. 929)**

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

1. changing from an M3-1 District to a C6-2 District property bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, a northeasterly boundary line of Grand Ferry Park, and the U.S. Pierhead Line; and
2. changing from an M3-1 District to an M1-4 District property bounded by North 3rd Street, Kent Avenue, North 1st Street, and River Street;

Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated August 16, 2021, and subject to the conditions of CEQR Declaration E-636.

##### **N 220063 ZRK (Pre. L.U. No. 930)**

City Planning Commission decision approving an application submitted by River Street Partners 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 Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying Large-scale General Development provisions, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

##### **C 220061 MLK (L.U. No. 932)**

City Planning Commission decision approving an application submitted by River Street Partners LLC pursuant to Section 197-c of the New York City Charter for a landfill of approximately 6,230 square feet located in the East River, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block

2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in C6-2 District.

**C 220064 ZSK (L.U. No. 933)**

City Planning Commission decision approving an application submitted by River Street Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(2) - to modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline requirements of Section 62-341 (Developments on land and platforms); and

2. Section 74-743(a)(13):

a. to allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot;

b. to allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots); and

c. to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures);

in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3<sup>rd</sup> Street, River Street, North 1<sup>st</sup> Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1<sup>st</sup> Street), in a C6-2 District.

**N 220065 ZAK (L.U. No. 934)**

City Planning Commission decision approving an application submitted by River Street Partners, LLC, for the grant of an authorization pursuant to Sections 62-822(a) and 62-132 of the Zoning Resolution to modify the requirements of Section 62-332 (Rear yards and waterfront yards) and Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a mixed-use development, within a large-scale general development, on property generally bounded by North 3<sup>rd</sup> Street, River Street, North 1<sup>st</sup> Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue\* and North 1<sup>st</sup> Street), in a C6-2 District.

**C 220070 ZSK (L.U. No. 935)**

City Planning Commission decision approving an application submitted by River Street Partners, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by

North 3<sup>rd</sup> Street, River Street, North 1<sup>st</sup> Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1<sup>st</sup> Street), in C6-2 District.

**C 210425 MMK (L.U. No. 936)**

City Planning Commission decision approving an application submitted by River Street Partners, LLC, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- 1) the elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line;
- 2) the elimination, discontinuance and closing of a portion of North 1<sup>st</sup> Street from a point 200 feet west of River Street and the United States Pierhead Line;
- 3) the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. Y-2760 dated August 16, 2021 and signed by the Borough President.

**INTENT**

To approve the amendment to rezone the project area from an M3-1 zoning district to a C6-2 zoning district and M3-1 zoning district to a M1-4 zoning district; amend zoning text to establish the project area as a Mandatory Inclusionary Housing (MIH) area, allow an LSGD that does not meet the ownership requirements of Zoning Resolution (ZR) Section 74-742, and allow new piers and in-water structures that are accessible to the public to generate floor area; a landfill action to add approximately 6,320 square feet to create open area as part of the waterfront public space; grant an approval of the special permit pursuant to ZR Section 74-74 to establish a LSGD, allow reconstructed piers to retain floor area, and modify bulk regulations; grant an authorization pursuant to ZR Section 62-822(a) to modify regulations pertaining to the locations and dimensions of required waterfront public access areas; grant an approval of the special permit pursuant to ZR Section 74-533 to reduce the parking requirements for accessory group parking facilities in a Transit Zone; approve the amendment to the city map change to eliminate, discontinue, close, and dispose of a segment of Metropolitan Avenue to the west of River Street and a portion of North First Street west of River Street facilitate the construction of an approximately 1.16 million-square-foot mixed-use large-scale general development (LSGD) containing approximately 1,050 residential units, 30,000 square feet of community facility uses, 79,000 square feet of commercial space, and 2.9 acres of open space located at 105 River Street in the Williamsburg neighborhood of Brooklyn, Community District 1.

**PUBLIC HEARING**

***Preconsidered L.U. Nos. 929 and 930 (Mandatory Items Only)***

**DATE:** November 18, 2021

**Witnesses in Favor:** Forty-Six

**Witnesses Against:** Six

***L.U. Nos. 932 through 936 (Discretionary Items Only)***

**DATE:** December 2, 2021

**Witnesses in Favor:** None

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 929 and L.U. Nos. 932 through 936 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 930.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

None

**Abstain:**

Barron

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

Report for L.U. No. 930

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 220063 ZRK (River Ring) submitted by River Street Partners, 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 Article VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying Large-scale General Development provisions, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3469), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 929 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

Report for L.U. No. 931

**Report of the Committee on Land Use in favor of approving Application No. 20225008 HAR (Stapleton Beacon Article XI Disposition) submitted by the New York City Department of Housing Preservation and Development for approval of previously approved disposition area pursuant to Section 576-a(2) of the Private Housing Finance Law for property located at Block 487, Part of Lot 100, Borough of Staten Island, Community District 1, Council District 49.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3469) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB - 1**

**20225008 HAR**

Application submitted by the New York City Department of Housing Preservation and Development for approval a disposition to a project sponsor, pursuant to Section 576-a(2) of the Private Housing Finance Law, for property located at Block 487, p/o Lot 100, Borough of Staten Island, Community District 1, Council District 49. This application is related to City Council Resolution dated October 25, 2006 (Resolution No. 590, L.U. No. 212).

**INTENT**

To approve the disposition of the disposition area to a project sponsor to construct at least one (1) building containing a total of approximately 359 rental dwelling units and one (1) unit for a superintendent and approximately 9,000 square feet of community facility space.

**PUBLIC HEARING****DATE:** December 7, 2021**Witnesses in Favor:** \_\_\_\_\_**Witnesses Against:** \_\_\_\_\_**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the request made by the New York City Department of Housing Preservation and Development.

**In Favor:****Against:****Abstain:****COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:****Against:****Abstain:****Editor's Note:*****In Favor:***

*Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.*

***Against:****None****Abstain:****None.*

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

Res. No. 1848

**Resolution approving the application submitted by the New York City Department of Housing Preservation and Development ("HPD") for the disposition of city-owned property located at Block 487, p/o Lot 100, Borough of Staten Island, Community District 49 (L.U. No. 931; 20225008 HAR).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD"), submitted to the Council December 3, 2021 its request dated December 3, 2021, pursuant to Section 576-a(2) of the Private Housing Finance Law for approval of the disposition of property located at Block 487, p/o Lot 100, Borough of Staten Island, Community District 1 (the "Disposition Area") to the project sponsor ("Sponsor") to facilitate at least one building containing total of approximately 359 rental dwelling units plus one unit for a superintendent and approximately 9,000 square feet of community facility space ("Project");

**WHEREAS**, the request made by the New York City Department of Housing Preservation and Development is related to a previously approved City Council Resolution No. 590 (L.U. No. 212) dated October 25, 2006;

**WHEREAS**, upon due notice, the Council held a public hearing on the Project on December 7, 2021; and

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

**RESOLVED:**

The Council approves the sale of the Disposition Area to the Sponsor pursuant to Section 576-a(2) of the Private Housing Finance Law, upon the terms and conditions in the Project Summary that HPD has submitted to the Council on November 5, 2021, a copy of which is attached hereto.

**ATTACHMENT:**

**PROJECT SUMMARY**

- |  |   |               |                    |
|--|---|---------------|--------------------|
| <b>1. PROGRAM:</b>                         | New Construction Finance Programs   |               |                    |
| <b>2. PROJECT:</b>                         | Stapleton Beacon  |               |                    |
| <b>3. LOCATION:</b>                        |   |               |                    |
| <b>a. BOROUGH:</b>                         | Staten Island   |               |                    |
| <b>b. COMMUNITY DISTRICT:</b>              | 1   |               |                    |
| <b>c. COUNCIL DISTRICT:</b>                | 49  |               |                    |
| <b>d. DISPOSITION AREA:</b>                | <u>BLOCK</u>  | <u>LOT(S)</u> | <u>ADDRESS(ES)</u> |
|  | 487   | p/o 100       |                    |
| <b>4. BASIS OF DISPOSITION PRICE:</b>      | Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term. |               |                    |
| <b>5. TYPE OF PROJECT:</b>                 | New Construction  |               |                    |
| <b>6. APPROXIMATE NUMBER OF BUILDINGS:</b> | At least one building   |               |                    |
| <b>7. APPROXIMATE NUMBER OF UNITS:</b>     | 359 dwelling units, plus one unit for a superintendent  |               |                    |

8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 100% of the area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All affordable rental units will be subject to rent stabilization.
10. **INCOME TARGETS** Between 30% and 120% of AMI
11. **PROPOSED FACILITIES:** Approximately 9,000 square feet of community facility space
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Environmental Impact Statement
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 L.U. No. 932

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 220061 MLK (River Ring) submitted by River Street Partners LLC pursuant to Section 197-c of the New York City Charter for a landfill of approximately 6,230 square feet located in the East River, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in C6-2 District, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3469), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 929 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

#### Report for L.U. No. 933

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 220064 ZSK (River Ring) submitted by River Street Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for, for the grant of special permits pursuant Zoning Resolution Section 74-743(a)(2) to modify the height and setback, floor area distribution, maximum residential tower size, and maximum width of building walls facing a shoreline requirements of Section 62-341 (Developments on land and platforms); and Section 74-743(a)(13) to allow existing land projecting seaward of the bulkhead line to be replaced or reconstructed with new platforms and such platform be included as part of the upland lot, to allow such new piers and platforms to be considered lot area for the purposes of determining allowable floor area, dwelling units, and other bulk regulations of Section 62-31(b) & (c) (Bulk Computations on Waterfront Zoning Lots), and to waive the requirements of Sections 62-242 (Uses on new piers and platforms), 62-54 (Requirements for Public Access on Piers, and Section 62-63 (Design Requirements for Public Access on Piers and Floating Structures), in connection with a proposed mixed-use development, within a large-scale general development on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in a C6-2 District, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3470), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 929 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

## Report for L.U. No. 934

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 220065 ZAK (River Ring) submitted by River Street Partners LLC for the grant of an authorization pursuant to Sections 62-822(a) and 62-132 of the Zoning Resolution to modify the requirements of Section 62-332 (Rear yards and waterfront yards) and Section 62-50 (GENERAL REQUIREMENTS FOR VISUAL CORRIDORS AND WATERFRONT PUBLIC ACCESS AREAS), in connection with a mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in a C6-2 District, Borough of Brooklyn, Community District 1.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3470), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 929 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

## Report for L.U. No. 935

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 220070 ZSK (River Ring) submitted by River Street Partners LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces from 40 percent to 20 percent, for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, within a large-scale general development, on property generally bounded by North 3rd Street, River Street, North 1st Street, a line 200 feet northwesterly of River Street, Grand Ferry Park, and the U.S. Pierhead Line (Block 2355, Lots 1 and 20; Block 2361, Lots 1, 20 and 21; and Block 2376, Lot 50; and the demapped portions of Metropolitan Avenue and North 1st Street), in C6-2 District, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3471), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 929 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

#### Report for L.U. No. 936

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210425 MMK (River Ring) submitted by River Street Partners LLC pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance and closing of Metropolitan Avenue between River Street and the United States Pierhead Line, the elimination, discontinuance and closing of a portion of North 1st Street from a point 200 feet west of River Street and the United States Pierhead Line, and the adjustment of grades and block dimensions necessitated thereby, including authorization for any acquisition or disposition of real property related thereto, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3471), respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 929 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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

## Report for L.U. No. 937

**Report of the Committee on Land Use in favor of approving Application No. C 200299 ZMQ (Beach 79 Self Storage Rezoning) submitted by 79 Arverne Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30c, by changing from an M1-1 District to an M1-2 District property bounded by the U.S. Pierhead and Bulkhead Line, a line 80 feet westerly of Beach 77th Street, Rockaway Freeway, and a line 200 feet easterly of Beach 80th Street, Borough of Queens, Community District 14, Council District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3471) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****QUEENS CB - 14****C 200299 ZMQ**

City Planning Commission decision approving an application submitted by by changing from an M1-1 District to an M1-2 District property bounded by the U.S. Pierhead and Bulkhead Line, a line 80 feet westerly of Beach 77<sup>th</sup> Street, Rockaway Freeway, and a line 200 feet easterly of Beach 80<sup>th</sup> Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated June 7, 2021, and subject to the conditions of CEQR Declaration E-624.

**INTENT**

To approve the amendment to rezone the Project Area from an M1-1 District to an M1-2 District to facilitate the development of a six-story self-service storage facility at 350 Beach 79<sup>th</sup> Street in the Arverne neighborhood of Queens, Community District 14.

**PUBLIC HEARING****DATE:** December 2, 2021**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

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



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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 7<sup>th</sup>, 2021 (CEQR No. 20DCP138Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-624) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-624) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200299 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 30c, by changing from an M1-1 District to an M1-2 District property bounded by the U.S. Pierhead and Bulkhead Line, a line 80 feet westerly of Beach 77<sup>th</sup> Street, Rockaway Freeway, and a line 200 feet easterly of Beach 80<sup>th</sup> Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated June 7, 2021, and subject to the conditions of CEQR Declaration E-624.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 L.U. No. 938

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210232 ZRQ (160-05 Archer Avenue) submitted by Archer 1 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 Article XI, Chapter 5 (Special Downtown Jamaica District), Borough of Queens, Community District 12, Council District 27.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 23, 2021 (Minutes, page 3472), respectfully

**REPORTS:**

**SUBJECT****QUEENS CB - 12****N 210232 ZRQ**

City Planning Commission decision approving an application submitted by Archer 1, 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 Article XI, Chapter 5 (Special Downtown Jamaica District).

**INTENT**

To approve the amendment to the text of the Zoning Resolution, in order to create a new Section 115-53 (Authorization for Curb Cut) to facilitate a permitted loading berth in an as-of-right development located at 160-05 Archer Avenue in the Jamaica neighborhood of Queens, Community District 12.

**PUBLIC HEARING****DATE:** December 2, 2021**Witnesses in Favor:** One**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

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

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Borelli.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

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

Report for L.U. No. 944

**Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. 20225012 PXQ (N 220041 PXQ) (New York City Law Department Office Space) submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 162-10 Jamaica Avenue (Block 10102, Lot 4), Borough of Queens, Community District 12, Council District 27.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

**QUEENS CB - 12**

**20225012 PXQ (N 220041 PXQ)**

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter, for Notice of Intent to acquire office space for property located at 162-10 Jamaica Avenue (Block 10102, Lot 4) for use as offices by the New York Law Department Offices.

#### **PUBLIC HEARING**

**DATE:** December 7, 2021

**Witnesses in Favor:** \_\_\_\_\_

**Witnesses Against:** \_\_\_\_\_

By letter dated December 6, 2021 and submitted to The City Council on December 6, 2021, the Applicant withdrew the application.

**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the application by the Applicant.

**In Favor:**                      **Against:**                      **Abstain:**

**COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**                      **Against:**                      **Abstain:**

**Editor's Note:*****In Favor:***

*Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.*

***Against:***                      ***Abstain:***

*None*                      *None.*

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

Res. No. 1850

**Resolution approving a motion to file pursuant to withdrawal of the application for the decision of the City Planning Commission on Non-ULURP Application No. 20225012 PXQ; N 220041 PXQ (Preconsidered L.U. No. 944), for intent to acquire office space located at 162-10 Jamaica Avenue (Block 10102, Lot 4), Community District 12, Borough of Queens, for use as office space for the New York Law Department Offices.**

By Council Members Salamanca and Riley.

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021 its approval dated December 1, 2021 (the "Decision") on the application submitted pursuant to Section 195 of the New York City Charter by the New York City Department of Citywide Administrative Services (DCAS), for intent to acquire office space located at 162-10 Jamaica Avenue (Block 10102, Lot 4) for use by the New York City Law Department's Family Court Division as offices (the "Office Space"), (Non-ULURP No. 20225012 PXQ; N 220041 PXQ), Community District 12, Borough of Queens (the "Application");

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 7, 2021; and

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the determination that the application is a Type II action pursuant to 6 NYCRR Part 617.5(c)(26) and requires no further review under CEQR (the “Type II Determination”); and

**WHEREAS**, by submission dated December 6, 2021, and submitted to The City Council on December 6, 2021, the Applicant withdrew the application.

**RESOLVED:**

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

Coupled to be Filed Pursuant to Letter of Withdrawal.

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

Report for L.U. No. 945

**Report of the Committee on Land Use in favor of approving Application No. 20205373 SCR (New Supportive Space for Existing School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new supportive space for an existing school facility, located at 129 Tompkins Avenue (Block 534, Lot 84), Borough of Staten Island, Community District 1, Council District 49, Community School District 31.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB – 1**

**20205373 SCR**

Application pursuant to Section 1732 of the New York State Public Authorities Law, concerning the proposed site selection for a new supportive space for an existing school facility, the Hungerford School, located at 129 Tompkins Avenue (Block 534, Lot 84), Community District 1, Borough of Staten Island, Community School District No. 31.

**INTENT**

To approve the site plan for the construction of a new supportive space for an existing school facility, the Hungerford School, in Community School District No. 31.

**PUBLIC HEARING**

**DATE:** December 7, 2021

**Witnesses in Favor:** \_\_\_\_

**Witnesses Against:** \_\_\_\_

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

**Against:**

**Abstain:**

**COMMITTEE ACTION**

**DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

**Against:**

**Abstain:**

**Editor's Note:**

***In Favor:***

*Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.*

***Against:***

*None*

***Abstain:***

*None.*

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

Res. No. 1851

**Resolution approving the site plan for a new supportive space for an existing school facility, the Hungerford School, located at 129 Tompkins Avenue (Block 534, Lot 84), Community District 1, Borough of Staten Island (Non-ULURP No. 20205373 SCR; Preconsidered L.U. No. 945).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on December 3, 2021, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new supportive space for an existing school facility, the Hungerford School, located at 129 Tompkins Avenue (Block 534, Lot 84), Community District 1, Borough of Staten Island to accommodate students in Community School District No. 31 (the “Site Plan”);

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on December 7, 2021;

**WHEREAS**, the Council has considered the relevant environmental issues, including the negative declaration issued on December 2, 2021, (SEQR Project Number 21-014) (the “Negative Declaration”); and

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

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment as set forth in the Negative Declaration.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 946

**Report of the Committee on Land Use in favor of approving Application No. 20215033 SCQ (572-Seat Primary School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 572-seat primary school facility, located at the corner of Water’s Edge Drive and 24th Avenue (Block 5958, Lot 30), Borough of Queens, Community District 7, Council District 19, Community School District 25.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB - 7**

**20215033 SCQ**

Application pursuant to Section 1732 of the New York State Public Authorities Law, concerning the proposed site selection for a new, approximately 572-Seat Primary School Facility, located at 23-50 Water’s Edge Drive (Block 5958, Lot 30), Community District 7, Borough of Queens, Community School District No. 25.

**INTENT**

To approve the site plan for the construction of a new, approximately 572-Seat Primary School facility to accommodate students in Community School District No. 25.

**PUBLIC HEARING**

**DATE:** December 7, 2021

**Witnesses in Favor:** \_\_\_\_

**Witnesses Against:** \_\_\_\_

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

**Against:**

**Abstain:**

**COMMITTEE ACTION**

**DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

**Against:**

**Abstain:**

**Editor’s Note:**

***In Favor:***

*Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.*

**Against:**            **Abstain:**  
None                    None.

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

Res. No. 1852

**Resolution approving the site plan for a new, approximately 572-Seat Primary School Facility, Waters Edge School, located at 23-50 Waters Edge Drive (Block 5958, Lot 30), Community District 7, Borough of Queens (Non-ULURP No. 20215033 SCQ; Preconsidered L.U. No. 946).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on December 3, 2021, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 572-Seat Primary School Facility, known as Water’s Edge School located at 23-50 Waters Edge Drive (Block 5958, Lot 30), Community District 7, Borough of Queens to accommodate students in Community School District No. 25 (the “Site Plan”);

**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on December 7, 2021;

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued December 1, 2021 (SEQR Project Number 21-008); and

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

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment as set forth in the Negative Declaration.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 947

**Report of the Committee on Land Use in favor of approving Application No. 20215032 SCQ (801-Seat High School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 801-seat high school facility, located at 165-18 Hillside Avenue (Block 9816, Lots 39, 41, and 49), Borough of Queens, Community District 12, Council District 27, Community School District 28.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 9, 2021 (and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB – 12**

**20215032 SCQ**

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 801-Seat High School Facility, located at 165-18 Hillside Avenue (Block 9816, All of or p/o Lots 39, 41, and 49), Community District 12, Borough of Queens, Community School District No. 28.

**INTENT**

To approve the site plan for the construction of a new, approximately 801-Seat High School Facility, in Community School District No. 28.

**PUBLIC HEARING**

**DATE:** December 7, 2021

**Witnesses in Favor:** \_\_\_\_

**Witnesses Against:** \_\_\_\_

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:**

**Against:**

**Abstain:**

**COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:****Against:****Abstain:****Editor's Note:*****In Favor:****Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.****Against:****None****Abstain:****None.*

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

Res. No. 1853

**Resolution approving the site plan for a new, approximately 801-Seat High School Facility, located at 165-18 Hillside Avenue (Block 9816, Lots 39, 41, and 49), Community District 12, Borough of Queens (Non-ULURP No. 20215032 SCQ; Preconsidered L.U. No. 947).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on December 6, 2021 a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 801-Seat High School Facility, located at 165-18 Hillside Avenue (Block 9816, Lots 39, 41, and 49), Community District 12, Borough of Queens to accommodate students in Community School District No. 28 (the "Site Plan");**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on December 7, 2021;**WHEREAS**, the Council has considered the relevant environmental issues, including the Targeted Final Environmental Impact Statement for which a Notice of Completion was issued on November 22, 2021 (SEQR Project Number 22-001), which identified impacts related to traffic which will be partially mitigated or unmitigated;**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Site Plan.**RESOLVED:**

Having considered the Targeted Final Environmental Impact Statement and proposed mitigation measures, the Council finds that:

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 948

**Report of the Committee on Land Use in favor of approving Application No. 20225011 SCR (572-Seat Primary School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 572-seat primary school facility, located on 24 Shelley Avenue (Block 2629, Lots 1 and 20), Borough of Staten Island, Community District 2, Council District 50, Community School District 31.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**STATEN ISLAND CB – 2**

**20225011 SCR**

Application pursuant to Section 1732 of the New York State Public Authorities Law, concerning the proposed site selection for a new, approximately 572-Seat Primary School Facility, located at 24 Shelley Avenue (Block 2629, Lots 1 and 20), Community District 2, Borough of Staten Island, Community School District No. 31.

**INTENT**

To approve the site plan for the construction of a new, approximately 572-Seat Primary School Facility, in Community School District No. 31.

**PUBLIC HEARING**

**DATE:** December 7, 2021

**Witnesses in Favor:** \_\_\_\_

**Witnesses Against:** \_\_\_\_

**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

**In Favor:****Against:****Abstain:****COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:****Against:****Abstain:****Editor's Note:*****In Favor:****Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.****Against:****None****Abstain:****None.*

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

Res. No. 1854

**Resolution approving the site plan for a new supportive space for a new, approximately 572-Seat Primary School Facility, located at 24 Shelley Avenue (Block 2629, Lots 1 and 20), Community District 2, Borough of Staten Island (Non-ULURP No. 20225011 SCR; Preconsidered L.U. No. 948).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City School Construction Authority submitted to the Council on December 3, 2021 a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 572-Seat Primary School Facility, located at 24 Shelley Avenue (Block 2629, Lots 1 and 20), Community District 2, Borough of Staten Island to accommodate students in Community School District No. 31 (the "Site Plan");**WHEREAS**, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;**WHEREAS**, upon due notice, the Council held a public hearing on the Site Plan on December 7, 2021;**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued on December 1, 2021 (SEQR Project Number 20-009) (the "Negative Declaration"); and

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

**RESOLVED:**

The Council finds that the action described herein will have no significant effect on the environment as set forth in the Negative Declaration.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 949

**Report of the Committee on Land Use in favor of approving Application No. 20225010 RSY (Coney Island Amusement Park Project Plan – Third Amendment to the Special Process Agreement) Third Amendment to agreement for special process to amend Paragraph 5(b) of the Special Process Agreement to change seventeen (17) years to twenty-seven (27) years to promote the development and programming of the lands within the Coney Island Amusement Park for amusement purposes, pursuant to the Coney Island Amusement Park Project Plan “CIAPPP” described in the Special Process Agreement. The expiration date of each of the Interim Leases shall not be later than December 31, 2037.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BROOKLYN CB - 13**

**20225010 RSY**

Third Amendment to agreement for special process to amend Paragraph 5(b) of the Special Process Agreement to change seventeen (17) years to twenty-seven (27) years to promote the development and programming of the lands within the Coney Island Amusement Park for amusement purposes, pursuant to the Coney Island Amusement Park Project Plan “CIAPPP” described in the Special Process Agreement. The expiration date of each of the Interim Leases shall not be later than December 31, 2037.

**INTENT**

To authorize the Speaker of the Council to execute a proposed Third Amendment to the Coney Island Amusement Park Special Process Agreement to facilitate the lease extension of property for operation as part of the Coney Island Amusement Park.

**PUBLIC HEARING**

**DATE:** December 2, 2021

**Witnesses in Favor:** Eight

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the application submitted by the New York City Economic Development Corporation and New York City Department of Parks and Recreation.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Borelli.

**Against:**

None.

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:****Against:****Abstain:**

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

Res. No. 1855

**Resolution approving an application submitted by the New York City Economic Development Corporation and New York City Department of Parks and Recreation, Application No. 20225010 RSY (Preconsidered L.U. No. 949), authorizing a third amendment to a previously executed agreement between the Mayor and Council establishing a Special Process for City Council Review and Approval of the “Coney Island Amusement Park Project Plan”, Community Board 13, Council District 47.**

By Council Members Salamanca and Moya

**WHEREAS**, on August 20, 2009, the Special Process Agreement approved by the Council of the City of New York (the “Council), April 25, 2013 modified as First Amendment, and March 21, 2019 modified as Second Amendment of the Agreement for Special Process between the Mayor of the City of New York and the Council;

**WHEREAS**, the Plan includes the acquisition of certain parkland and subsequent lease of such parkland to the New York City Economic Development Corporation for the operation of an amusement park, including without limitation amusement park features such as indoor and outdoor rides, arcades, attractions and ancillary uses, including small-scale retail use;

**WHEREAS**, it is in the interest of the city for the Council to participate in and play a major role in the selection of the proposed operator/developer for such amusement park;

**WHEREAS**, the Mayor and the Council agreed that such participation shall be accomplished through the Council’s approval of a “Coney Island Amusement Park Project Plan (CIAPPP)” in the manner set forth in a Coney Island Amusement Park Special Process Agreement (the “Special Process Agreement”) and Agreement for Coney Island Parallel Process (the “Parallel Process Agreement”, collectively the “Agreements”);

**WHEREAS**, the New York City Economic Development Corporation and New York City Department of Parks and Recreation filed with the Council on \_\_\_\_\_, 2021 its application dated \_\_\_\_\_, 2021, requesting a proposed Third Amendment to the Special Process Agreement to permit NYCEDC to extend the Interim Leases and the sublease of the Additional Amusement Park Parcels and Additional Parcels to not later than December 31, 2037; authorize the City to enter into a lease extension to not later than December 31, 2037 with NYCEDC for the Additional Amusement Park Parcels; and add the Additional Parcels with a lease term expiring not later than December 31, 2037 to the extended CAI Lease premises;

**WHEREAS**, on upon due notice, the Council held a public hearing on December 2, 2021 on the Application; and

**WHEREAS**, the Council has considered the land use implications and other policy issues relating to the Plan and the Third Amendment to the Special Process Agreement.

**RESOLVED:**

The Council of The City of New York hereby authorizes the Speaker to execute the Third Amendment to the Special Process Agreement, a copy of which is attached hereto.

**ATTACHMENT:**

**THIRD AMENDMENT TO  
AGREEMENT  
FOR  
SPECIAL PROCESS  
FOR  
NEW YORK CITY COUNCIL REVIEW AND APPROVAL  
OF  
CONEY ISLAND AMUSEMENT PARK PROJECT PLAN  
("THIRD AMENDMENT")**

THIRD AMENDMENT TO SPECIAL PROCESS AGREEMENT, dated as of the \_\_\_\_ day of \_\_\_\_\_, 2021, modifying Special Process Agreement approved by the Council of the City of New York (the "Council") on August 20, 2009, as modified by Amendment dated April 25, 2013 ("First Amendment"), and Second Amendment dated March 21, 2019 ("Second Amendment") (as amended, the "Special Process Agreement"), between the Mayor of the City of New York (the "Mayor") and the Council;

WHEREAS, ULURP Application No. C090107MMK designated certain real property within Brooklyn Community Board 13 as parkland to be identified as such on the City map (such parkland the "Coney Island Amusement Park") and such application was approved, as modified by the July 29, 2009 City Council Resolution 2138 and the December 13, 2010 City Planning Commission Resolution, and Chapter 281 of the 2011 Session Laws was enacted by the New York State Legislature (the "Legislation");

WHEREAS, it is the intent and purpose of the Special Process Agreement to promote the development and programming of the lands within the Coney Island Amusement Park for amusement purposes, pursuant to the "CIAPPP" described in the Special Process Agreement;

WHEREAS, the Special Process Agreement provides for continuing activity within the Coney Island Amusement Park, pursuant to interim lease, until such time as necessary infrastructure to service the Coney Island Amusement Park, as it will be developed under and pursuant to a CIAPPP, has been completed, and economic conditions support the availability of financing for the project to be built pursuant to the Council approved CIAPPP;

WHEREAS, the Special Process Agreement section 5(b) originally provided for an interim lease term not exceed ten (10) years;

WHEREAS, Central Amusement International, LLC, now Central Amusement International Inc. (“CAI”), was selected as interim lessee of property (“CAI Lease”) owned by the New York City Economic Development Corporation (“NYCEDC”) both inside and outside the Coney Island Amusement Park for the purposes contemplated by the Special Process Agreement for an original term of ten (10) years, expiring on December 31, 2020;

WHEREAS, in 2009, NYCEDC acquired the Seaside Parcel in the Coney Island Amusement Park, as described in the First Amendment, subject to a lease with Seaside Amusement Corp. (“Seaside Lease”) which was assigned by Seaside Amusement Corp. to Vodou Foods Corporation (“Voudou Foods”) and originally to expire on December 31, 2020 (the Seaside Lease and the CAI Lease referred to as “Interim Leases”);

WHEREAS, the First Amendment amended Special Process Agreement Section 5(b) to change ten (10) years to seventeen (17) years, with the resulting Interim Lease expiration date extended to not later than December 31, 2027.

WHEREAS, pursuant to the First Amendment, as well as Mayoral Authorization dated October 17, 2013, the Additional Parcels, as described in the First Amendment were added to the extended CAI Lease premises, by the City’s leasing the Additional Parcels to the New York City Land Development Corporation (“NYCLDC”), pursuant to Section 384(b)(4) of the City Charter, and assignment of NYCLDC’s interest as tenant under such lease to NYCEDC for sublease to CAI, with a term expiring on December 31, 2027;

WHEREAS, pursuant to a Request for Proposals, CAI was selected to lease and operate the Additional Amusement Park Parcels in the Coney Island Amusement Park, as described in the Second Amendment, for amusement park purposes;

WHEREAS, the Second Amendment authorized the City to enter into a lease with NYCEDC for the Additional Amusement Park Parcels, and required NYCEDC to assign such lease or enter into a sublease with CAI or an affiliate thereof, in furtherance of the purposes and intents of the Legislation, and the City and NYCEDC thereafter entered into such lease and sublease;

WHEREAS, the amusements in the Coney Island Amusement Park and surrounding area were unable to operate at all for the 2020 season due to mandated government closure imposed as a result of the COVID-19

coronavirus and suffered severe financial losses, and the operators under the leases suffered the additional adverse effect of not being able to operate for the full term of their respective leases;

WHEREAS, the City, NYCEDC, CAI, and Voudou Foods wish to extend the term for each of the Interim Leases and the larger CAI Lease premises (i.e. the Additional Parcels and Additional Amusement Park Parcels) for an additional ten (10) years (all such parcels within and outside the Coney Island Amusement Park area depicted in the attached Exhibit 1);

WHEREAS, the parties desire to amend the Special Process Agreement to (i) permit NYCEDC to extend the Interim Leases and the sublease of the Additional Amusement Park Parcels and Additional Parcels to not later than December 31, 2037; (ii) authorize the City to enter into a lease extension to not later than December 31, 2037 with NYCEDC for the Additional Amusement Park Parcels; and (iii) add the Additional Parcels with a lease term expiring not later than December 31, 2037 to the extended CAI Lease premises; and

WHEREAS, the parties understand that the Additional Parcels with such lease term would be added to the extended CAI Lease premises by the City's leasing the Additional Parcels to NYCLDC, pursuant to Section 384(b)(4) of the City Charter, for assignment of NYCLDC's interest as tenant under such lease to NYCEDC, for inclusion of the Additional Parcels in the extended CAI Lease premises;

WHEREAS, it is not economically feasible for any other operator to assume operation of the properties leased under the Interim Leases and the larger CAI Lease premises for the abbreviated period of time that will be remaining in the leases following an extension pursuant to this Third Amendment;

NOW, THEREFORE, the parties hereto agree as follows:

1. Paragraph 5(b) of the Special Process Agreement is hereby amended to change seventeen (17) years to twenty-seven (27) years, and therefore the expiration date of each of the Interim Leases shall not be later than December 31, 2037.
2. The City is authorized to extend the lease with NYCEDC for the Additional Amusement Park Parcels to not later than December 31, 2037.
3. The Additional Parcels with a term expiring not later than December 31, 2037 may be added to the extended CAI Lease premises.

4. NYCEDC is encouraged to use its reasonable efforts to cause the expiration date of each of the Interim Leases and the sublease for the Additional Amusement Park Parcels and the Additional Parcels to be extended to not later than December 31, 2037.
5. The Special Process Agreement shall remain in full force and effect, and is hereby reaffirmed in its entirety, as modified by this Third Amendment.
6. This Third Amendment shall become effective upon the execution hereof by (i) the Mayor; and (ii) the Speaker of the Council upon the adoption by the Council of a resolution approving this Third Amendment.

**IN WITNESS WHEREOF**, the Mayor and the Speaker have hereunto executed this Third Amendment the date and year first above written.

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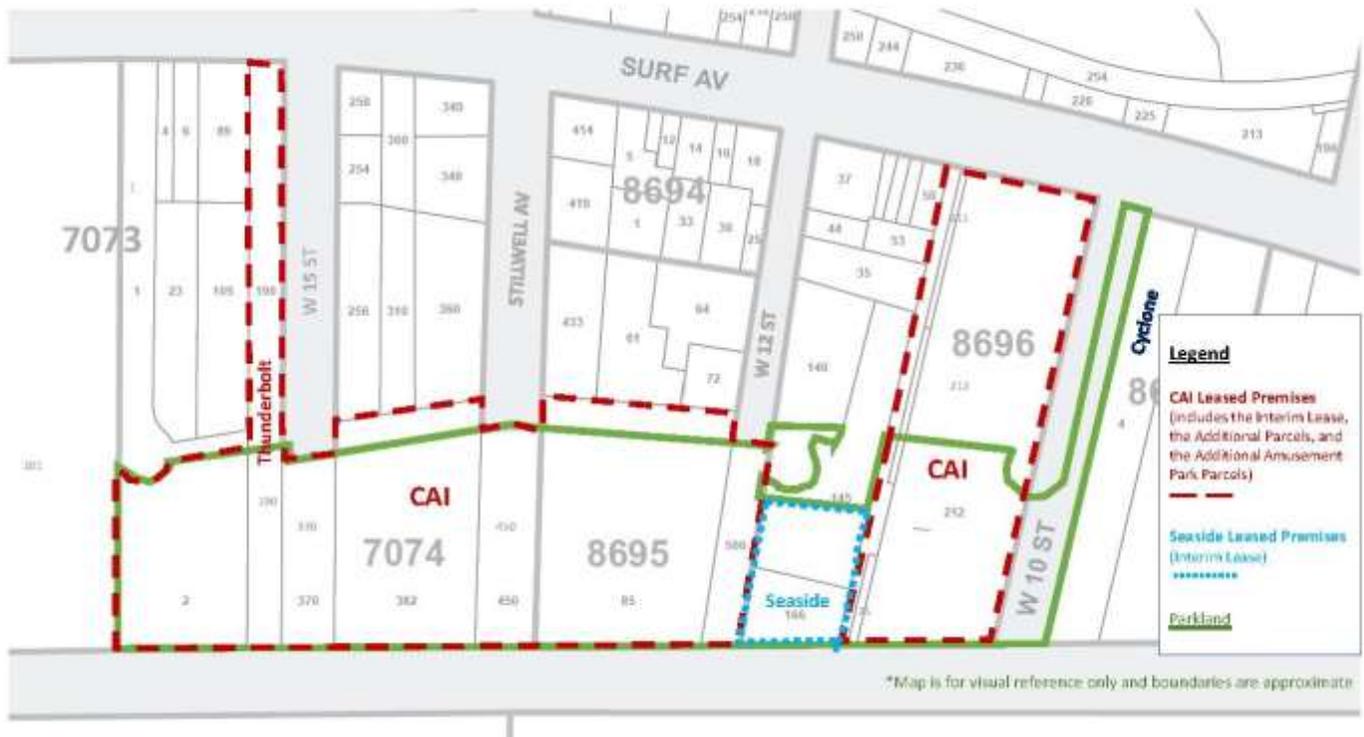
Mayor of the City of New York

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Speaker of the New York City Council

EXHIBIT 1

INTERIM LEASE AREAS AND CAI EXTENDED LEASE PREMISES IN CONEY ISLAND  
AMUSEMENT PARK  
(on page following)



RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

Laid Over by the Council.

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

Report for L.U. No. 950

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210166 ZMK (79 Quay Street Rezoning) submitted by Quay Plaza, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northerly of Quay Street, a line 100 feet westerly of Franklin Street, Quay Street, and West Street, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-622, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021, respectfully

### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB-1 – TWO APPLICATIONS RELATED TO QUAY STREET REZONING**

##### **C 210166 ZMK (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by Quay Plaza, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northerly of Quay Street, a line 100 feet westerly of Franklin Street, Quay Street, and West Street, Borough of Brooklyn, Community District 1, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-622.

##### **N 210167 ZRK (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by Quay Plaza, 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 ZR 123-63 and 123-90 to add R7D to the list of Designated Residence Districts for the MX-8 Special Mixed Use District and modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

#### **INTENT**

To approve the amendment to rezone the project area from an M1-2/R6A (MX-8) district to an M1-4/R7D (MX-8) district and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area, and add R7D to the list of Designated Residence Districts in the Special Mixed Use District MX-8 to facilitate the construction of a new mixed-use development containing 86 dwelling units, of which between 22 and 26 would be affordable pursuant to the Mandatory Inclusionary Housing (MIH) program, and approximately 10,580 square feet of commercial floor area on the ground floor, located at 79 Quay Street (Block 2589, Lot 1) in the Greenpoint neighborhood of Community District 1, Brooklyn.

**PUBLIC HEARING****DATE:** December 2, 2021**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Application No. C 210166 ZMK and approve with modifications the decision of the City Planning Commission on Application No. N 210167 ZRK.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Borelli.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.

**Against:**

None

**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

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

Report for L.U. No. 951

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210167 ZRK (79 Quay Street Rezoning) submitted by Quay Plaza, 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 Article XII, Chapter 3 (Special Mixed Use District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 19, 2021 respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 950 printed in these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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

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

Report for L.U. No. 952

**Report of the Committee on Land Use in favor of approving Application No. C 210200 ZMQ (31st Street and Hoyt Avenue Rezoning) submitted by MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5B District to a C4-4 District, changing from a C4-3 District to a C4-4 District, changing from an R5B District to a C4-5X District, and changing from a C4-3 District to a C4-5X District, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

#### REPORTS:

**SUBJECT****QUEENS CB-1 – TWO APPLICATIONS RELATED TO 31<sup>ST</sup> STREET AND HOYT AVENUE REZONING****C 210200 ZMQ (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, pursuant to Sections 197-c and 201 of the NYC Charter for the amendment of the Zoning Map, Section No. 9a:

1. changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and a line 80 feet southeasterly of 31<sup>st</sup> Street;
2. changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 80 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and 31<sup>st</sup> Street;
3. changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 90 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Road, 32<sup>nd</sup> Street, Astoria Boulevard North, and a line 80 feet southeasterly of 31<sup>st</sup> Street; and
4. changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 80 feet southeasterly of 31<sup>st</sup> Street, Astoria Boulevard North, and 31<sup>st</sup> Street.

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623.

**N 210201 ZRQ (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

**INTENT**

To approve the amendment to rezone the project area from an R5B and C4-3 zoning districts to C4-4 and C4-5X districts and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the construction of three new mixed-use buildings with residential, commercial, and community facility uses on properties fronting on the 31st Street corridor in the Astoria neighborhood of Queens Community District 1.

**PUBLIC HEARING****DATE:** December 2, 2021**Witnesses in Favor:** Seven**Witnesses Against:** Two**SUBCOMMITTEE RECOMMENDATION****DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. \_\_\_ and \_\_\_.

**In Favor:****Against:****Abstain:****Editor's Note:*****In Favor:****Moya, Levin, Reynoso, Grodenchik, Borelli.****Against:****None****Abstain:****None.***COMMITTEE ACTION****DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:****Against:****Abstain:****Editor's Note:*****In Favor:****Salamanca, Gibson, Barron, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.****Against:****None****Abstain:****None.*

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

Res. No. 1856

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210200 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 952).**

By Council Members Salamanca and Moya.

**WHEREAS**, MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, by changing from an R5B District to a C4-4 District, changing from a C4-3 District to a C4-4 District, changing from an R5B District to a C4-5X District, and changing from a C4-3 District to a C4-5X District, which in conjunction with the related action would facilitate the construction of three new mixed-use buildings with residential, commercial, and community facility uses on properties fronting on the 31st Street corridor in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 210200 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021 its decision dated December 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210201 ZRQ (Pre. L.U. No. \_\_\_\_), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 2, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 21<sup>st</sup>, 2021 (CEQR No. 21DCP117Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-623) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-623) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210200 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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

1. changing from an R5B District to a C4-4 District property bounded by a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and a line 80 feet southeasterly of 31<sup>st</sup> Street;

2. changing from a C4-3 District to a C4-4 District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Avenue, a line 90 feet southeasterly of 31<sup>st</sup> Street, a line 130 feet southwesterly of 24<sup>th</sup> Avenue, a line 80 feet southeasterly of 31<sup>st</sup> Street, a line 200 feet northeasterly of 24<sup>th</sup> Road, and 31<sup>st</sup> Street;
3. changing from an R5B District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 90 feet southeasterly of 31<sup>st</sup> Street, 24<sup>th</sup> Road, 32<sup>nd</sup> Street, Astoria Boulevard North, and a line 80 feet southeasterly of 31<sup>st</sup> Street; and
4. changing from a C4-3 District to a C4-5X District property bounded by a line 200 feet northeasterly of 24<sup>th</sup> Road, a line 80 feet southeasterly of 31<sup>st</sup> Street, Astoria Boulevard North, and 31<sup>st</sup> Street.

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-623, Borough of Queens, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 953

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210201 ZRQ (31st Street and Hoyt Avenue Rezoning) submitted by MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021, respectfully

#### REPORTS:

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 952 printed in these Minutes)**

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

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

Res. No. 1857

**Resolution approving the decision of the City Planning Commission on Application No. N 210201 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 953).**

By Council Members Salamanca and Moya.

**WHEREAS**, MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of three new mixed-use buildings with residential, commercial, and community facility uses on properties fronting on the 31st Street corridor in the Astoria neighborhood of Queens, Community District 1 (ULURP No. N 210201 ZRQ), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021, its decision dated December 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 210200 ZMQ (Pre. L.U. No. \_\_\_\_), a zoning map amendment to change an R5B and C4-3 zoning districts to C4-4 and C4-5X districts;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 2, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 21<sup>st</sup>, 2021 (CEQR No. 21DCP117Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-623) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-623) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210201 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

**QUEENS**

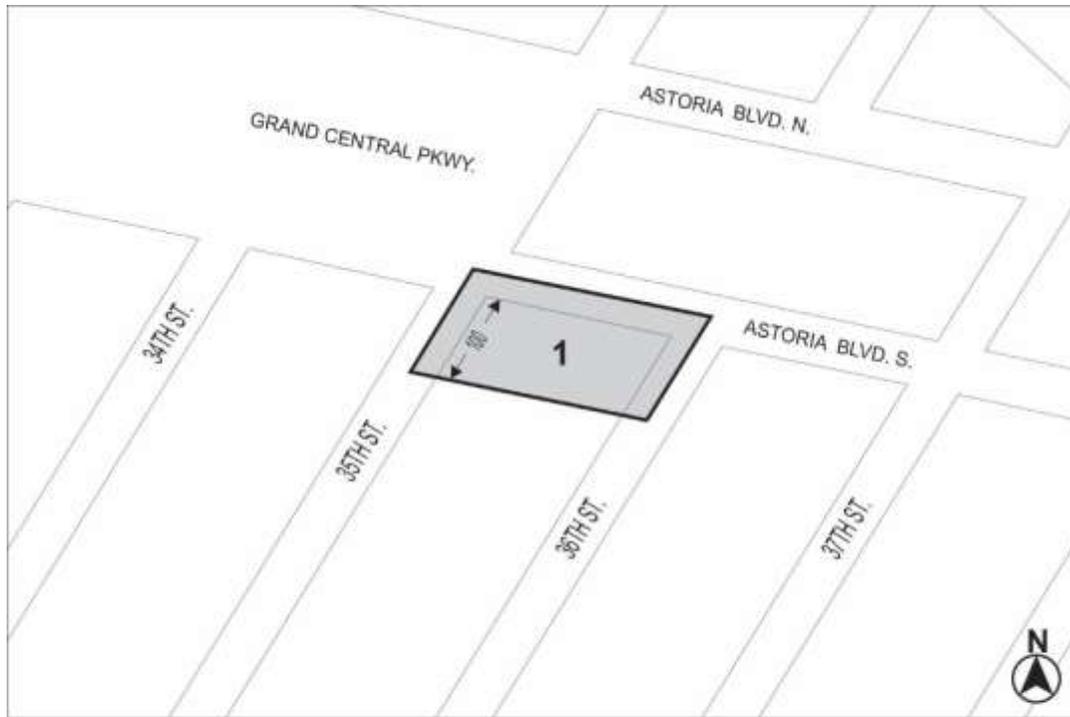
\* \* \*

**Queens Community District 1**

\* \* \*

[EXISTING]

Map 3 – (3/22/18)



 Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)  
Area 1 — 3/22/18 MIH Program Option 2

[PROPOSED]

Map 3 – (date of adoption)



- Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*
- Area 1 — 3/22/18 — MIH Program Option 2
- Area # — [date of adoption] — MIH Program Option 1

Portion of Community District 1, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 954

**Report of the Committee on Land Use in favor of approving Application No. C 210041 ZMQ (45-20 83rd Street Rezoning) submitted by Sunshine Elmhurst, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, changing from an M1-1 to an R7A District, Borough of Queens, Community District 4, Council District 25.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**QUEENS CB-4 – TWO APPLICATIONS RELATED TO 45-20 83<sup>RD</sup> STREET REZONING**

**C 210041 ZMQ (Pre. L.U. No. \_\_\_)**

City Planning Commission decision approving an application submitted by Sunshine Elmhurst, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, changing from an M1-1 to an R7A District property bounded by the southeasterly street line of 47th Avenue and its northeasterly prolongation, 83rd Street and its southeasterly prolongation, the northerly boundary line of the Long Island Railroad (Northside Division), and a line passing through a point along the southeasterly street line of 47th Avenue 149 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of 47th Avenue and the easterly street line of 82nd Street and proceeding southeasterly at an angle 48 degrees to the southeasterly street line of 47th Avenue, Borough of Queens, Community District 4, as shown on a diagram (for illustrative purposes only) dated July 26, 2021, and subject to the conditions of CEQR Declaration of E-630.

**N 210042 ZRQ (Pre. L.U. No. \_\_\_)**

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

**INTENT**

To approve the amendment to rezone the project area from an M1-1 zoning district to an R7A district and amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the

development of a new nine-story residential building at 45-20 83rd Street in the Elmhurst neighborhood of Queens, Community District 4.

**PUBLIC HEARING**

**DATE:** December 2, 2021

**Witnesses in Favor:** Four

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 7, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. \_\_\_ and \_\_\_.

**In Favor:**

**Against:**

**Abstain:**

**Editor's Note:**

***In Favor:***

*Moya, Levin, Reynoso, Grodenchik, Borelli.*

***Against:***

*None*

***Abstain:***

*None.*

**COMMITTEE ACTION**

**DATE:** December 7, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

**Against:**

**Abstain:**

**Editor's Note:**

***In Favor:***

*Salamanca, Gibson, Koo, Levin, Reynoso, Treyger, Grodenchik, Diaz, Sr., Riley, Brooks-Powers, Feliz, Borelli.*

***Against:***

*Barron*

***Abstain:***

*None.*

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

Res. No. 1858

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210041 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 954).**

By Council Members Salamanca and Moya.

**WHEREAS**, Sunshine Elmhurst, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, by changing from an M1-1 to an R7A District, which in conjunction with the related action would facilitate the development of a new nine-story residential building at 45-20 83rd Street in the Elmhurst neighborhood of Queens, Community District 4 (ULURP No. C 210041 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021 its decision dated December 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210042 ZRQ (Pre. L.U. No. \_\_\_\_), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 2, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 26<sup>th</sup>, 2021 (CEQR No. 21DCP113Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-630) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-630) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210041 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9d, changing from an M1-1 to an R7A District property bounded by the southeasterly street line of 47th Avenue and its northeasterly prolongation, 83rd Street and its southeasterly prolongation, the northerly boundary line of the Long Island Railroad (Northside Division), and a line passing through a point along the southeasterly street line of 47th Avenue 149 feet southwesterly (as measured along the street line) from the point of intersection of the southeasterly street line of 47th Avenue and the easterly street line of 82nd Street and proceeding southeasterly at an angle 48 degrees to the southeasterly street line of 47th Avenue, Borough of Queens, Community District 4, as shown on a diagram

(for illustrative purposes only) dated July 26, 2021, and subject to the conditions of CEQR Declaration of E-630.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 955

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210042 ZRQ (45-20 83rd Street Rezoning) submitted by Sunshine Elmhurst LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 4, Council District 25.**

The Committee on Land Use, to which the annexed Land Use item was referred on December 9, 2021, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 954 printed in these Minutes)**

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

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

Res. No. 1859

**Resolution approving the decision of the City Planning Commission on Application No. N 210042 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 955).**

By Council Members Salamanca and Moya.

**WHEREAS**, Sunshine Elmhurst, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a nine-story residential building at 45-20 83<sup>rd</sup> Street in the Elmhurst neighborhood of Queens, Community District 4 (ULURP No. N 210042 ZRQ), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021, its decision dated December 1, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 210041 ZMQ (Pre. L.U. No. \_\_\_\_), a zoning map amendment to change an M1-1 zoning district to an R7A district;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 2, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 26<sup>th</sup>, 2021 (CEQR No. 21DCP113Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-630) (the "Negative Declaration").

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-630) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210042 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

\* \* \*

**APPENDIX F**

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

\* \* \*

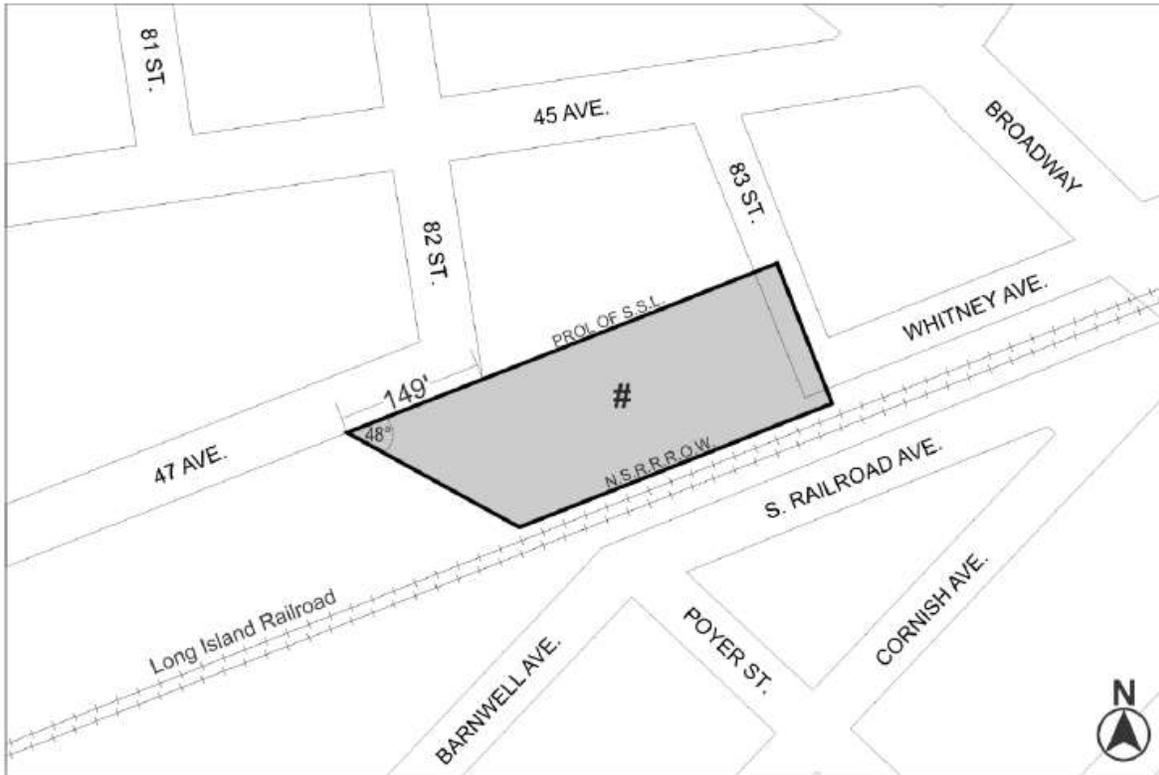
**QUEENS**

\* \* \*

**Queens Community District 4**

\* \* \*

Map # – [date of adoption]



 Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*

Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 4, Queens

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, RUBEN DIAZ, Sr., KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Rose.*

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 956

**Report of the Committee on Land Use in favor of approving Application No. N 210273 ZRK (1 Wythe Avenue) submitted by One Wythe, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission), Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**BROOKLYN CB-1 – TWO APPLICATIONS RELATED TO 1 WYTHE AVENUE IBIA**

**C 210272 ZSK (L.U. No. \_\_\_\_)**

City Planning Commission decision approving an application submitted by PAB 3<sup>rd</sup> Avenue Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for a grant of a special permit pursuant to Section 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFFSTREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building within an Industrial Business Incentive Area on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District, Borough of Brooklyn, Community District 1.

**N 210273 ZRK (L.U. No. \_\_\_\_)**

City Planning Commission decision approving an application submitted by One Wythe LLC for an amendment of the text of the Zoning Resolution of the City of New York pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission) in the Greenpoint neighborhood of Brooklyn, Community District 1.

#### **INTENT**

To approve the amendment for a special permit pursuant to ZR Section 74-96 to allow an increase in the maximum permitted floor area ratio (FAR) and to modify the off-street parking requirements and the loading berth requirements and to approve the zoning text amendment to ZR Section 74-96 to add an Industrial Business Incentive Area (IBIA), which would facilitate the construction of an approximately 81,000-square-foot mixed

office, retail, and industrial development at 1 Wythe Avenue in the Greenpoint neighborhood of Brooklyn, Community District 1.

**PUBLIC HEARINGS**

**DATE:** December 2, 2021 (C 210273 ZRK) and December 9, 2021 (C 210272 ZSK)

**Witnesses in Favor (C 210273 ZRK):** Two **Witnesses Against (C 210273 ZRK):** None

**Witnesses in Favor (C 210272 ZSK):** \_\_\_\_ **Witnesses Against (C 210272 ZSK):** \_\_\_\_

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** December 9, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. \_\_\_\_ and \_\_\_\_.

**In Favor:**

**Against:**

**Abstain:**

**COMMITTEE ACTION**

**DATE:** December 9, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

**Against:**

**Abstain:**

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

Res. No. 1860

**Resolution approving the decision of the City Planning Commission on Application No. N 210273 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 956).**

By Council Members Salamanca and Moya.

**WHEREAS**, One Wythe LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission), which in conjunction with the related action would would facilitate the construction of an approximately 81,000-square-

foot mixed office, retail, and industrial development at 1 Wythe Avenue in the Greenpoint neighborhood of Brooklyn, Community District 1 (Application No. N 210273 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021, its decision dated December 1, 2021 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210272 ZSK (L.U. No. \_\_), a special permit pursuant to ZR Section 74-96 to allow an increase in the maximum permitted floor area ratio (FAR) and to modify the off-street parking requirements and the loading berth requirements;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 2, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 26, 2021 (CEQR No. 21DCP075K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (the “E” Designation (E-628));

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-628).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210273 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

**Article VII: Administration**

**Chapter 4**

**Special Permits by the City Planning Commission**

\* \* \*

**74-96**

**Industrial Business Incentive Areas**

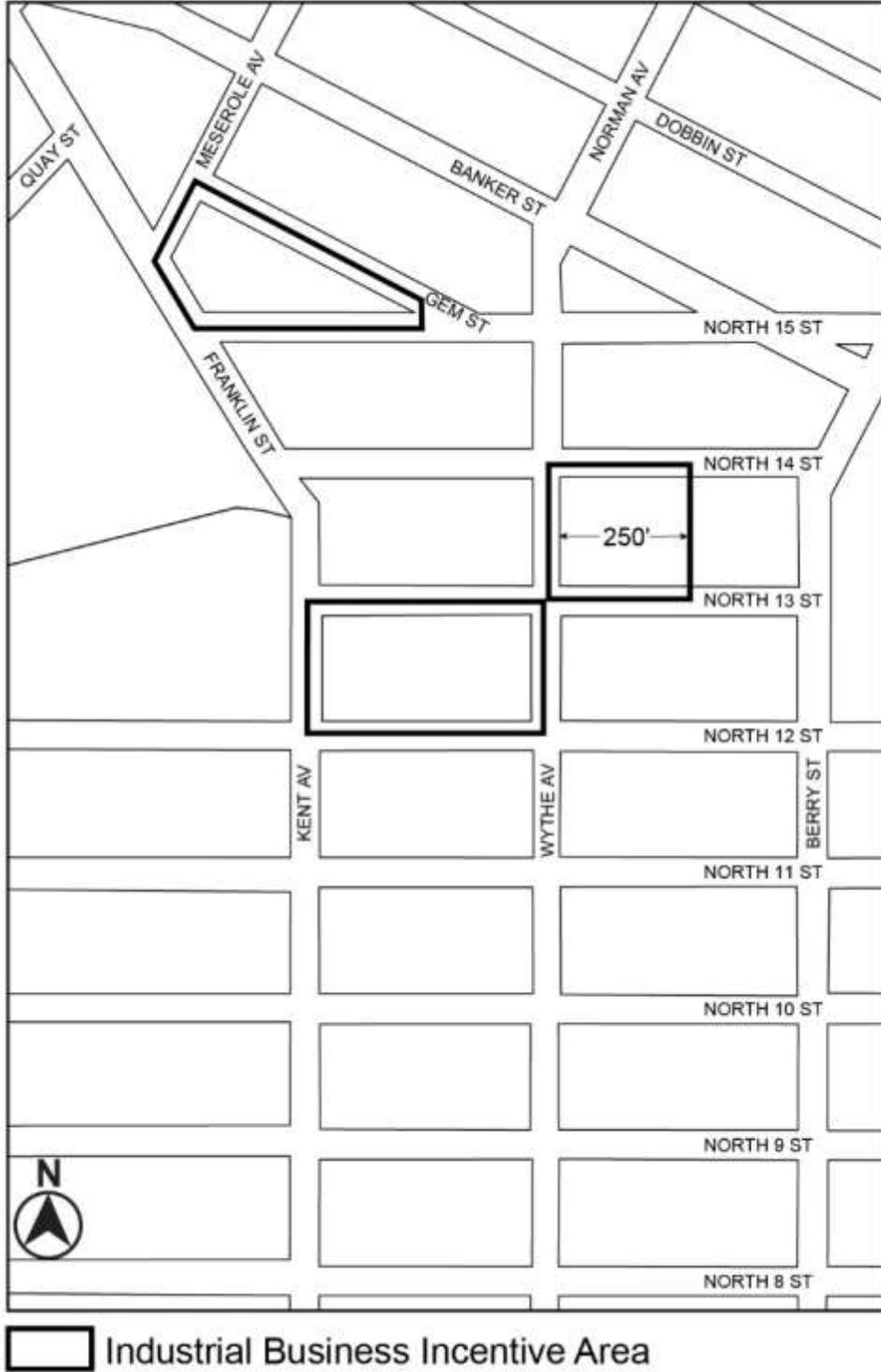
\* \* \*

**74-968**

### Maps of Industrial Business Incentive Areas

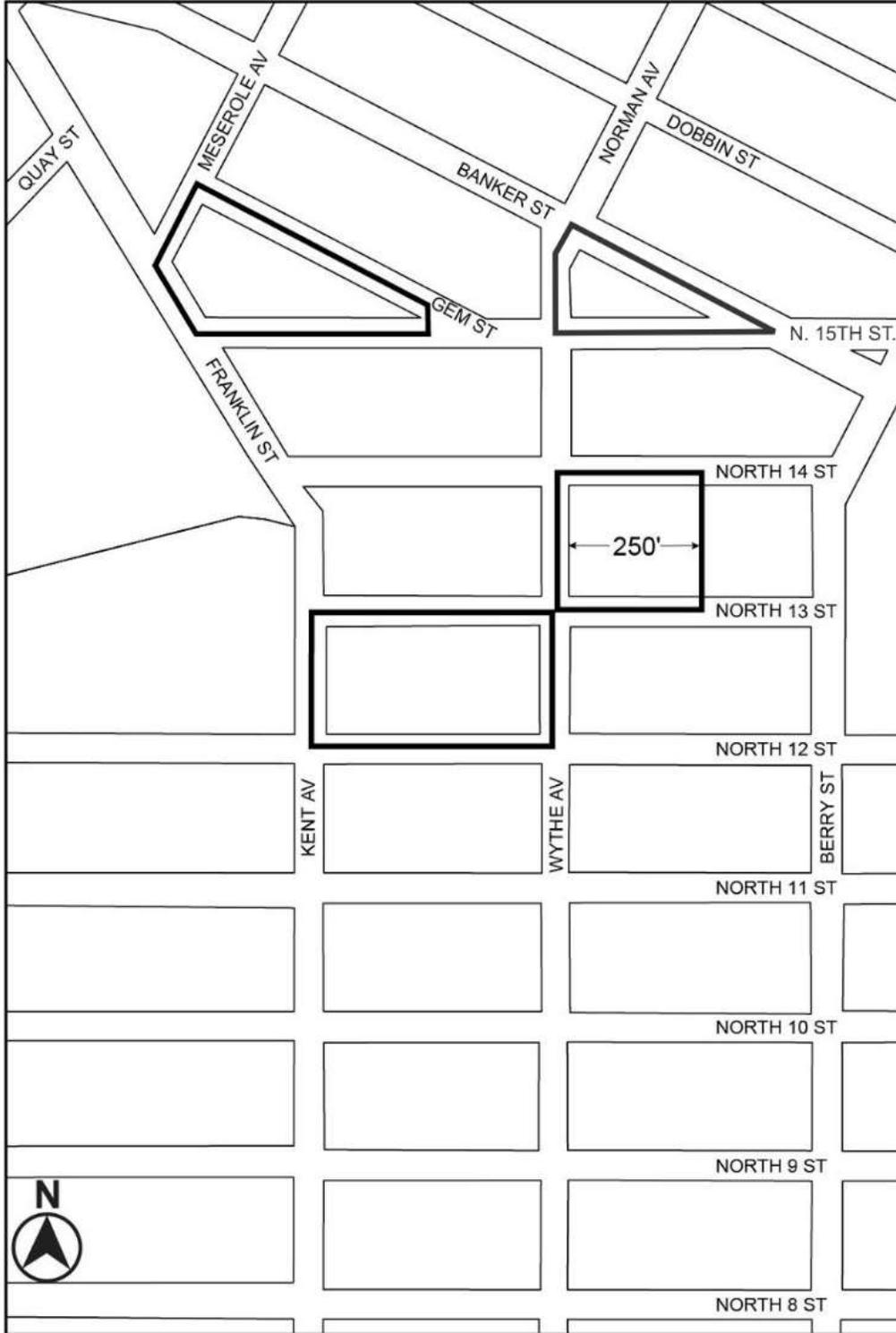
Map 1: Brooklyn

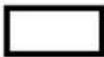
[EXISTING]



Portion of Community District 1,  
Borough of Brooklyn

[PROPOSED]



 Industrial Business Incentive Area

Portion of Community District 1,  
Borough of Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 957

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210272 ZSK (1 Wythe Avenue) submitted by One Wythe LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building, within an Industrial Business Incentive Area specified on the Maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District, Borough of Brooklyn, Community District 1, Council District 33.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on December 9, 2021, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 956 printed in these Minutes)**

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

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

Res. No. 1861

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210272 ZSK, for the grant of a special permit (Preconsidered L.U. No. 957).**

By Council Members Salamanca and Moya.

**WHEREAS**, One Wythe, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building within an Industrial Business Incentive Area specified on the Maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District, which in conjunction with the related actions would facilitate the construction of an approximately 81,000-square-foot mixed office, retail, and industrial development at 1 Wythe Avenue in the Greenpoint neighborhood of Brooklyn, Community District 1, (ULURP No. C 210272 ZSK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on December 1, 2021, its decision dated December 1, 2021 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application N 210273 ZR (Pre. L.U. No. \_\_\_\_), a zoning text amendment to ZR Section 74-96 to add an Industrial Business Incentive Area (IBIA);

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

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 74-966(a) of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on December 9, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued July 26<sup>th</sup>, 2021 (CEQR No. 21DCP075K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-628) (the “Negative Declaration”).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-628) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210272 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The properties that are the subject of this application (C 210272 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications, and zoning computations indicated on the following plans, prepared by ARCHIMAERA, filed with this application, and incorporated in this resolution:

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Date Revised</u>
A-02	Zoning Analysis	07/20/2021
A-03	Zoning Site Plan	07/20/2021
A-04	Ground Floor Plan	07/20/2021
A-05	Cellar Floor Plan	07/20/2021
A-06	Floor Plans - Level 2 & 3	07/20/2021
A-07	Floor Plans - Level 4 & 5	07/20/2021
A-08	Floor Plans - Level 6 & 7	07/20/2021
A-09	Floor Plans - Level 8	07/20/2021
A-10	Zoning Sections	07/20/2021
A-11	Zoning Sections	07/20/2021
A-12	Zoning Elevations – North 15 <sup>th</sup> Street & Banker Street	07/20/2021
A-13	Zoning Elevations – Wythe Avenue	07/20/2021
A-14	Flood Mitigation Plan	07/20/2021
A-15	Detail Elevations – Ground Level Transparency Compliance	07/20/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application.
3. Such development shall conform to all applicable laws and regulations relating to its construction and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee, or occupant.
5. Development pursuant to this resolution shall be allowed only after the Notice of Restrictions attached hereto as Exhibit A, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Brooklyn.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA I. AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2021 (Remote Hearing).

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 Mental Health, Disabilities and Addiction**

Report for Int. No. 2141-A

**Report of the Committee on Mental Health, Disabilities and Addiction in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to removing outdated clinical language, and to repeal paragraph 2 of subdivision a of section 555 of such charter in relation to a report on the establishment of the department of health and mental hygiene.**

The Committee on Mental Health, Disabilities and Addiction, to which the annexed proposed amended local law was referred on October 29, 2020 (Minutes, page 2320), respectfully

### **REPORTS:**

#### **I. Introduction**

On December 8, 2021, the Committee on Committee on Mental Health, Disabilities, and Addiction, chaired by Council Member Farah Louis, held a vote on Introduction Number 2141-A (Int. No. 2141-A). The legislation was previously heard at a joint hearing of this Committee and the Committee on Hospitals, chaired by Council Member Carlina Rivera, on December 3, 2021, at which the Committees received testimony from the NYC Department of Health and Mental Hygiene (DOHMH), NYC Health and Hospitals (H+H), the Greater New York Hospital Association (GNYHA), mental health professionals, community-based organizations, and other interested parties. On December 8, 2021, the Committee passed this legislation by a vote of six in the affirmative, zero in the negative, and zero abstentions.

#### **II. Background**

##### *Overview of Behavioral Health Services in NYC*

In June 2018, the Committees held a hearing on behavioral health services in NYC hospitals.<sup>1</sup> The hearing explored how H+H can cope with its increasing role as the main provider of inpatient mental health services in the City and the role voluntary hospitals can play in the treatment and care of individuals with mental health conditions.<sup>2</sup> At the time of the hearing, H+H was the main provider of behavioral health and inpatient psychiatric care services in NYC, with nearly 1,500 licensed psychiatric beds representing 48 percent of all psychiatric

<sup>1</sup> NYC Council, *Off-Site Hearing: Oversight – The Future of Psychiatric Care in New York City’s Hospital Infrastructure*. Location: NYC Health + Hospitals/Metropolitan 6th Floor Auditorium, Main Building 1901 First Avenue, New York, NY 10029, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3473013&GUID=EDDCE5FD-742B-46C4-850B-51802FD5839A&Options=&Search=>

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

inpatient beds in the metropolitan area.<sup>3</sup> From 2014 to 2017, H+H saw a decrease in their “all cause”<sup>4</sup> and psychiatric readmission rates by 24 and 27 percent respectively, due to shifting from providing care in inpatient settings to outpatient settings, as well as State-wide initiatives to prevent avoidable hospital readmissions.<sup>5</sup> At the hearing, H+H shared their detailed plans to expand access to mental health services in their ambulatory care settings by 2020, including units that can specifically meet the needs of those experiencing homelessness.<sup>6</sup> H+H also discussed access to buprenorphine and other overdose prevention services, mental health care for youth and individuals who are incarcerated, and other specific services, as well as the impacts of social determinants of health and budgeting for behavioral health services.<sup>7</sup>

### Overview of Behavioral Health Services at H+H

NYC Health + Hospitals, a public benefit corporation, serves more than 1.2 million New Yorkers each year and is the largest municipal health system in the country.<sup>8</sup> H+H is the successor entity to the Department of Hospitals<sup>9</sup> and provides medical, mental health and substance abuse services. H+H operates eleven acute care hospitals, five long term care facilities, one certified home health agency, and a network of Federally Qualified Health Center clinics that includes six diagnostic and treatment facilities.<sup>10</sup>

By providing services to patients regardless of their ability to pay, H+H is the default system of care for the uninsured, Medicaid patients, and other vulnerable populations. H+H is the single largest provider of health care to uninsured New Yorkers.<sup>11</sup> Half of all uninsured hospital stays and uninsured emergency department visits in New York City happen at H+H facilities.<sup>12</sup> Medicaid and uninsured patients represent nearly 70 percent of H+H total hospital stays, compared to 40 percent for other New York City hospitals.<sup>13</sup>

H+H offers a wide range of affordable mental health services and programs at its locations around the city. These include comprehensive inpatient and outpatient programs to provide mental health care for children, adolescents, adults, and seniors, and emergency psychiatric services such as specialized care for those suffering from psychiatric crises or engaging in suicidal behavior.<sup>14</sup> H+H also integrates behavioral health into primary care through its Collaborative Care program, assists individuals and families who are survivors of torture and human rights abuses through its Program for Survivors of Torture at Bellevue, provides support services for people that have been diagnosed with serious mental illness through a mobile, multi-disciplinary team in community settings, and offers short-term mental health services through mobile crisis teams for individuals who are unable or unwilling to access care in the community.<sup>15</sup>

H+H has seen a significant increase in the hospitalization of patients with mental illness in the last several years.<sup>16</sup> The New York State Nurses Association noted in its 2020 report, *A Crisis in Inpatient Psychiatric Services in New York State Hospitals*, that as financial pressures to close beds in voluntary hospitals mount, H+H has been tasked with providing more and more inpatient mental health care to New Yorkers.<sup>17</sup> According to a New York Times and Independent Budget Office’s study on New York City psychiatry services, H+H often ended up with patients with severe mental illness who were unable to seek any other type of outpatient services

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

<sup>4</sup> “All cause readmission” means that the cause of the readmission to the hospital does not need to be related to the cause of the initial hospitalization.

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

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

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

<sup>8</sup> New York City Health + Hospitals, *One New York: Health Care for Our Neighborhoods* (April 2016) [hereinafter *One New York*].

<sup>9</sup> The New York City Department of Hospitals owned and operated a network of public hospitals serving City residents through the early- to mid-twentieth century until the Health and Hospitals Corporation was created in 1969 by State law (New York City Health And Hospitals Corporation Act 1016/69).

<sup>10</sup> New York City Health + Hospitals, *About NYC Health + Hospitals*, <https://www.nyhealthandhospitals.org/about-nyc-health-hospitals/>.

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

<sup>12</sup> *One New York*, *supra* note 8.

<sup>13</sup> *Id.*

<sup>14</sup> H+H, Mental Health Care, <https://www.nyhealthandhospitals.org/services/mental-health-services/>.

<sup>15</sup> *Id.*

<sup>16</sup> New York State Nurses Association, *A Crisis in Inpatient Psychiatric Services in New York State Hospitals*, Aug. 2020, <https://www.nysna.org/sites/default/files/attach/ajax/2020/08/Psych%20Whitepaper%20NYSNA.pdf>.

<sup>17</sup> *Id.*

or care, as they would present in the emergency department (ED) of a public hospital in serious crisis with few alternatives to hospitalization.<sup>18</sup> In 2017, the H+H system had nearly 70,000 ED visits stemming from mental illness.<sup>19</sup> However, Kings County, Elmhurst, Metropolitan Hospital, Jacobi Medical Center, and Queens Hospital Center all reduced their certified psychiatric bed capacity, even as discharges hit their highest levels in 20 years.<sup>20</sup>

*Impact of COVID-19 on Mental Health Services in NYC hospitals*

According to the Treatment Advocacy Center, a minimum of 50 psychiatric beds per 100,000 people is considered necessary to provide minimally adequate treatment for individuals with severe mental illness.<sup>21</sup> However, as of 2018, New York failed to meet this standard, as evidenced by its ratio of 16.3 beds per 100,000 people capacity.<sup>22</sup>

As the COVID-19 pandemic increased the demand for behavioral healthcare services (e.g. mental health and substance use disorder treatment), many hospitals across New York State “repurposed” or closed hundreds of psychiatric, detox and drug rehabilitation beds to make room for COVID-19 patients.<sup>23</sup> As mental healthcare treatment became harder to find, New York healthcare workers described patients being discharged early to “free up space even though many still showed signs of psychosis and mania.”<sup>24</sup> According to mental health providers and advocates, people with mental health needs were, “discharged prematurely, or forced to stay in facilities far from their homes,” further exacerbating a “system already under strain.”<sup>25</sup> As lockdowns eased and facilities returned to normal, it was reported that an estimated 14,000 psychiatric admissions were lost because people who needed care were unable to get it.<sup>26</sup>

According to a 2020 New York State Nurses Association (NYSNA) study,<sup>27</sup> “the closure of inpatient psychiatric units in the midst of a historic mental health crisis created by COVID-19” exacerbated an already deepening mental health emergency.<sup>28</sup> As the pandemic hit New York, and then-Governor Cuomo suspended the Certificate of Needs applications requirement manding hospitals to undergo a public process before closing or changing services, “hospital administrations were emboldened, closing their inpatient psychiatric units, often without clarifying whether these moves [were] temporary or permanent.”<sup>29</sup> Coupled with the already “changing landscape of psychiatric care” which had eliminated many inpatient services “under the auspices of deinstitutionalization,”<sup>30</sup> inpatient behavioral health beds became increasingly rare. Simply put, as inpatient psychiatric services became less lucrative and private hospital systems decreased their services based on declining Medicaid reimbursements, H+H was tasked with providing more inpatient mental health care to more New Yorkers.<sup>31</sup> Key findings of the NYSNA study revealed the following<sup>32</sup>:

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<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> Treatment Advocacy Center. (2018). Public Psychiatric Beds in New York. Available at <https://www.treatmentadvocacycenter.org/new-york>

<sup>22</sup> *Id.*

<sup>23</sup> Ramachandran, Shalini. (October 9, 2020). A Hidden Cost of Covid: Shrinking Mental Health Services. The Wall Street Journal. Available at <https://www.wsj.com/articles/a-hidden-cost-of-covid-shrinking-mental-health-services-11602255729>

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

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> New York State Nurses Association (2020). Closures Are Causing a Full Blown Mental Health Emergency in New York. August, 2020. Available at <https://www.nysna.org/blog/2020/08/20/closures-are-causing-full-blown-mental-health-emergency-new-york#.YaOyevHMKDV>

<sup>28</sup> *Id.*

<sup>29</sup> New York State Nurses Association, (2020) A Crisis in Inpatient Psychiatric Services in New York State Hospitals. Available at <https://www.nysna.org/sites/default/files/attach/ajax/2020/08/Psych%20Whitepaper%20NYSNA.pdf>

<sup>30</sup> *Id.*

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

- *NYC's Mental Health Crisis is Deepening*
  - Between 2015 and 2018, NYPD calls reporting emotionally disturbed persons increased about 23%.
  - In the same time frame, according to HUD data, the seriously mentally ill homeless population in NYC jumped 23%.
  - Since the onset of the COVID crisis, calls to New York City's Mental Health Hotline and NAMI's suicide hotline have skyrocketed.
  
- *Inpatient Psychiatric Care is Disappearing*
  - In 2000, New York State had 6,055 certified inpatient psychiatric beds. By 2018 that number had dropped 12 percent to 5,419.
  - In New York City particularly, inpatient psychiatric care has dropped at the same time as the population and the need have mushroomed. NYC accounts for 72 percent of the decline in inpatient psychiatric beds between 2000 and 2019, a total loss of 459 beds. Another 17 percent of the total bed decline came from the Long Island Region. NYC gained nearly 400,000 residents in this timeframe; Suffolk and Nassau counties gained 100,000 people.
  
- *As Private Hospital Beds Decreased, Public Hospitals and the Correctional System Absorbed the Burden*
  - Between 2009 and 2014, there was a 20 percent increase in mental health discharges at NYC Health and Hospitals. In the same period, there was a 5 percent decrease in mental health discharges at NYC's voluntary non-profit hospitals.
  - Psychiatric bed closures in the Northwell system, the state's largest private healthcare system, represent 25 percent of statewide closures. Meanwhile, H+H hospitals Bellevue, Kings County, and Elmhurst account for roughly 25 percent of Article 28 inpatient psychiatric beds in NYC.
  - The corrections system picks up the remaining burden. Inpatient psychiatric beds in forensic facilities account for nearly one-fifth of the state's total bed capacity.
  - An estimated 12 percent of the state prison population has a serious mental illness—about five times as many people as there are beds in the correctional hospital system.<sup>33</sup>

Ultimately, “simply cutting inpatient beds in state psychiatric hospitals and transitioning people to outpatient services does little to reduce the need for inpatient psychiatric services” or provide comprehensive care to New Yorkers seeking treatment.<sup>34</sup>

#### *Issues and Challenges to Mental Health Access in H+H*

There are several barriers to the provision of comprehensive, equitable care in NYC hospitals, and these include: a mental health labor shortage – particularly of culturally sensitive providers – within NYC and in the entire country; lack of supportive services within communities, such as housing and food access; and long waitlists for inpatient, outpatient and substance use treatment services.<sup>35</sup>

#### **Mental Health Labor Shortage**

There are multiple factors that complicate and block the creation of a robust, culturally-sensitive mental health workforce in NYC, including insurance barriers, financial barriers, and language and cultural-competency barriers.<sup>36</sup> Financially, advocates for mental health care have raised widespread concern about the practice of

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<sup>33</sup> *Id.*

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

<sup>35</sup> Factors will be outlined in this section.

<sup>36</sup> Factors will be outlined in this section.

many managed care companies, insurance companies, Medicare, and Medicaid of providing more limited coverage for treatment of mental illness than for physical illness.<sup>37</sup> Current law requires health insurers to apply similar processes and restrictions for treatment and coverage of mental health and substance use disorders as they would for medical and surgical benefits.<sup>38</sup> When a health insurance plan has parity, it means conditions that share the same characteristics are treated in the same way.<sup>39</sup> However, mental health providers often cite low reimbursement rates as the main reasons they have chosen not to participate in health plan networks.<sup>40</sup>

A 2017 report by Milliman, an international actuarial and consulting firm,<sup>41</sup> confirmed that reimbursement rates for mental health and substance use disorder treatment providers, through private insurance plans, were far lower than reimbursement rates for other medical providers, relative to Medicare rates.<sup>42</sup> When insurance plans do not reimburse providers adequately, many choose not to participate in the plans' networks.<sup>43</sup> When an individual makes a decision to seek mental or behavioral health care but they are unable to find a provider in network, they often have to go out-of-network, resulting in higher costs.<sup>44</sup> In a national survey of state efforts to ensure parity when it comes to behavioral health insurance benefits, New York received a failing grade.<sup>45</sup> Practically, this means that there is little financial incentive for individuals to go into the mental health field, and that hospitals struggle to hire mental health providers, and to financially justify provision of a full range of mental health services.<sup>46</sup>

However, it is not just a lack of providers that limits hospitals' provision of mental health services, but also the lack of culturally competent providers.<sup>47</sup> According to the American Psychological Association, in 2018, about 86 percent of psychologists in the United States workforce were white and fewer than 15 percent were from other racial and ethnic groups.<sup>48</sup> This means that individuals often see mental health providers that do not have shared racial, ethnic, language, religious, or cultural experiences, all of which can influence the quality and effectiveness of the care they receive.<sup>49</sup>

Culturally sensitive providers often have particular skills, such as language ability, cultural knowledge, and experience treating the special health care needs of the diverse communities of New York City.<sup>50</sup> Culturally competent care creates stronger patient engagement, empathy, and trust.<sup>51</sup> This trust and engagement are

<sup>37</sup> Judith A. Huntington, *Health Care in Chaos: Will We Ever See Real Managed Care*, OJIN, Jan. 1997, Available at: <https://ojin.nursingworld.org/MainMenuCategories/ANAMarketplace/ANAPeriodicals/OJIN/TableofContents/Vol21997/No1Jan97/HealthCareinChaos.html>.

<sup>38</sup> Douglas, M., Dowd, K., Tampke, K., Rachel, S., Byrd, E., Miller, B., Lloyd, D., Wrenn, G. *What is Mental Health Parity? A Consumer Guide to the Evaluating State Mental Health and Addiction Parity Statutes Report*. The Kennedy Forum, 2018, Available at: [KF-Evaluating-State-Mental-Health-Consumer-Brief-0918\\_web.pdf](https://www.kennedyforum.org/wp-content/uploads/2018/09/KF-Evaluating-State-Mental-Health-Consumer-Brief-0918_web.pdf).

<sup>39</sup> *Id.*

<sup>40</sup> *Out-of-Network, Out-of-Pocket, Out-of-Options: The Unfulfilled Promise of Parity*, NAMI, November 2016, Available at: <https://www.nami.org/Support-Education/Publications-Reports/Public-Policy-Reports/Out-of-Network-Out-of-Pocket-Out-of-Options-The>.

<sup>41</sup> About, Milliman, last visited March 30, 2021, Available at <https://us.milliman.com/en/>.

<sup>42</sup> *LANDMARK LEGISLATION ENTERS SECOND DECADE*, ParityTrack, last visited Mar. 30, 2021, Available at: [https://www.paritytrack.org/mhpaea-10th-anniversary/?utm\\_source=tkf&utm\\_medium=offline&utm\\_campaign=mhpaea10&utm\\_content=anniversary](https://www.paritytrack.org/mhpaea-10th-anniversary/?utm_source=tkf&utm_medium=offline&utm_campaign=mhpaea10&utm_content=anniversary)

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> Lilo H. Stainton, *NJ Gets Report Card 'F' for Lack of Parity in Insurance Coverage of Mental Health*, NJ Spotlight News, October 5, 2018, Available at: <https://www.njspotlight.com/2018/10/18-10-04-nj-gets-report-card-f-for-lack-of-parity-in-insurance-coverage-of-mental-health/>

<sup>46</sup> *Out-of-Network, Out-of-Pocket, Out-of-Options: The Unfulfilled Promise of Parity*, NAMI, November 2016, Available at: <https://www.nami.org/Support-Education/Publications-Reports/Public-Policy-Reports/Out-of-Network-Out-of-Pocket-Out-of-Options-The>.

<sup>47</sup> Dr. Ashwin Vasani, *Biden wants to fix racial inequality. Mental health access is an important place to start.*, NBC News, Feb. 17, 2021, Available at: <https://www.nbcnews.com/think/opinion/biden-wants-fix-racial-inequality-mental-health-access-important-place-ncna1257376>.

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> Greenberg, Greg, *U.S. minorities' access to health care under managed care: A synthesis of the literature*, Research in the Sociology of Health Care, 3, Dec. 2007, Available at: [https://www.researchgate.net/publication/235250736\\_US\\_minorities'\\_access\\_to\\_health\\_care\\_under\\_managed\\_care\\_A\\_synthesis\\_of\\_the\\_literature](https://www.researchgate.net/publication/235250736_US_minorities'_access_to_health_care_under_managed_care_A_synthesis_of_the_literature).

<sup>51</sup> Dr. Ashwin Vasani, *Biden wants to fix racial inequality. Mental health access is an important place to start.*, NBC News, Feb. 17, 2021, Available at: <https://www.nbcnews.com/think/opinion/biden-wants-fix-racial-inequality-mental-health-access-important-place-ncna1257376>.

especially crucial in relationships in behavioral health in order to communicate and connect with disordered thoughts, moods, or other behaviors that can affect a person's everyday function.<sup>52</sup> If a network lacks providers of color, its members of color may find it more difficult to obtain services from an appropriate, competent, or conveniently located providers.<sup>53</sup> It also means that community-based organization and hospitals in high-need communities without wide-ranging culturally competent care will compete over the same providers.<sup>54</sup>

### **Supportive Services with Communities**

Another factor that limits comprehensive mental health care within hospitals is the lack of supportive services within communities, such as housing, food access, economic and job stability, and supportive community infrastructure.<sup>55</sup> According to the National Alliance on Mental Illness (NAMI), genetics, environment, lifestyle, internal and external stressors, as well as history of trauma are among the issues most likely to significantly impact mental health.<sup>56</sup> In other words, mental health and serious mental illness can be understood within a greater framework referred to as “social determinants of health.”<sup>57</sup> According to the Centers for Disease Control and Prevention (CDC), social determinants of health (SDOH) are “conditions in the places where people live, learn, work and play that affect a wide range of health and quality-of-life risks and outcomes.”<sup>58</sup> Specifically, SDOH can be grouped into five domains that include:<sup>59</sup> (1) *Healthcare Access and Quality*;<sup>60</sup> (2) *Education Access and Quality*;<sup>61</sup> (3) *Social and Community Context*;<sup>62</sup> (4) *Economic Stability*;<sup>63</sup> and (5) *Neighborhood and Built Environment*, which include concerns about the quality of housing and neighborhoods where people live, their access to transportation, healthy foods, clear air and water, and proximity to neighborhood crime and violence.<sup>64</sup> Additionally, data from the 2017 NYC Social Determinants of Mental Health survey shows that racial and ethnic discrimination, inequities in accessing high quality health care, and, in particular, economic strain and stressful living environments were all related to poorer mental health outcomes resulting in a higher prevalence of serious psychological distress (SPD).<sup>65</sup> SPD is defined by the CDC as: “mental health problems severe enough to cause moderate-to-serious impairment in social, occupational, or school functioning and to require treatment.”<sup>66</sup>

The lack of stable housing, in particular, presents challenges to hospitals in their treatment of patients.<sup>67</sup> Under New York State law, hospitals are required to produce discharge plans upon discharging patients.<sup>68</sup> These plans become increasingly complicated when a patient lacks stable housing, access to food, or a supportive

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<sup>52</sup> *Id.*

<sup>53</sup> Greenberg, Greg, *U.S. minorities' access to health care under managed care: A synthesis of the literature*, Research in the Sociology of Health Care, 3, Dec. 2007, Available at: [https://www.researchgate.net/publication/235250736\\_US\\_minorities'\\_access\\_to\\_health\\_care\\_under\\_managed\\_care\\_A\\_synthesis\\_of\\_the\\_literature](https://www.researchgate.net/publication/235250736_US_minorities'_access_to_health_care_under_managed_care_A_synthesis_of_the_literature).

<sup>54</sup> *Id.*

<sup>55</sup> See, e.g., “Why Hospitals Are Getting Into the Housing Business,” KHN, Oct. 4, 2019, available at <https://khn.org/news/why-hospitals-are-getting-into-the-housing-business/>.

<sup>56</sup> Greenberg, Greg, *U.S. minorities' access to health care under managed care: A synthesis of the literature*, Research in the Sociology of Health Care, 3, Dec. 2007, Available at: [https://www.researchgate.net/publication/235250736\\_US\\_minorities'\\_access\\_to\\_health\\_care\\_under\\_managed\\_care\\_A\\_synthesis\\_of\\_the\\_literature](https://www.researchgate.net/publication/235250736_US_minorities'_access_to_health_care_under_managed_care_A_synthesis_of_the_literature).

<sup>57</sup> Centers for Disease Control and Prevention (May 6, 2021). Social Determinants of Health: Know What Affects Health. Available at <https://www.cdc.gov/socialdeterminants/index.htm>.

<sup>58</sup> *Id.*

<sup>59</sup> Centers for Disease Control and Prevention (2021) What are social determinants of health? Available at <https://www.cdc.gov/socialdeterminants/about.html>

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Epi Data Brief (August 2019) Social Determinants of Mental Health among New York City Adults. Available at <https://www1.nyc.gov/assets/doh/downloads/pdf/epi/databrief115.pdf>

<sup>66</sup> CDC National Center for Health Statistics (2021) Serious psychological distress among adults. Available at <https://www.cdc.gov/nchs/products/databriefs/db203.htm>

<sup>67</sup> Will be further explained in this section.

<sup>68</sup> New York Codes, Rules and Regulations, Title 10, Chapter V, Section 405.9.

community to return to upon discharge.<sup>69</sup> Patients that are discharged from mental health care in hospitals into unstable conditions in their communities are much more likely to be readmitted to hospitals, to linger in hospitals for longer than necessary, and to fall into an endless cycle of hospital admission, discharge, and possible eventual interaction with the criminal justice system.<sup>70</sup> This puts a strain on hospitals, who must accordingly provide repeated care for patients that could be served within their communities if there were adequate resources and infrastructure.<sup>71</sup>

### **Waitlists for Inpatient, Outpatient and Substance Use Treatment Services**

Waitlists for mental health services can be extremely long, due to the reasons outlined above – lack of comprehensive, culturally-sensitive mental health workforce, growing mental health needs due to COVID isolation, poor financial incentives to provide mental health care, lack of infrastructure and supportive services within communities to share the burden with hospitals.<sup>72</sup> This is especially true for specialty care, such as pediatric mental health care, where even patients experiencing suicidality and seeking outpatient services can wait over a month to receive care.<sup>73</sup> The same is true for substance use disorder treatments, which are available on a very limited basis within hospitals, and which can have months-long waiting lists for both inpatient and outpatient treatment.<sup>74</sup> Patients experiencing addiction or mental health emergencies may not have weeks or months to wait, but hospitals simply lack the available beds and referrals to provide inpatient and outpatient care.<sup>75</sup>

### **III. Legislation**

**Int. 2141-A:** A local law to amend the New York city charter and the administrative code of the city of New York, in relation to removing outdated clinical language, and to repeal paragraph 2 of subdivision a of section 555 of such charter in relation to a report on the establishment of the department of health and mental hygiene

In 2010, Congress passed Rosa’s Law, which changed references to “mental retardation” in specified federal laws to “intellectual disability,” in recognition of the fact that the term “mental retardation” is archaic, insensitive and stigmatizing, and clinically outdated. With respect to the City’s consolidated laws, the term “mental retardation” appears in 10 sections across the Charter and the Administrative Code. The proposed bill would remove references to “mental retardation” and substitute the term “intellectual disability” or “intellectual and developmental disability,” as applicable, in such sections.

This law would take effect immediately.

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<sup>69</sup> See, e.g., “Down and out in Kips Bay: Locals say loiterers, drug users roaming streets after hospital discharges,” AMNY, Sept. 1, 2021, available at <https://www.amny.com/lifestyle/city-living/kips-bay-drug-users-loiterers-roam-streets/>; see also, “Updated Process for Discharging Homeless Individuals and Individuals Requiring Isolation,” GNYHA, June 3, 2020, available at <https://www.gnyha.org/news/updated-process-for-discharging-homeless-individuals-and-individuals-requiring-isolation/>.

<sup>70</sup> See, e.g., “Down and out in Kips Bay: Locals say loiterers, drug users roaming streets after hospital discharges,” AMNY, Sept. 1, 2021, available at <https://www.amny.com/lifestyle/city-living/kips-bay-drug-users-loiterers-roam-streets/>.

<sup>71</sup> See, e.g., “NYC’s mental health crisis spans far and wide with few answers in sight,” NY DailyNews, May 15, 2021 available at <https://www.nydailynews.com/coronavirus/ny-nyc-mental-health-covid-20210516-zuggg7vmjbtbookukawccrle-story.html>.

<sup>72</sup> See, e.g., “‘Nobody Has Openings’: Mental Health Providers Struggle to Meet Demand,” NYT, Feb. 17, 2021, available at <https://www.nytimes.com/2021/02/17/well/mind/therapy-appointments-shortages-pandemic.html>.

<sup>73</sup> See, e.g., “No Vacancy: How A Shortage Of Mental Health Beds Keeps Kids Trapped Inside ERs,” WBUR, May 17, 2021, available at <https://www.wbur.org/news/2021/05/17/children-teens-emergency-room-boarding-mental-health>.

<sup>74</sup> See, e.g., “How ERs Fail Patients with Addiction: One Patient’s Tragic Death,” KHN, July 15, 2021, available at [https://khn.org/news/article/how-ers-fail-patients-with-addiction-one-patients-tragic-death/?utm\\_source=STAT+Newsletters&utm\\_campaign=5442b23852-MR\\_COPY\\_02&utm\\_medium=email&utm\\_term=0\\_8cab1d7961-5442b23852-151778981](https://khn.org/news/article/how-ers-fail-patients-with-addiction-one-patients-tragic-death/?utm_source=STAT+Newsletters&utm_campaign=5442b23852-MR_COPY_02&utm_medium=email&utm_term=0_8cab1d7961-5442b23852-151778981).

<sup>75</sup> *Id.*

(The following is the text of the Fiscal Impact Statement for Int. No. 2141-A:)



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

**PROPOSED INTRO. NO:** 2141-A

**COMMITTEE:** Mental Health, Disabilities and Addiction

**TITLE:** A Local Law amend the New York city charter and the administrative code of the city of New York, in relation to removing outdated clinical language, and to repeal paragraph 2 of subdivision a of section 555 of such charter in relation to a report on the establishment of the department of health and mental hygiene.

**SPONSORS:** Council Members Rivera, Kallos, Louis, Rosenthal and Chin.

**SUMMARY OF LEGISLATION:** In 2010, Congress passed Rosa’s Law, which changed references to “mental retardation” in specified federal laws to “intellectual disability,” in recognition of the fact that the term “mental retardation” is archaic, insensitive and stigmatizing, and clinically outdated. With respect to the City’s consolidated laws, the term “mental retardation” appears in 10 sections across the Charter and the Administrative Code. Proposed Intro. No. 2141-A bill would remove references to “mental retardation” and substitute the term “intellectual disability” or “intellectual and developmental disability,” as applicable, in such sections.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro No. 2141-A as the designated agency would utilize existing resources to comply with the requirements of this 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  
 Crilhien R. Francisco, Unit Head  
 Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on October 29, 2020 and was referred to the Committee on Mental Health, Disabilities and Addiction (Committee). A hearing was held by the Committee, jointly with the Committee on Hospitals, on December 3, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2141-A, will be considered on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2141-A will be submitted to the full Council for a vote on December 09, 2021.

**DATE PREPARED:** December 2, 2021.

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

**(The following is the text of Int. No. 2141-A:)**

Int. No. 2141-A

By Council Members Rivera, Kallos, Louis, Rosenthal, Chin, Dinowitz, Cabán and Gennaro.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to removing outdated clinical language, and to repeal paragraph 2 of subdivision a of section 555 of such charter in relation to a report on the establishment of the department of health and mental hygiene**

*Be it enacted by the Council as follows:*

Section 1. Subdivision d of section 15 of the New York city charter, as added by a vote of the electors on November 6, 2001, and paragraph 2 of such subdivision, as amended by local law number 22 for the year 2002, is amended to read as follows:

d. 1. The city of New York recognizes that services for people suffering from [mental retardation] *intellectual* and developmental disabilities are provided by programs administered within a number of different city agencies, as well as by non-governmental entities. The city of New York further recognizes the need for coordination and cooperation among city agencies and between city agencies and non-governmental entities that provide such services.

2. There shall be [mental retardation] *intellectual* and developmental disability coordination within the office of operations. In performing functions relating to such coordination, the office of operations shall be authorized to: develop methods to: (i) improve the coordination within and among city agencies that provide services to people with [mental retardation] *intellectual* or developmental disabilities, including but not limited to the department of health and mental hygiene, the administration for children's services, the human resources administration, department of youth and community development, the department of juvenile justice, and the department of employment, or the successors to such agencies, and the health and hospitals corporation and the board of education; and (ii) facilitate coordination between such agencies and non-governmental entities providing services to people with [mental retardation] *intellectual* or developmental disabilities; review state and federal programs and legislative proposals that may affect people with [mental retardation] *intellectual* or developmental disabilities and provide information and advice to the mayor regarding the impact of such programs or legislation; recommend legislative proposals or other initiatives that will benefit people with [mental retardation] *intellectual* or developmental disabilities; and perform such other duties and functions as the mayor may request to assist people with [mental retardation] *intellectual* or developmental disabilities and their family members.

§ 2. Section 550 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 550. Definitions. *a.* When used in this chapter[: the], *the following terms have the following meanings:*

*Mentally disabled.* The term “mentally disabled” [shall mean] *means* those with mental illness, [mental retardation, alcoholism, substance dependence or chemical dependence] *developmental disability, or addiction disorder,* as these terms are defined in section 1.03 of the mental hygiene law, *or those with intellectual disability;* or any other mental illness or mental condition placed under the jurisdiction of the department by the mayor[: the].

*Provider of services.* The term “provider of services” [shall mean] *means* an individual, association, corporation or public or private agency which provides for the mentally disabled[: and the].

*Services for the mentally disabled.* The term “services for the mentally disabled” [shall mean] *means* examination, diagnosis, care, treatment, rehabilitation, training, education, research, preventive services, referral, residential services or domiciliary care of or for the mentally disabled, not specifically limited by any other law.

*b.* Notwithstanding the foregoing, planning and programs for persons with substance dependence or chemical dependence shall be conducted by the department, and the department may act as a “local agency” to conduct substance abuse programs and seek reimbursement therefore pursuant to provisions of the mental hygiene law relating to funding for substance abuse services, as deemed appropriate by the commissioner in recognition of the programs currently administered by the New York state office of alcoholism and substance abuse services or its successor agency under article [nineteen] 19 of the mental hygiene law.

§ 3. Subdivision a of section 551 of the New York city charter, as amended by local law number 22 for the year 2002, is amended to read as follows:

*a.* There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, [mental retardation] *intellectual and developmental disability,* and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, [mental retardation] *intellectual and developmental disability,* and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section [one hundred seven] 107, for the units of appropriation for mental health, [mental retardation] *intellectual and developmental disability,* and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section [one hundred seven] 107, for the units of appropriation for mental health, [mental retardation] *intellectual and developmental disability,* and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city’s best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§ 4. Section 552 of the New York city charter, as amended by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 552. Deputy commissioners. The commissioner may appoint deputy commissioners, one of whom shall have the same qualifications as the commissioner. There shall be at least two executive deputy commissioners, one of whom shall have the qualifications established pursuant to the mental hygiene law for a director of community services of a local governmental unit, and shall be the director within the department of the division of mental hygiene services. Such division shall be and shall exercise the powers of a local governmental unit for purposes of the mental hygiene law, and the executive deputy commissioner heading such division shall have the powers of a director of community services of a local governmental unit as set forth in or pursuant to such law, and shall report directly to the commissioner. In the exercise of such powers, such executive deputy commissioner shall coordinate the fiscal and programmatic administration of contracts awarded by the department for mental health, [mental retardation] *intellectual and developmental disability,* and alcoholism services.

§ 5. Paragraph (2) of subdivision a of section 555 of the New York city charter is REPEALED.

§ 6. The opening paragraph of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

§ 556. Functions, powers and duties of the department. Except as otherwise provided by law, the department shall have jurisdiction to regulate all matters affecting health in the city of New York and to perform all those functions and operations performed by the city that relate to the health of the people of the city, including but not limited to the mental health, [mental retardation] *intellectual and developmental disability*, alcoholism and substance abuse-related needs of the people of the city. The jurisdiction of the department shall include but not be limited to the following:

§ 7. Paragraphs (3) and (6) of subdivision b of section 556 of the New York city charter, as added by a vote of the electors on November 6, 2001, are amended to read as follows:

(3) engage in short-range, intermediate-range and long-range mental hygiene planning that reflects the entire array of city needs in the areas of mental health, [mental retardation] *intellectual* and developmental disabilities and alcoholism and substance abuse services within the department's jurisdiction;

(6) receive and expend funds made available for the purposes of providing mental health, [mental retardation] *intellectual* and developmental disability and alcoholism and substance abuse related services;

§ 8. Paragraph (1) of subdivision a of section 568 of the New York city charter, as added by a vote of the electors on November 6, 2001, is amended to read as follows:

(1) There shall be a mental hygiene advisory board which shall be advisory to the commissioner and the deputy commissioner for mental hygiene services in the development of community mental health, [mental retardation] *intellectual and developmental disability*, alcoholism and substance abuse facilities and services and programs related thereto. The board shall have separate subcommittees for mental health, for [mental retardation and] developmental disabilities, and for alcoholism and substance abuse. The board and its subcommittees shall be constituted and their appointive members appointed and removed in the manner prescribed for a community services board by the provisions of the mental hygiene law. Pursuant to the provisions of such law, such members may be reappointed without limitation on the number of consecutive terms which they may serve.

§ 9. Subdivision m of section 17-306 of the administrative code of the city of New York, as added by local law number 34 for the year 1993, is amended to read as follows:

m. "Disabled person". Any person who has or had a physical or mental impairment that substantially limits one or more major life activities and has a record of such an impairment. For the purposes of this subdivision, "physical impairment" means a physiological disorder or condition, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; genitourinary; hemic and lymphatic; or skin and endocrine. It includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, muscular dystrophy, and multiple sclerosis. For the purposes of this subdivision, "mental impairment" means any mental or psychological disorder such as [mental retardation] *intellectual disability*, organic brain syndrome, emotional or mental illness, and specific learning disabilities. For the purposes of this subdivision, "major life activities" means functions such as walking, seeing, hearing and speaking. For the purposes of this subdivision, a record of such an impairment shall be established by submission to the commissioner of either:

(a) A letter or certificate describing the physical or mental impairment of the applicant which must include the notarized signature of one of the following:

(i) A licensed physician, ophthalmologist, optometrist or psychologist; or

(ii) An authorized representative of a social agency that conducts programs for the disabled in cooperation with an official agency of the state and from which the applicant is receiving services such as, but not limited to, the state office of vocational rehabilitation; or

(b) A previous certification not more than one year old establishing the physical or mental impairment of the applicant such as, but not limited to, verification of an income tax exemption or social security benefits on the basis of physical or mental impairment.

§ 10. This local law takes effect immediately.

FARAH N. LOUIS, *Chairperson*; ALICKA AMPRY-SAMUEL, DIANA AYALA, KEVIN C. RILEY, ERIC DINOWITZ, JOSEPH C. BORELLI; Committee on Mental Health, Disabilities and Addictions; December 8, 2021 (Remote Hearing).

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. 2442-A

**Report of the Committee on Mental Health, Disabilities, and Addiction, in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to establishing an office of community mental health.**

The Committee on Mental Health, Disabilities, and Addiction, to which the annexed proposed amended local law was referred on November 10, 2021 (Minutes, page 3067), respectfully

**REPORTS:**

**I. Introduction**

On December 8, 2021, the Committee on Mental Health, Disabilities, and Addiction, chaired by Council Member Farah Louis, will hold a vote on Proposed Introduction Number 2442-A (Proposed Int. No. 2442-A). The legislation was previously heard at a joint hearing of this Committee and the Committee on Veterans, chaired by Council Member Eric Dinowitz, on November 1, at which the Committees received testimony from the New York City Department of Veterans' Services (DVS), New York City Department of Health and Mental Hygiene (DOHMH), the Mayor's Office of Community Mental Health (OCMH), and other interested parties.

**II. Background**

*a. Veterans' Mental Health*

Veterans have distinctive health issues related to their military service and are more likely to experience trauma-related injuries and behavioral health challenges than people who have never served in the armed forces.<sup>1</sup> According to a 2008 study conducted by the Rand Center for Military Health Policy Research, roughly one in five veterans experience a mental health condition.<sup>2</sup> Another study shows that veterans who have been deployed are more likely than civilians to experience mental health conditions or cognitive injuries.<sup>3</sup>

Since 2001, approximately 2.4 million active duty and reserve military personnel have been deployed to the wars in Iraq and Afghanistan.<sup>4</sup> Early evidence suggests that the psychological toll of these deployments—many involving multiple deployments per individual service member and prolonged exposure to dangerous threats, such as improvised explosive devices (IEDs)—may be disproportionately high compared with the physical injuries of combat.<sup>5</sup> Estimates based on data from the RAND Corporation suggest that among New York veterans

<sup>1</sup> Olenick, M., M. Flowers, and V. J. Diaz, *U.S. Veterans and Their Unique Issues: Enhancing Health Care Professional Awareness*, *Advances in Medical Education and Practice* 6: 635–639 (2015).

<sup>2</sup> Tanielian, Terri and Lisa H. Jaycox, eds., *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*. Santa Monica, CA: RAND Corporation (2008). <https://www.rand.org/pubs/monographs/MG720.html>.

<sup>3</sup> Tanielian, Terri, Caroline Batka, and Lisa S. Meredith, *The Changing Landscape for Veterans' Mental Health Care*. Santa Monica, CA: RAND Corporation, 2017. [https://www.rand.org/pubs/research\\_briefs/RB9981z2.html](https://www.rand.org/pubs/research_briefs/RB9981z2.html).

<sup>4</sup> Waszak DL, Holmes AM. *The Unique Health Needs of Post-9/11 U.S. Veterans*. *Workplace Health Saf.* (Sep. 2017); 65(9):430-444. doi: 10.1177/2165079916682524. PMID: 28849739.

<sup>5</sup> Tanielian, Terri and Lisa H. Jaycox, eds., *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*. Santa Monica, CA: RAND Corporation (2008). <https://www.rand.org/pubs/monographs/MG720.html>.

of the wars in Iraq and Afghanistan, “nearly 8,000 suffer from Post-Traumatic Stress Disorder (PTSD), more than 7,000 suffer from Traumatic Brain Injury (TBI), and more than 4,000 suffer from both.”<sup>6</sup>

The primary mental health conditions and cognitive impairments resulting from recent deployment experiences include:

- **Post-Traumatic Stress Disorder (PTSD):** Also known as “shell shock” or “combat fatigue,” PTSD results from witnessing or experiencing (directly or indirectly) a traumatic event such as a natural disaster, a serious accident, a terrorist act, war or combat, rape or other violent personal assault.<sup>7</sup> Although PTSD is not limited to veterans, military personnel experience PTSD at disproportionately higher rates than civilians (8% of non-military men versus 36% of male veterans).<sup>8</sup> One recent study shows that female veterans have a higher prevalence of PTSD (11.40%) compared to their civilian (5.96%) and male (5.19%) counterparts.<sup>9</sup> However, researches have observed mixed findings regarding differences in PTSD prevalence between men and women veterans.<sup>10</sup> Veterans with PTSD may be at increased risk for other conditions or problems such as traumatic brain injury (TBI), military sexual trauma (MST), sleep problems, substance use, pain, and other psychiatric disorders.<sup>11</sup>
- **Depression:** “Depression involves recurrent, severe periods of clear-cut changes in mood, thought processes and motivation lasting for a minimum of two weeks. Changes in thought processes typically include negative thoughts and hopelessness. Depression may also affect sleep, energy, appetite or weight.”<sup>12</sup> Depression remains one of the leading mental health conditions in the military.<sup>13</sup> “The military environment can act as a catalyst for the development and progression of depression. For example, separation from loved ones and support systems, stressors of combat, and seeing oneself and others in harm’s way are all elements that increase the risk of depression in active duty and veteran populations.”<sup>14</sup>
- **Traumatic Brain Injury (TBI):** TBI, is usually the result of a significant blow to the head or body.<sup>15</sup> Symptoms can include headaches, fatigue or drowsiness, memory problems and mood changes and mood swings.<sup>16</sup> Traumatic brain injury is common among military personnel deployed to Iraq and Afghanistan although it is usually mild.<sup>17</sup> A report by the RAND Corporation showed that about 20 percent of veterans that served in Iraq and Afghanistan experienced a probable TBI during deployment.<sup>18</sup>

<sup>6</sup> Farmer, Carrie M., Lisa H. Jaycox, Grant N. Marshall, Terry L. Schell, Terri Tanielian, Christine Anne Vaughan, and Glenda WrennSchell, Terry L. and Terri Tanielian, eds., *A Needs Assessment of New York State Veterans: Final Report to the New York State Health Foundation*. Santa Monica, CA: RAND Corporation, 2011, available at [https://www.rand.org/pubs/technical\\_reports/TR920.html](https://www.rand.org/pubs/technical_reports/TR920.html) (accessed on Nov. 10, 2021).

<sup>7</sup> *What is Posttraumatic Stress Disorder?*, American Psychiatric Association, available at <https://www.psychiatry.org/patients-families/ptsd/what-is-ptsd>.

<sup>8</sup> Olenick, M., Flowers, M., & Diaz, V. J. (2015). *US veterans and their unique issues: enhancing health care professional awareness*. *Advances in medical education and practice*, 6, 635–639, available at <https://doi.org/10.2147/AMEP.S89479> (accessed on Nov. 11, 2021).

<sup>9</sup> Lehavot, K., Goldberg, S. B., Chen, J. A., Katon, J. G., Glass, J. E., Fortney, J. C., Simpson, T. L., & Schnurr, P. P. (2018). Do trauma type, stressful life events, and social support explain women veterans' high prevalence of PTSD?. *Social psychiatry and psychiatric epidemiology*, 53(9), 943–953, available at <https://doi.org/10.1007/s00127-018-1550-x>.

<sup>10</sup> Lehavot, K., Katon, J. G., Chen, J. A., Fortney, J. C., & Simpson, T. L. (2018). Post-traumatic Stress Disorder by Gender and Veteran Status. *American journal of preventive medicine*, 54(1), e1–e9, available at <https://doi.org/10.1016/j.amepre.2017.09.008>.

<sup>11</sup> Johnson, B. S., Boudiab, L. D., Freundl, M., Anthony, M., Gmerek, G. B., & Carter, J. (2013). *Enhancing veteran-centered care: a guide for nurses in non-VA settings*. *The American Journal of Nursing*, 113(7), 24–40, available at <https://doi.org/10.1097/01.NAJ.0000431913.50226.83> (accessed on Nov. 11, 2021).

<sup>12</sup> *Mental Health Conditions*, National Alliance on Mental Health, <https://www.nami.org/About-Mental-Illness/Mental-Health-Conditions> (accessed on Nov. 11, 2021).

<sup>13</sup> Olenick, M., Flowers, M., & Diaz, V. J. (2015). *US veterans and their unique issues: enhancing health care professional awareness*. *Advances in medical education and practice*, 6, 635–639, available at <https://doi.org/10.2147/AMEP.S89479> (accessed on Nov. 11, 2021).

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> Tanielian, Terri and Lisa H. Jaycox, eds., *Invisible Wounds of War: Psychological and Cognitive Injuries, Their Consequences, and Services to Assist Recovery*. Santa Monica, CA: RAND Corporation, 2008. <https://www.rand.org/pubs/monographs/MG720.html>.

<sup>18</sup> *Id.*

Unlike physical wounds, these mental health conditions and cognitive injuries affect mood, thoughts, and behavior and often remain invisible to other service members, family members and society in general.<sup>19</sup> “In addition, symptoms of these conditions, especially PTSD and depression, can have a delayed onset.”<sup>20</sup>

Unfortunately, less than half of returning veterans in need of mental health services receive any care.<sup>21</sup> Some of the barriers veterans face to treatment for mental health include personal embarrassment about service-related mental disabilities, long wait times to receive mental health treatment, fear and shame over needing to seek mental health treatment, stigma associated with mental health issues, lack of understanding or lack of awareness about mental health problems and treatment options, logistical problems such as long travel distances in order to receive care and concerns over the mental health treatment offered by the United States Department of Veterans Affairs (VA).<sup>22</sup>

The COVID-19 pandemic has created additional challenges to mental health, physical health, and financial wellness, in particular for veterans.<sup>23</sup> In a recent national survey conducted by the Wounded Warrior Project, veterans reported their mental health issues have worsened since social distancing and stay at home orders went into place, and more than half reported having a mental health appointment canceled or postponed during the pandemic.<sup>24</sup>

*b. City Resources and Programs for NYC Veterans*

DVS refers veterans in need of mental health services to providers across the city through their Veteran Resource Centers and the VetConnect service platform. The agency’s mental and behavioral health page promotes support hotlines, coping resources, and connections to respected service providers, including New York Presbyterian Military Family Wellness Center and NYU Steven Cohen Family Wellness Center.<sup>25</sup> Additionally, in the past, the agency partnered with First Lady Chirlane McCray’s mental health initiative, ThriveNYC to launch programming to support and treat veterans battling mental illness.<sup>26</sup>

In ThriveNYC’s initial 2015 report, *ThriveNYC: A Mental Health Roadmap for All*, the administration announced two initiatives designed to reach the City’s veterans:<sup>27</sup> ThriveNYC (1) pledged to invest in and expand the Veterans Services Outreach Team,<sup>28</sup> and (2) to create a Veterans Holistic Treatment Fund to provide grants to community-based organizations that utilize evidence-based restorative practices.<sup>29</sup> In November 2019, DVS and ThriveNYC announced that they would be scaling up their veterans mental health programs through the launch of the following six initiatives:

- increasing mental health providers on VetConnect NYC;
- grants to legal service organizations to help veterans upgrade their discharge status;
- training for mental health professionals;
- support for holistic treatments, funding for a peer support program for veterans with PTSD; and

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> National Council for Behavioral Health, *Meeting the Behavioral Needs of Veterans*, (Nov. 2012), available at <https://www.thenationalcouncil.org/wp-content/uploads/2013/02/Veterans-BH-Needs-Report.pdf?dof=375ateTbd56>.

<sup>22</sup> National Veterans Foundation, *Troubling Veteran Mental Health Facts and Statistics that Need to be Addressed*, (Mar. 15, 2016), available at <https://nvf.org/veteran-mental-health-facts-statistics/>.

<sup>23</sup> U.S. Gov’t Accountability Office, *Veterans’ Growing Demand for Mental Health Services*, (May 2021), available at <https://www.gao.gov/assets/gao-21-545sp.pdf> (accessed Nov. 10, 2021).

<sup>24</sup> Wounded Warrior Project and Westat, *2020 Annual Warrior Survey*, 2020, available at <https://www.woundedwarriorproject.org/media/z0jlv53/2020-annual-warrior-survey.pdf> (accessed Nov. 10, 2021).

<sup>25</sup> *Mental and Behavioral Health*, Dept of Veterans’ Services available at <https://www1.nyc.gov/site/veterans/services/mental-and-behavioral-health.page> (accessed Nov. 10, 2021).

<sup>26</sup> *ThriveNYC: A Mental Health Roadmap for All*, available at <https://thrivenyc.cityofnewyork.us/wp-content/uploads/2019/08/Thrive-Roadmap.pdf> (accessed on Nov. 10, 2021).

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

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

- coordinating efforts with a federal interagency mental health taskforce.<sup>30</sup>

The City Council has attempted to oversee ThriveNYC's budget and programing,<sup>31</sup> but due to limited documentation and opaque operations, it is difficult to determine whether the 2015 and 2019 programs under the DVS and ThriveNYC partnership have been fully funded and remain active.<sup>32</sup>

In April 2020, DVS and ThriveNYC launched Mission: VetCheck, a project where volunteers make supportive check-in calls to veterans across New York City.<sup>33</sup> DVS took ownership of the program on July 1st, 2021.<sup>34</sup> The calls aim to decrease social isolation and provide immediate information about essential public services and resources.<sup>35</sup> The most common service requests have been for food assistance, unemployment assistance, information about COVID testing, and healthcare questions.<sup>36</sup> Since the program's launch, Mission: VetCheck has placed over 33,485 calls<sup>37</sup> and referred over 950 veterans<sup>38</sup> to DVS for support and services. Mission: VetCheck trains volunteers from veteran services organizations, including the United War Veterans Council, The Mission Continues, Catholic War Veterans, Travis Manion Foundation, and various American Legion and Veterans of Foreign Wars posts.<sup>39</sup> When the initiative launched, training was delivered by DVS and the Mayor's Office of ThriveNYC, and volunteer management was overseen and conducted by New York Cares.<sup>40</sup> The New York National Guard helped pilot the initiative by making over 4,000 calls to City veterans.<sup>41</sup> DVS pledges to continue Mission: VetCheck as New York City re-emerges from the COVID-19 crisis.<sup>42</sup>

### c. *Alternate Treatments for Veterans' Mental Health Care*

In addition to the traditional approaches and therapies mentioned above, several organizations, cities, and medical providers have begun to look at alternative treatments to address veteran-associated mental health conditions: methylenedioxymethamphetamine (MDMA)-assisted therapy for the treatment of PTSD<sup>43</sup> and the use of psilocybin and ketamine for treatment-resistant depression.<sup>44</sup> Much of the push for such alternative treatments has been borne out of a lack of access to traditional treatment options – long waiting lists, unaffordable costs, lack of enough providers, and lack of resources – at the VA or other veteran providers.<sup>45</sup> This lack of access to traditional therapies, combined with high rates of severe, prolonged mental health challenges has

<sup>30</sup> *Mayor de Blasio Announces Major Expansion of Mental Health Services, Additional Programs for City Veterans at Veterans Day Breakfast*, The Office of the Mayor, available at <https://www1.nyc.gov/office-of-the-mayor/news/532-19/mayor-de-blasio-major-expansion-mental-health-services-additional-programs-city/#/0> (accessed on Nov. 10, 2021).

<sup>31</sup> Melanie Grayce West, *ThriveNYC, a Mental Health Initiative, Comes Under Scrutiny*, The Wall Street Journal, February 27, 2019, available at <https://www.wsj.com/articles/thrivenyc-a-mental-health-initiative-comes-under-scrutiny-11551314028> (accessed on Nov. 10, 2021)

<sup>32</sup> For more information on the background of these programs, please refer to the Finance section later in this report.

<sup>33</sup> *Mission: VetCheck*, Dept. of Veterans' Services, available at <https://www1.nyc.gov/site/veterans/initiatives/mission-vetcheck.page> (accessed on Nov. 10, 2021).

<sup>34</sup> *Mission: VetCheck*, Dept. of Veterans' Services, available at <https://www1.nyc.gov/site/veterans/initiatives/mission-vetcheck.page> (accessed on Nov. 10, 2021).

<sup>35</sup> *New York City Department of Veterans' Services and the Mayor's Office of ThriveNYC announce Mission: VetCheck to support veterans during the COVID-19 crisis*, New York City Mayor's Office of Community Mental Health, available at <https://mentalhealth.cityofnewyork.us/news/announcements/new-york-city-department-of-veterans-services-and-the-mayors-office-of-thrivenyc-announce-mission-vetcheck-to-support-veterans-during-the-covid-19-crisis> (accessed on Nov. 10, 2021).

<sup>36</sup> *Id.*

<sup>37</sup> *Id.* at 7.

<sup>38</sup> *ThriveNYC: Progress Report 2021* available at <https://www.cases.org/wp-content/uploads/2021/03/ThriveNYC-ProgressReport-2021.pdf> (accessed on Nov. 10, 2021).

<sup>39</sup> *Id.* at 7.

<sup>40</sup> *Id.* at 7.

<sup>41</sup> *Id.* at 7.

<sup>42</sup> *Id.* at 7.

<sup>43</sup> See, e.g., "MDMA-Assisted Therapy Study Protocols," Multidisciplinary Association for Psychedelic Studies, available at <https://maps.org/research/mdma>.

<sup>44</sup> See, e.g., "Veterans Have Become Unlikely Lobbyists in Push to Legalize Psychedelic Drugs," NY Times, Nov. 11, 2021, available at <https://www.nytimes.com/2021/11/11/health/veterans-psychedelics-ptsd-depression.html>.

<sup>45</sup> *Id.*

propelled veterans groups and advocates to look outside the scope of traditional therapies, where many feel they are being overlooked or ignored.<sup>46</sup>

Though they are not yet federally approved for treatment, MDMA and psilocybin have shown great potential for use in treatment-resistant mental health conditions.<sup>47</sup> For example, a recent study, which was the first randomized controlled trial to compare psilocybin with a conventional selective serotonin reuptake inhibitor (SSRI) antidepressant, found that psilocybin improved symptoms of depression just as well on an established metric and had fewer side effects than a conventional SSRI.<sup>48</sup> The overall depression scores used in the study did not show a statistically significant difference between the group given psilocybin alone and the one given the SSRI after six weeks.<sup>49</sup> However, the psilocybin group showed significantly larger reductions in suicidality, anhedonia (a lack of the ability to feel pleasure), and standard psychological scores for depression.<sup>50</sup> Additionally, 70 percent of subjects in the psilocybin group responded to the treatment, compared with 48 percent of those in the SSRI group, and the rate of remission in the psilocybin group was 57 percent, and was only 28 percent in the SSRI group.<sup>51</sup>

While this research is extremely promising, the study was very limited (only 59 participants), and scientists and advocates agree that further high-quality studies are needed.<sup>52</sup> Additionally, psilocybin is still designated as a Schedule I substance by the federal government, which means it is considered to have “no currently accepted medical use and a high potential for abuse,” and therefore makes it much more difficult to study.<sup>53</sup> Still, in November 2020, Oregon residents voted to legalize psilocybin therapy for medical purposes,<sup>54</sup> and on May 7, 2019, Denver voters approved Initiative 301 to decriminalize personal possession, cultivation, and storage of psilocybin mushrooms in the City and County of Denver.<sup>55</sup> Additionally, Texas Governor Greg Abbott recently signed into law Texas House Bill 1802, which will allow research on psychedelic therapy as a treatment for veterans struggling with PTSD.<sup>56</sup> Texas is also considering a second study on MDMA treatment.<sup>57</sup>

MDMA was first used in psychotherapy in the 1970s, and today it is being looked at and studied to potentially aid in talk therapy by quieting the part of the brain that is involved in fear processing, which could have huge implications for treatment of PTSD.<sup>58</sup> An organization called the Multidisciplinary Association for Psychedelic Studies (MAPS) conducted a study on MDMA therapy for individuals with severe PTSD, and reported that 67% of participants who received MDMA no longer qualified for a diagnosis of PTSD two months after the treatment.<sup>59</sup> MAPS has been approved to conduct further Phase 3 trials, expected to be complete in 2022, with the hopes that the US Food and Drug Administration (FDA) could approve the treatment as soon as 2023.<sup>60</sup>

By contrast, Esketamine, a relative of the drug ketamine, was approved in 2019 by the FDA to treat patients with treatment-resistant depression, and doctors can now prescribe it for patients experiencing suicidal ideation.<sup>61</sup> Though ketamine itself is not approved for treatment of depression, it is approved for use as an

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<sup>46</sup> *Id.*

<sup>47</sup> *See id.*; *see also*, “Psilocybin Therapy May Work as Well as Common Antidepressant,” *Scientific American*, Apr. 15, 2021, available at <https://www.scientificamerican.com/article/psilocybin-therapy-may-work-as-well-as-common-antidepressant/>; *see also*, “MDMA-Assisted Therapy Study Protocols,” Multidisciplinary Association for Psychedelic Studies, available at <https://maps.org/research/mdma>;

<sup>48</sup> “Psilocybin Therapy May Work as Well as Common Antidepressant,” *Scientific American*, Apr. 15, 2021, available at <https://www.scientificamerican.com/article/psilocybin-therapy-may-work-as-well-as-common-antidepressant/>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> “Psilocybin Mushroom Policy Review Panel: 2021 Comprehensive Report,” Prepared for the Denver City Council, Finance & Governance Committee, Nov. 9, 2021.

<sup>56</sup> “Psychedelic therapy research is on the horizon for Texas veterans with PTSD,” *Houston Public Media*, Nov. 11, 2021, available at <https://www.houstonpublicmedia.org/articles/news/in-depth/2021/11/11/413205/psychedelic-therapy-research-on-the-horizon-for-texas-veterans-with-ptsd/>.

<sup>57</sup> *Id.*

<sup>58</sup> “‘I’m better mentally now’: Veteran shares experience of MDMA treatment for PTSD,” *Today Show*, Nov. 5, 2021, available at <https://www.today.com/health/mdma-ptsd-study-veteran-shares-experience-rcna4495>.

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> “Ketamine’s promise as an antidepressant is being undermined by its lack of profit,” *Quartz*, Aug. 6, 2020, available at <https://qz.com/1889308/why-isnt-ketamine-approved-as-an-antidepressant/>.

anesthetic and can therefore be used “off label” for depression, if a doctor recommends it, which many do, since medical ketamine clinics have been treating patients since 2014, and there are now dozens of such clinics across the country.<sup>62</sup> Still, ketamine has not been widely utilized for treatment of depression, likely because more research is needed, and potentially because it is not a particularly profitable drug for pharmaceutical companies, and therefore not much effort has been made to commission studies or conduct marketing for its use.<sup>63</sup>

*d. Veterans’ Mental Health Budget and Finance*

Much like the programs offered through Thrive NYC, programs and services offered for Veterans’ mental health are challenging to track and understand, particularly from a budgetary perspective. In *Thrive NYC: A Roadmap for Mental Health for All*, the City pledged to invest \$500,000 to create a Veterans Outreach team to “provide additional navigation assistance and care coordination to veterans and their families,” and \$1 million Veterans Holistic Treatment Fund to “provide grants to organizations that serve veterans and their families... The grants will allow a variety of community-based settings to host evidence-based restorative practices.”<sup>64</sup> When the Department of Veterans Services was launched in April 2016,<sup>65</sup> it was unclear where the Thrive NYC programs lay within the budget of the agency.

Starting in Fiscal 2020, the Office of Management and Budget (OMB) and the City Council Finance Division had a Term and Condition that required the Mayor’s Office of Thrive NYC to provide Council with an “updated multi-agency ThriveNYC Program Budget reflecting the budgets in each initiative in each year of the financial plan.”<sup>66</sup> Within this budget, the DVS’s Veterans Outreach Program was included for \$600,000, and \$200,000 was added to the Thrive NYC Program budget in the November plan for Fiscal 2021 for Non-Traditional Mental Health Services.<sup>67</sup> However, in the Thrive NYC Fiscal 2022 Preliminary Budget, the Non-Traditional Mental Health Services budget was not considered to be a part of the Thrive NYC budget.<sup>68</sup>

In April 2021, Mayor de Blasio and First Lady McCray announced Mental Health for All and executive order 68 to create the Mayor’s Office of Community Mental Health (OCMH).<sup>69</sup> When the Fiscal 2022 Executive Budget was released, OMB sent the Council’s Finance Division the newly created OCMH Budget. The budget for OCMH did not include any programs for veterans. It is unclear if the veterans programs previously housed under Thrive NYC continue to exist within the Department of Veterans’ Services.

### III. Conclusion

At today’s hearing, the Committee looks forward to hearing from the Administration, providers, community-based organizations, and advocates about what the City is doing to address veterans’ mental health, how services are coordinated between the federal, state, and city governments, and how the Council can support these efforts.

### IV. Legislation

#### **Proposed Int. 2442-A**

This legislation requires the Mayor to establish an Office of Community Mental Health (OCMH) within the Executive Office of the Mayor, or as a separate office, or within any other agency or office headed by a mayoral appointee. OCMH would be headed by a director. OCMH would be charged with the following duties and operations: request and receive the assistance of any other agency or office; develop and support the implementation of strategies to close gaps in mental health care; develop interagency policies and practices to

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<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

<sup>64</sup> *ThriveNYC: A Mental Health Roadmap for All*, available at <https://thrivenyc.cityofnewyork.us/wp-content/uploads/2019/08/Thrive-Roadmap.pdf>.

<sup>65</sup> <https://www1.nyc.gov/site/veterans/about/about.page>.

<sup>66</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/06/Fiscal-2020-Terms-and-Conditions.pdf>.

<sup>67</sup> <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/Office-of-ThriveNYC-Program-and-Headcount-Budget-Report-1-of-4.pdf>.

<sup>68</sup> *Id.*

<sup>69</sup> <https://www1.nyc.gov/office-of-the-mayor/news/324-21/recovery-all-us-mayor-de-blasio-first-lady-mccray-mental-health-all>.

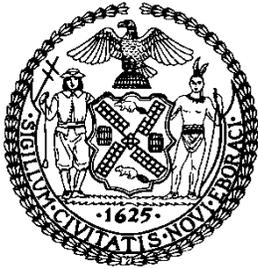
promote mental health; decrease any barriers to mental health care that may prevent access among groups identified as being under-served; and perform any other relevant duties as the mayor may assign. Additionally, OCMH would be responsible to ensure interagency coordination with DOHMH or any other office or agency.

This legislation would also require the establishment of a Mental Health Council to advise OCMH on issues relating to mental health and mental health care and facilitate coordination and cooperation among city agencies. Finally, OCMH would be required to annually report to the Mayor and Speaker of the Council, and post to OCMH's website, a report identifying critical gaps in mental health care that are preventing New Yorkers with mental health needs from accessing and staying connected to care.

The bill would take effect 90 days after it became law.

Since it was heard, this bill has received technical edits.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2442-A:)**



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

**PROPOSED INTRO. NO: 2442-A**

**COMMITTEE: Mental Health, Disabilities and Addiction**

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**TITLE:** A Local Law to amend the New York city charter, in relation to establishing an office of community mental health. **SPONSORS:** Council Member Ayala (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2442-A would require the Mayor to establish an Office of Community Mental Health (OCMH) within the Executive Office of the Mayor, or as a separate office, or within any other agency or office headed by a mayoral appointee. OCMH would be charged with the following duties and operations: request and receive the assistance of any other agency or office; develop and support the implementation of strategies to close gaps in mental health care; develop interagency policies and practices to promote mental health; decrease any barriers to mental health care that may prevent access among groups identified as being under-served; and perform any other relevant duties as the mayor may assign. Additionally, OCMH would be responsible to ensure interagency coordination with DOHMH or any other office or agency. This bill would also require the establishment of a Mental Health Council to advise OCMH on issues relating to mental health and mental health care and facilitate coordination and cooperation among city agencies. Finally, OCMH would be required to annually report to the Mayor and Speaker of the Council, and post to OCMH's website, a report identifying critical gaps in mental health care that are preventing New Yorkers with mental health needs from accessing and staying connected to care.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that the proposed legislation would have no impact on revenues.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro No. 2442-A as the designated agency would utilize existing resources to comply with the requirements of this 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  
Crielhien R. Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on November 10, 2021 and was referred to the Committee on Mental Health, Disabilities and Addiction (Committee). A hearing was held by the Committee, jointly with the Committee on Veterans, on November 17, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2442-A, will be considered on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2442-A will be submitted to the full Council for a vote on December 09, 2021.

**DATE PREPARED:** December 2, 2021.

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

**(The following is the text of Int. No. 2442-A:)**

Int. No. 2442-A

By Council Members Ayala, Kallos, Rosenthal and Gennaro (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to establishing an office of community mental health**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-m to read as follows:

§ 20-m. *Office of community mental health and mental health council. a. Definition. For the purposes of this section, the term “director” means the director of the office of community mental health.*

*b. Office of community mental health. The mayor shall establish an office of community mental health. Such office may be established within the executive office of the mayor or as a separate office or within any other*

agency or office headed by a mayoral appointee as the mayor may determine. Such office shall be headed by a director, who shall be appointed by the mayor or by the head of such other agency or office.

c. Powers and duties. The director shall have the power and duty to:

1. Request and receive the assistance of any other agency or office the director deems necessary to further efforts to:

(a) Reduce substance misuse and promote access to services for substance use disorder;

(b) Promote access to treatment for New Yorkers with mental health needs;

(c) Promote equity in access to treatment;

(d) Reduce any racial and ethnic disparity in reported mental health emergencies in the city; and

(e) Reduce the incidence of mental health emergencies occurring in the city and address individual's mental health needs before they become crises.

2. Develop and support the implementation of strategies to close gaps in mental health care identified by the office established pursuant to this section by:

(a) Monitoring the implementation of such proposals; and

(b) Providing data and budgetary information of such programs on such office's website.

3. Develop interagency policies and practices to promote mental health. Such policies and practices shall include coordination with other agencies to:

(a) Effectively and equitably promote mental health crisis prevention, intervention and stabilization practices;

(b) Promote mental health screening;

(c) Facilitate referrals to mental health care;

(d) Offer training; and

(e) Implement other strategies to promote mental health.

4. Decrease any barriers to mental health care that may prevent access among groups identified as being under-served by such care by:

(a) Developing and implementing strategic partnerships with other agencies and entities to increase access to mental health care; and

(b) Disseminating resources to enhance mental health literacy, promote access to mental health care, and promote equity in access to treatment.

5. Perform such other relevant duties as the mayor may assign.

d. Interagency coordination. In performing their duties, the director shall coordinate with the commissioner of health and mental hygiene, or their designee; and any other agency or office the director deems necessary to further the duties of the office established pursuant to this section.

e. Mental health council. 1. There shall be established a mental health council to advise the office of community mental health on issues relating to mental health and mental health care and facilitate coordination and cooperation among city agencies. Such council may:

(a) Recommend initiatives and methods to promote mental wellbeing and increase access to high quality mental health care, and address structural determinants of mental health;

(b) Identify methods for advocating for New Yorkers with mental health needs and recommend support programs to remove barriers to mental health treatment and ensure stable and productive lives;

(c) Recommend legislative or regulatory action to improve the lives of people suffering from mental illness and to promote mental health;

(d) Identify methods for such office to support other stakeholders working to provide effective, high quality mental health and care; and

(e) Recommend strategies for such office to educate the public about mental health and available resources.

2. The mental health council shall be convened by the director at least twice each year, and at any other time the director determines.

3. The mental health council shall consist of delegates of any office or agency the director determines the participation of which would aid such office's efforts.

f. Scope. Nothing in this section shall be construed to affect the powers and duties of the department of health and mental hygiene and the mental hygiene advisory board pursuant to chapter 22 of the charter, article 41 of the mental hygiene law or other applicable law. Powers and duties conferred by this section on the office

*of community mental health or the mental health council that are within the scope of the powers and duties of such department or board shall be exercised in coordination with such department or board.*

*g. Reporting. No later than January 31 of each year, the office of community mental health shall submit to the mayor and speaker of the council, and post to such office's website, a report identifying critical gaps in mental health care that are preventing New Yorkers with mental health needs from accessing and staying connected to care. To identify such gaps, such office may review existing data and research, conduct research as needed, and interview agency staff, community partners, mental health providers and other relevant experts.*

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

FARAH N. LOUIS, *Chairperson*; ALICKA AMPRY-SAMUEL, DIANA AYALA, KEVIN C. RILEY, ERIC DINOWITZ, JOSEPH C. BORELLI; Committee on Mental Health, Disabilities and Addictions; December 8, 2021 (Remote Hearing).

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 Parks and Recreation**

Report for Int. No. 2366-A

**Report of the Committee on Parks and Recreation 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 tree health assessments and inspections.**

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on July 29, 2021 (Minutes, page 2091), respectfully

### **REPORTS:**

#### **INTRODUCTION**

On December 8, 2021, the Committee on Parks and Recreation, chaired by Council Member Peter Koo, held a hearing to vote on Int. No. 2366-A, sponsored by Council Member Koo, A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections. At this hearing, the Committee voted 15 in favor, 0 opposed and 0 abstentions on the bill. This legislation was originally heard at a hearing held on September 27, 2021, during which the Committee received testimony from the Department of Parks and Recreation (DPR), advocates and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).

#### **LEGISLATION**

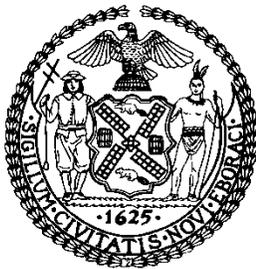
Below is a brief summary of the legislation being considered today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

**Int. No. 2366-A, A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections**

This bill would require the Department of Parks and Recreation (DPR) to conduct risk and health inspections of every street tree under its jurisdiction that has a caliper size greater than 6 inches at least once between each tree’s pruning cycles. DPR would be required to publicly post the criteria that it utilizes to inspect such trees and submit an annual report on how many trees are referred for inspection each year, how many are actually inspected each year and the results of such inspections. Finally, DPR would be required to maintain a regularly updated map on its website that displays each tree that was inspected, the result of such inspection and the action taken by the DPR in response to the result of such inspection.

This bill would take effect immediately, except for the map requirement, which would take effect one year after the bill takes effect.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2366-A:)**



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

**LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INT. NO: 2366-A**

**COMMITTEE: Parks and Recreation**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections.

**SPONSOR(S):** By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel and Ulrich.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2366-A would require the Department of Parks and Recreation (DPR) to conduct risk and health assessments of all trees under its jurisdiction over six inches in caliper, publicly post the criteria utilized to inspect such trees, and submit an annual report on how many trees are referred for inspection each year, how many are actually inspected each year, and the results of such inspections.

**EFFECTIVE DATE:** This local law would take effect immediately; provided, however, that the requirement relating to the posting of a regularly updated map on the website of the department would take effect one year after the effective date of such local law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023.

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</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 DPR would utilize existing resources to implement the provisions of this local law.

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

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

**ESTIMATE PREPARED BY:** Monika Bujak Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Nathan Toth, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on July 29, 2021 as Intro. No. 2366 and was referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on September 27, 2021 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 2366-A, will be considered by the Committee on December 8, 2021. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 3, 2021

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

**(The following is the text of Int. No. 2366-A:)**

Int. No. 2366-A

By Council Members Koo, Gennaro, Yeger, Holden, Brannan, Vallone, Van Bramer, Adams, Dinowitz, Cumbo, Ayala, Louis, Riley, Brooks-Powers, Maisel, Kallos and Ulrich.

**A Local Law to amend the administrative code of the city of New York, in relation to tree health assessments and inspections**

*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 18-157 to read as follows:

§ 18-157 *Tree inspections and health assessments.* a. *The department shall inspect each tree under its jurisdiction over 6 inches in caliper, to determine if any issue threatens the health of such tree or causes such tree to pose a threat to public safety, at least once between each time such tree is pruned by the department or by a person authorized by the department to perform routine scheduled maintenance of such tree. Such inspection shall not be required for trees in forests and natural areas, and shall be limited to inspections of trees located on streets and trees located in landscaped parks, which for purposes of this section are referred to as "covered trees".*

b. *The department shall post on its website a description of the process used and the factors considered by the department, and by any person authorized by the department, to determine when inspections are performed on trees under the jurisdiction of the department in order to assess the health of such trees.*

c. *No later than November 1 of each year, the department shall, for the period covering the immediately preceding fiscal year, submit an annual report to the mayor and the speaker of the council that includes, but is not limited to, the following information:*

1. The total number and location of all covered trees inspected by the department or persons authorized by the department, the result of such inspections and the actions taken by the department in response to such inspections;

2. The number and location of requests or referrals for inspection of a covered tree through the 311 citizen service center or other means and the number of such trees that were inspected by the department or a person authorized by the department;

3. The date of each referral or request for an inspection of a covered tree and the reason, if any, that was provided for such referral or request;

4. The action taken by the department in response to each request or referral for inspection and the date such action was taken; and

5. A regularly updated map on the website of the department that displays each covered tree that has been inspected, the result of such inspection and the action taken by the department in response to the result of such inspection.

§ 2. This local law takes effect immediately; provided, however, that the requirement relating to the posting of a regularly updated map on the website of the department, as set forth in paragraph 5 of subdivision c of section 18-157, as added by the local law that added such section, shall take effect 1 year after the effective date of such local law.

PETER A. KOO, *Chairperson*; FRANCISCO CABRERA, JAMES G. VAN BRAMER, MARK D. LEVINE, JUSTIN L. BRANNAN, MARK GJONAJ, CARLINA RIVERA, ROBERT HOLDEN, DARMA V. DIAZ, KEVIN C. RILEY, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, ERIC DINOWITZ, ERIC A. ULRICH, JOSEPH C. BORELLI; Committee on Parks and Recreation, December 8, 2021 (Remote Hearing).  
*Other Council Members Attending: Council Members R. Diaz Sr., Gibson, Menchaca and Yeger.*

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 Public Safety**

Report for Int. No. 2297-A

### **Report of the Committee on Public Safety 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 qualification for service with the police department.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on April 29, 2021 (Minutes, page 1077), respectfully

## **REPORTS:**

### **I. INTRODUCTION:**

On December 8, 2021 the Committee on Public Safety, chaired by Council Member Adrienne E. Adams, held a vote on: Prop. Int. No. 2297-A, in relation to qualification for service with the police department. The Committee voted in favor of the bill by a vote of ten affirmatives, none opposed, and no abstentions. The Committee heard a prior version of this bill on November 22, 2021 and received testimony from representatives

of the New York City Police Department (“NYPD” or “the Department), the Civilian Complaint Review Board (“CCRB”), public defender offices, advocates and members of the public.

## II. BACKGROUND:

### *Police Officer Qualifications*

In April 2020, The Yale Law Journal published “The Wandering Officer,”<sup>1</sup> a study that examined the occurrence of law enforcement officers being fired, or forced to resign, due to allegations of misconduct, who are then later hired by a police department in another jurisdiction. Since data was not available for all jurisdictions, the study examined the practice in select states; finding, for example, that in Florida alone about three percent of active police officers had previously been discharged from another department due to allegations of misconduct.<sup>2</sup> Moreover, the data indicated that such wandering officers are substantially more likely to commit further acts of misconduct than those who were never previously discharged.<sup>3</sup>

Currently, neither New York City or State law explicitly disqualifies an individual from appointment as a police officer if such person had previously been discharged from a police department in another jurisdiction. However, New York State Civil Service Law does authorize the NYS Civil Service Department and municipal commissions to refuse to provide a civil service exam to: (1) any person who has been dismissed from a permanent public service position due to incompetency or misconduct; or (2) any person who has resigned or was otherwise terminated from a position in public service where an investigation found that such resignation or termination resulted from incompetency or misconduct, if such resignation or termination was due to incompetency and the applicant is applying for a similar position for which the applicant was found incompetent.<sup>4</sup> Further, the New York City Administrative Code provides that “Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed;”<sup>5</sup> which prohibits the city from rehiring a police officer who was previously dismissed from the NYPD; however there is no provision in state or local law that would explicitly prohibit the city from hiring a police officer who was dismissed from a different police force.

## III. LEGISLATIVE ANALYSIS

### Int. No. 2297

This bill amends existing qualification requirements for New York City police officers. Specifically, an individual would be disqualified from being appointed as police officer by the NYPD, if such person had previously been a police officer in another jurisdiction and had been dismissed from that position due to misconduct or resigned while under investigation pursuant to a charge of misconduct.

Since introduction, the bill has been amended to clarify that such provisions are consistent with New York State Civil Service Law and the New York City Charter.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2297-A:)**

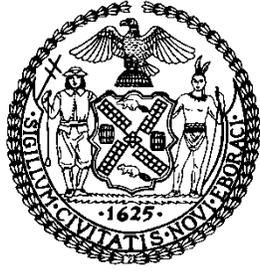
<sup>1</sup> Grunwald, B. G., & Rappaport, J. R. (2020). The Wandering Officer. *The Yale Law Journal*, 129(6). <https://www.yalelawjournal.org/article/the-wandering-officer>

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

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

<sup>4</sup> New York State Civil Service Law § 50(4)(e).

<sup>5</sup> Administrative Code § 14-109(a). This provision was originally added by state law, L. 1937, Ch. 929.



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

**PROPOSED INTRO. NO. 2297-A**

**COMMITTEE:** Public Safety

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to qualification for service with the police department.

**Sponsors:** By Council Member Moya, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson) and Council Members Louis and Dinowitz.

**SUMMARY OF LEGISLATION:** This legislation would prohibit a person from serving with the Police Department if such person has previously been dismissed from a police force for misconduct, or has resigned from a police force during an investigation for misconduct.

**EFFECTIVE DATE:** This local law would take effect 30 days after becoming law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

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

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

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

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on April 29, 2021 as Intro. No. 2297 and was referred to the Committee on Public Safety (Committee). The Committee heard the legislation on November 22, 2021 and the legislation was laid over. The legislation was subsequently amended and the amended version, Intro. 2297-A, will be voted on by the Committee on December 8, 2021. Upon successful vote by the Committee, Proposed Intro. No. 2297-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 2297-A:)**

Int. No. 2297-A

By Council Member Moya, the Public Advocate (Mr. Williams), the Speaker (Council Member Johnson) and Council Members Louis, Dinowitz, Kallos, Brooks-Powers, Rosenthal and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to qualification for service with the police department**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 14-109 of chapter 1 of title 14 of the administrative code of the city of New York, as amended by local law number 23 for the year 1998, is amended to read as follows:

a. Only persons shall be appointed or reappointed to membership in the police force or continue to hold membership therein, who are citizens of the United and who have never been convicted of a felony, and who can read and write understandably the English language. Skilled officers of experience may be appointed for temporary detective duty who are not residents of the city. Only persons shall be appointed police officers who shall be at the date of the filing of an application for civil service examination less than thirty-five years of age, except, that every person who, as of the fifteenth day of April 1997, satisfied all other requirements for admission to the New York city police department academy shall be admitted to such academy and shall be eligible for appointment as a police officer, subject to the provisions of the civil service law and any applicable provisions of the charter, notwithstanding that such person was thirty-five years of age or older on the fifteenth day of April 1997. Persons who shall have been members of the force, and shall have been dismissed therefrom, shall not be reappointed. *Consistent with subdivision 4 of section 50 of the civil service law and section 813 of the charter, a person who has been a member of any police force shall not be appointed as a member of the force if such person was dismissed from such other police force due to misconduct or resigned while being investigated pursuant to a charge of misconduct.* Persons who are appointed as police trainees, after examination in accordance with the civil service law and the rules of the commissioner of citywide administrative services and who have satisfactorily completed service as such trainees, may likewise be appointed as police officers without further written examination, provided that they shall have passed a medical examination at the end of their required trainee period. Persons appointed as police trainees shall not be considered members of the uniformed force of the department.

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

ADRIENNE E. ADAMS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, CARLOS MENCHACA, I. DANEEK MILLER, JUSTIN L. BRANNAN, ROBERT F. HOLDEN, KEITH POWERS, KEVIN C. RILEY; Committee on Public Safety, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Members R. Diaz Sr., Yeger and Dinowitz.*

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. 2440-A

**Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints.**

The Committee on Public Safety, to which the annexed proposed amended local law was referred on November 10, 2021 (Minutes, page 3064), respectfully

**REPORTS:**

**I. INTRODUCTION:**

On December 8, 2021 the Committee on Public Safety, chaired by Council Member Adrienne E. Adams, held a vote on: Prop. Int. No. 2440-A, in relation to authorizing the civilian complaint review board to initiate complaints. The Committee voted in favor of the bill by a vote of seven affirmatives, two opposed, and one abstention. The Committee heard a prior version of this bill on November 22, 2021 and received testimony from representatives from the New York City Police Department (“NYPD” or “the Department”), the Civilian Complaint Review Board (“CCRB”), public defender offices, advocates and members of the public.

**II. BACKGROUND:**

*Civilian Complaint Review Board*

The Civilian Complaint Review Board (“CCRB” or “the Board”) is an independent agency with the power to receive, investigate, mediate, hear, make findings, and recommend action on complaints against New York City police officers alleging: (1) the use of excessive or unnecessary force, (2) abuse of authority, (3) discourtesy, or (4) the use of offensive language.<sup>1</sup> Staffed entirely by civilian employees, the CCRB is responsible for receiving public complaints, investigating and substantiating allegations, and making non-binding disciplinary recommendations that are referred to for final disciplinary determinations to be made by the Police Commissioner.

In recent years, the CCRB headcount and budget have consistently expanded, as has the agencies mandate. In Fiscal Year 2020, CCRB received budget allocations for the hiring of 24 additional investigators to support increases in the number and complexity of complaints.<sup>2</sup> Additionally, a ballot measure approved by voters in November 2019 amended the City Charter to tie CCRB headcount to 0.65% of the NYPD’s uniform headcount, resulting in an increase of 17 positions in Fiscal Year 2021.<sup>3</sup> For Fiscal Year 2022, CCRB will add 33 new positions to help support CCRB’s expanded mandate to investigate incidents of bias-based policing and racial profiling complaints made by the public.<sup>4</sup> With the addition of the 33 new positions, CCRB’s total headcount will increase to 262.<sup>5</sup>

<sup>1</sup> See Website of the Civilian Complaint Review Board, <https://www1.nyc.gov/site/ccrb/about/about.page>

<sup>2</sup> See New York City Council Preliminary Budget Report Fiscal Year 2020, Civilian Complaint Review Board; available at: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2019/03/054-CCRB-2020.pdf>.

<sup>3</sup> See New York City Council Preliminary Budget Fiscal Year 2021, Civilian Complaint Review Board; available. <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2020/03/054-CCRB.pdf>

<sup>4</sup> See New York City Council Preliminary Budget Fiscal Year 2022, Civilian Complaint Review Board; available at: <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2021/05/CCRB-Budget-Note.pdf>.

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

**III. LEGISLATIVE ANALYSIS**

Prop. Int. No. 2440-A

Currently, CCRB may only conduct investigations in response to complaints filed by members of the public or final determinations by certain governmental entities. This bill grants CCRB the power to initiate its own complaints against members of the NYPD that allege misconduct involving excessive use of force, abuse of authority—including bias-based policing and racial profiling, discourtesy, or use of offensive language.

Since introduction, Section 1 of the bill was amended to reflect the enactment of Local Law 47 of 2021.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2440-A:)**



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

**PROPOSED INTRO. NO. 2440-A**

**COMMITTEE: Public Safety**

**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints.

**Sponsors:** By Council Members Adams, Louis, Cumbo, Dinowitz, Rose, Rosenthal, Brooks-Powers and Kallos (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill would empower the Civilian Complaint Review Board (“CCRB”) to initiate complaints alleging police officer misconduct falling within CCRB’s jurisdiction and to investigate, hear, make findings and recommend action upon such complaints. The bill would also require that the Police Department’s early intervention system collect and utilize the results of CCRB-initiated complaints and the results of all CCRB investigations of CCRB-initiated complaints.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as existing resources are sufficient to manage the increase in CCRB caseload.

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

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

**ESTIMATE PREPARED BY:** Nevin Singh, Financial Analyst

**ESTIMATE REVIEWED BY:** Eisha Wright, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on November 10, 2021 as Intro. No. 2440 and was referred to the Committee on Public Safety (Committee). The Committee heard the legislation on November 22, 2021 and the legislation was laid over. The legislation was amended and the amended version, Intro. No. 2440-A will be voted on by the Committee on December 8, 2021. Upon successful vote by the Committee, Proposed Intro. No. 2440-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 2440-A:)**

Int. No. 2440-A

By Council Members Adams, Louis, Cumbo, Dinowitz Rose, Rosenthal, Brooks-Powers and Kallos (by request of the Mayor).

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to authorizing the civilian complaint review board to initiate complaints**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 1, 2 and 5 of subdivision c of section 440 of the New York city charter, paragraph 1 as amended by local law number 47 for the year 2021, and paragraphs 2 and 5 as amended by a vote of the electors on November 5, 2019, are amended to read as follows:

1. The board shall have the power to receive, investigate, hear, make findings and recommend action upon complaints by members of the public *or complaints initiated by the board* against members of the police department that allege misconduct involving excessive use of force, abuse of authority including bias-based policing and racial profiling, discourtesy, or use of offensive language, including, but not limited to, slurs relating to race, ethnicity, religion, gender, sexual orientation and disability. The board shall also have the power to investigate, hear, make findings and recommend action regarding the truthfulness of any material official statement made by a member of the police department who is the subject of a complaint received *or initiated* by the board, if such statement was made during the course of and in relation to the board's resolution of such complaint. The findings and recommendations of the board, and the basis therefor, shall be submitted to the police commissioner. No finding or recommendation shall be based solely upon an unsworn complaint or statement, nor shall prior unsubstantiated, unfounded or withdrawn complaints be the basis for any such finding or recommendation.

2. The board shall promulgate rules of procedure in accordance with the city administrative procedure act, including rules that prescribe the manner in which investigations are to be conducted and recommendations made and the manner by which, [a] *when a member of the public is the complainant, such* member of the public is to be informed of the status of his or her complaint. Such rules may provide for the establishment of panels, which

shall consist of not less than three members of the board, which shall be empowered to supervise the investigation of matters within the board's jurisdiction pursuant to this section, and to hear, make findings and recommend action on such matters. No such panel shall consist exclusively of members appointed by the council, or designated by the police commissioner, or appointed by the mayor.

5. The board is authorized, within appropriations available therefor, to appoint such employees as are necessary to exercise its powers, *including but not limited to the power to initiate complaints in accordance with paragraph 1 of this subdivision*, and fulfill its duties. The board shall employ civilian investigators to investigate all matters within its jurisdiction.

§ 2. Paragraph ii of subdivision a of section 14-190 of the administrative code of the city of New York, as amended by local law number 47 for the year 2021, is amended to read as follows:

(ii) complaints received *and initiated by*, and results of investigations based on such complaints conducted by, the civilian complaint review board pursuant to section 440 of the charter;

§ 3. This local law takes effect on the same date as sections 1 through 4 of local law number 47 for the year 2021 take effect, except that the New York city civilian complaint review board may take such measures as are necessary or appropriate for the implementation of this local law, including the promulgation of rules, before such date.

ADRIENNE E. ADAMS, *Chairperson*; YDANIS A. RODRIGUEZ, VANESSA L. GIBSON, CARLOS MENCHACA, JUSTIN L. BRANNAN, KEITH POWERS, KEVIN C. RILEY; Committee on Public Safety, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Members R. Diaz Sr., Yeager and Dinowitz.*

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 Rules, Privileges and Elections**

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

Report for M-346

### **Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Leah Goodridge as a member of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on December 9, 2021 and which same Mayor's Message was coupled with the resolution shown below, respectfully

#### **REPORTS:**

*New York City Planning Commission – (Candidate for appointment by the Public Advocate upon the advice and consent of the Council)*

- **Leah Goodridge [M-346]**

*New York City Planning Commission – (Candidate for appointment by the Mayor upon the advice and consent of the Council)*

- **Joseph Douek [M-347]**

Pursuant to the *New York City Charter* (“*Charter*”) §192, there shall be a thirteen-member City Planning Commission, with seven appointments made by the Mayor (including the Chair), one by the Public Advocate, and one by each Borough President. [*Charter* §192(a)] All members, except the Chair, are subject to the advice and consent of the Council. [*Charter* §192(a)] Further, the *Charter* states that members are to be chosen for their independence, integrity, and civic commitment. [*Charter* §192(a)]

The *Charter* provides that CPC members shall serve for staggered five-year terms, except for the Chair, who as Director of the Department of City Planning (*Charter* §191), serves at the pleasure of the Mayor. [*Charter* §192(a)] For purposes of Chapter 68 of the *Charter* (Conflicts of Interest), CPC members, other than the Chair, shall not be considered regular employees of the City. [*Charter* §192(b)] There is no limitation on the number of terms a CPC member may serve. [*Charter* §192(a)] CPC members are prohibited from holding any other City office while they serve on the CPC. [*Charter* §192(b)] The Chair receives an annual salary of \$222,326.00. The member who is designated as Vice-Chair receives an annual salary of \$73,855.00. The other members receive an annual salary of \$64,224.00.

CPC is responsible for the following:

- CPC must engage in planning focused on the City’s orderly growth, improvement, and future development, which includes consideration of appropriate resources for housing, business, industry, recreation, and culture. [*Charter* §192(d)];
- CPC assists the Mayor and other officials in developing the ten-year capital strategy, the four-year capital program, as well as the annual *Statement of Needs*. [*Charter* §192(f)];
- CPC oversees and coordinates environmental reviews under the *City Environmental Quality Review* (“CEQR”), as mandated by state law (*Environmental Conservation Law – Article 8*). [*Charter* §192(e)]; and
- CPC must review, and either approve or deny, any City proposal involving the City’s request to make acquisitions for office space and any requests for existing buildings for office use. [*Charter* §195]

CPC is also responsible for promulgating various rules, some of which consists of the following:

- It is CPC’s responsibility to establish minimum standards for certifying the *Uniform Land Use and Review Procedure* (“ULURP”) applications, which includes providing specific time periods for pre-certification review. [*Charter* §197-c (i)];
- The criteria associated with the selection of sites for capital projects is also established by CPC. [*Charter* §218 (a)];
- CPC establishes the minimum standards for the form and content of plans for the development of the City and boroughs. [*Charter* §197-a (b)]; and
- CPC also adopts rules that either list major concessions or establishes a procedure for determining whether a concession is defined as a *major concession*, as it relates to the act of City Agencies granting concessions. [*Charter* §374 (b)].

If appointed to the CPC, Ms. Goodridge, a resident of Brooklyn, will succeed Michelle de la Uz and serve the remainder of a five-year term that began on July 1, 2020 and expires on June 30, 2025. A copy of the candidate's résumé as well as the related associated message is attached to this briefing paper.

If appointed to the CPC, Mr. Douek, a resident of Brooklyn, will fill a vacancy and serve the remainder of a five-year term that expires on June 30, 2023. A copy of the candidate's résumé as well as the related associated message is attached to this briefing paper.

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Joseph Douek [M-347], please see, respectively, the Report of the Committee on Rules, Privileges and Elections for M-347 printed in these Minutes; For nominee Leah Goodridge [M-346], please see immediately below:)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Public Advocate of Leah Goodridge as a member of the New York City Planning Commission to serve for the remainder a five-year term that will expire on June 30, 2025.

This matter will be referred to the Committee on November 10, 2021.

*Accordingly, this Committee recommends the adoption of M-346 and M-347.*

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

Res. No. 1862

**RESOLUTION APPROVING THE APPOINTMENT BY THE PUBLIC ADVOCATE OF LEAH GOODRIDGE AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION**

By Council Member Koslowitz

**RESOLVED**, that pursuant to § 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Public Advocate of Leah Goodridge as a member of the New York City Planning Commission to serve for the remainder of a five-year term that will expire on June 30, 2025.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, PAUL A. VALLONE, ADRIENNE E. ADAMS, KEITH POWERS, THE MINORITY LEADER (STEVEN MATTEO); Committee on Rules, Privileges and Elections, December 9, 2021 (Remote Hearing).

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

Report for M-347

**Report of the Committee on Rules, Privileges and Elections approving the appointment of Joseph Douek as a member of the New York City Planning Commission.**

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered Mayor's Message was referred on December 9, 2021 and which same Mayor's Message was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-346, printed in these Minutes)**

Pursuant to § 192 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Joseph Douek as a member of the New York City Planning Commission to serve for the remainder a five-year term that will expire on June 30, 2023.

This matter was referred to the Committee on November 23, 2021.

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 1863

**RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JOSEPH DOUEK AS A MEMBER OF THE NEW YORK CITY PLANNING COMMISSION.**

By Council Member Koslowitz.

**RESOLVED**, that pursuant to § 192 of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Joseph Douek as a member of the New York City Planning Commission to serve for the remainder of a five year term that will expire on June 30, 2023.

KAREN KOSLOWITZ, *Chairperson*; MARGARET S. CHIN, DEBORAH L. ROSE, PAUL A. VALLONE, ADRIENNE E. ADAMS, KEITH POWERS, THE MINORITY LEADER (STEVEN MATTEO); Committee on Rules, Privileges and Elections, December 9, 2021 (Remote Hearing).

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 Transportation

Report for Int. No. 9-A

### Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of traffic control devices at intersections adjacent to schools.

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 117), respectfully

#### REPORTS:

#### INTRODUCTION

On December 8, 2021, the Committee on Transportation, chaired by Council Member Ydanis A. Rodriguez, held a hearing to vote on: Int. No. 9-A, sponsored by Council Member Inez Barron, in relation to requiring the installation of a traffic control device at each intersection adjacent to a school; Int. No. 1724-A, sponsored by Council Member Ben Kallos, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof; Int. No. 2201-A, sponsored by Council Member Carlina Rivera, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence; and Int. No. 2417-A, sponsored by Council Member Robert Holden, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates. This was the second hearing that the Committee has had on these legislative items. The first hearing on the original versions of Int. No. 9, Int. No. 2201, and Int. No. 2417 was held on October 26, 2021, with testimony received from the New York City (NYC or the City) Department of Transportation (DOT), the NYC Police Department (NYPD), transportation advocates, bike advocates, cyclists and other interested parties. The first hearing on the original version of Int. No. 1724 was held on September 25, 2019, with testimony from DOT, transportation advocates, school bus safety advocates, and others.

On December 8, 2021, the Committee on Transportation passed: Int. No. 9-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions; Int. No. 1724-A by a vote of 11 in the affirmative, zero in the negative, with one abstention; Int. No. 2201-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions; and Int. No. 2417-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

#### DOT

DOT's mission is to provide for the safe, efficient, and environmentally responsible movement of people and goods in NYC.<sup>1</sup> To meet this mission, DOT's goals include: providing safe, efficient and environmentally responsible movement of pedestrians, goods and vehicular traffic on streets, highways, bridges and waterways in NYC; improving traffic mobility throughout NYC; maintaining NYC's infrastructure; encouraging mass transit use and other modes of transportation; and holding traffic safety educational programs.<sup>2</sup> DOT's over 5,000 employees manage an annual operating budget of \$1.1 billion and a ten-year \$19.7 billion capital program, while also overseeing 6,300 miles of streets and highways, over 12,000 miles of sidewalks, and 794 bridges and tunnels.<sup>3</sup> In addition, DOT staff maintains over one million street signs, 13,250 signalized intersections, over 315,000 streetlights, and over 350 million linear feet of markings.<sup>4</sup>

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<sup>1</sup> NYC Department of Transportation, *About DOT*, available at <https://www1.nyc.gov/html/dot/html/about/about.shtml>.

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

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

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

## Vision Zero

In 2014, Mayor Bill de Blasio's Administration instituted Vision Zero, a citywide initiative with the goal of reducing and eventually eliminating traffic fatalities.<sup>5</sup> Strategies involved in implementing Vision Zero in the City have included: expanded enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; new street designs and configurations; broad public outreach and communication; and a sweeping legislative agenda to increase penalties for dangerous drivers.<sup>6</sup> The main premise behind Vision Zero is that deaths and serious injuries in traffic are not inevitable "accidents," but preventable crashes that can be reduced through engineering, enforcement and education.<sup>7</sup>

Traffic fatalities in NYC have fallen significantly over recent decades, from 701 in 1991, to 381 in 2000, to an all-time low of 202 in 2018.<sup>8</sup> The year 2020 marked the first year on record with fewer than 100 pedestrian deaths.<sup>9</sup> When looking at the five-year averages from before Vision Zero became City policy, total fatalities are now 10% lower, and pedestrian fatalities are 37% lower.<sup>10</sup> Although the data is encouraging when looking at the reduction in fatalities from 1991 to now, the citywide initiative has received a number of criticisms, mainly with the rapid increase in deaths occurring on City streets in recent years.

During a media availability on December 22, 2020, the Mayor stated that 2020 had been one of the safest years for pedestrians, however, this was not the case for motorists and cyclists.<sup>11</sup> According to DOT, there were 243 traffic fatalities in 2020,<sup>12</sup> making it the deadliest year on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.<sup>13</sup> Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian fatalities in NYC, largely attributed to the reduction in vehicle miles travelled in the City at this time.<sup>14</sup> However, there were subsequent increases in overnight motorist and motorcyclist deaths, and a nationwide increase in speeding that began when streets emptied due to the pandemic and subsequent lockdowns.<sup>15</sup> Although 2020 was the deadliest year on record for street fatalities since the first year of the City's Vision Zero initiative, 2021 is on track to be even deadlier. According to analysis released by Transportation Alternatives and Families for Safe Streets, at the pace of traffic deaths in the first six months of 2021, 2021 is projected to surpass 2020 in the number of total traffic fatalities.<sup>16</sup> From January 2021 through September 2021, crashes killed at least 199 New Yorkers, the most deaths for the first three quarters of any year during the de Blasio Administration.<sup>17</sup> Citywide, through October 31, 2021, 227 people have been killed by vehicles this year.<sup>18</sup>

## DOT Traffic Signs and Signals

DOT is tasked with maintaining and enhancing the transportation infrastructure that is important to ensuring their users maintain their economic vitality and quality of life.<sup>19</sup> As part of the transportation infrastructure, DOT

<sup>5</sup> NYC, Vision Zero, available at <https://www1.nyc.gov/content/visionzero/pages/>.

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

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

<sup>8</sup> NYC, Vision Zero, *Vision Zero-Year 7 Report* (April 2021), available at: <https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-7-report.pdf>

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

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

<sup>11</sup> NYC, Transcript: *Mayor de Blasio Holds Media Availability*, December 22, 2020, available at: <https://www1.nyc.gov/office-of-the-mayor/news/884-20/transcript-mayor-de-blasio-holds-media-availability>.

<sup>12</sup> NYC, Department of Transportation, *Vision Zero View*, available at <https://vzv.nyc/>.

<sup>13</sup> New York Times, Christina Goldbaum, *Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths*, Updated on January 1, 2021, available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>.

<sup>14</sup> The Gothamist, Jake Offenhartz, *Vision Zero Sputter as NYC Traffic Deaths Reach Highest Level of De Blasio Era*, Updated October 23, 2020, available at <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>.

<sup>15</sup> *Id.*

<sup>16</sup> Transportation Alternatives, Press Release, *Vision Zero in Crisis: 2021 No on Track to be Deadliest Year in De Blasio Era*, July 21, 2021, available at <https://www.transalt.org/press-releases/vision-zero-in-crisis-2021-now-on-track-to-be-deadliest-year-in-de-blasio-era-new-york-city-nyc>.

<sup>17</sup> Transportation Alternatives, Press Release, *Vision Zero in Crisis: 2021 Was Deadliest Summer Since Mayor De Blasio Took Office*, October 6, 2021, available at <https://www.transalt.org/press-releases/vision-zero-in-crisis-2021-was-deadliest-summer-since-mayor-de-blasio-took-office>.

<sup>18</sup> NYC, Department of Transportation, *Vision Zero View*, available at <https://vzv.nyc/>.

<sup>19</sup> NYC, Department of Transportation, *About DOT*, available at <https://www1.nyc.gov/html/dot/html/about/about.shtml>.

installs and maintains traffic signs, which have a direct impact on safety, and include: stop signs and traffic calming signs, which are used to control traffic flow and tell drivers and pedestrians who has the right of way; parkway signs, which are created, installed and maintained to provide signage on NYC’s parkways; custom signs, which range from replica street signs to personalized parking signs that can be ordered and bought; and special signs, which are at the request of elected officials, community groups, and other local organizations, and generally identify the community in some way.<sup>20</sup> Stop and traffic calming signs make a large impact on the safety of pedestrians, cyclists and motorists within the City.<sup>21</sup> The term “traffic calming” is applied to design interventions that reduce illegal speeding and aggressive driving, enhance pedestrians’ comfort and flow, and ultimately, enhance safety for pedestrians and increase efficiency in movement.<sup>22</sup>

DOT also installs and maintains traffic signals, including: accessible pedestrian signals, which are special signals installed at crosswalks that make sounds and vibrate to assist blind or low vision pedestrians; exclusive pedestrian signals, which are installed at some intersections to stop traffic in all directions at specific intervals for pedestrians to cross the street; leading pedestrian interval signals, which are traffic signals that give pedestrians a head start to cross the street before car traffic; and flashing yellow arrow turn signals, which are signals that flash and improve safety, comfort and mobility for motorists, while also reducing injuries to pedestrians and cyclists.<sup>23</sup> DOT uses an intersection control study to determine if traffic signals or multi-way stops signs are appropriate for certain locations, including: DOT inspectors conducting a field investigation to create a Condition Diagram of the location, which details street and sidewalk widths, location geometry, street directions, and more; DOT installing Automatic Traffic Recorders to collect hourly vehicle volumes over a period of several weekdays or weekends; and DOT looking at designated school crossings to determine the number of safe crossing opportunities for schoolchildren by recording the frequency and adequacy of gaps between vehicles.<sup>24</sup>

### **NYC’s Parking Regulations**

DOT is the main agency that has jurisdiction over NYC’s parking regulations,<sup>25</sup> which govern where vehicles can stop, stand and park in the city.<sup>26</sup> DOT has specific rules in place regarding alternate side parking; stopping, standing and parking; “T” intersections (areas without traffic signals, at all-way stop signs or crosswalk markings); curb cuts (an area of a sidewalk that has been lowered, or cut down, to facilitate access to the street); and parking in school zones.<sup>27</sup> Ultimately, DOT’s parking regulations are aimed at ensuring the safe and responsible travel of pedestrians, cyclists and drivers. Illegal parking in the City, which includes vehicles that are double-parked or blocking bike lanes,<sup>28</sup> poses a safety hazard for all New Yorkers, especially pedestrians and cyclists. Double-parked cars often force cyclists to dart into traffic.<sup>29</sup> Similarly, vehicles illegally parked in unprotected bike lanes cause cyclists to use the main part of the street. Illegal parking and resulting reactions from people have been the cause of a number of traffic fatalities in recent years, including fatalities related to cyclists.

Although DOT governs NYC’s parking regulations, the NYPD is the sole agency responsible for parking enforcement.<sup>30</sup> NYPD personnel issue parking tickets, however, the NYC Department of Finance is responsible

<sup>20</sup> NYC, Department of Transportation, *Infrastructure: Traffic Signs*, available at <https://www1.nyc.gov/html/dot/html/infrastructure/signs.shtml>.

<sup>21</sup> *Id.*

<sup>22</sup> NYC, Department of Transportation, *Pedestrians: Traffic Calming Design Guidelines*, available at <https://www1.nyc.gov/html/dot/html/pedestrians/traffic-calming.shtml>.

<sup>23</sup> NYC, Department of Transportation, *Infrastructure: Traffic Signals*, available at <https://www1.nyc.gov/html/dot/html/infrastructure/signals.shtml>.

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

<sup>25</sup> NYC, Department of Transportation, *Motorists & Parking*, available at <https://www1.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>.

<sup>26</sup> *Id.*

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

<sup>28</sup> NYC, 311, “Illegal Parking,” available at <https://portal.311.nyc.gov/article/?kanumber=KA-01986>.

<sup>29</sup> NYC, DOT and NYPD, “Green Wave: A Plan for Cycling in New York City,” p.19, July 2019, available for download at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>.

<sup>30</sup> NYC, Department of Transportation, *Motorists and Parking: Parking Regulations*, available at <https://www1.nyc.gov/html/dot/html/motorist/parking-regulations.shtml>.

for collecting and processing payments for all parking tickets and camera violations, which occur when a vehicle is photographed going through a red light or when a vehicle drives, parks or stands in a bus lane.<sup>31</sup> Parking tickets or camera violations must be answered within 30 days of the issue date or Notice of Liability date, regardless of liability.<sup>32</sup> A parking ticket or camera violation must either be paid or challenged, with the possibility of an appeal, to avoid any additional penalties, interest or future towing.<sup>33</sup> City law allows a motorist to submit a copy of a parking meter receipt as evidence, but not a photo of a receipt. Without a copy of the receipt, motorists would not be able to demonstrate that they paid for parking or challenge a parking violation.

### **License Plate Obstructions**

Under NYS law, numbered license plates are required to be kept clean and in a condition to be easily readable, not covered by glass or any plastic material or covered with any material or substance that conceals or obscures the plates from being recorded by a photographic camera, toll or enforcement agent.<sup>34</sup> In addition, state law restricts any person or entity from selling, offering for sale or distributing any materials to distort or obstruct the reading of a license plate on a vehicle.<sup>35</sup> Although illegal, in recent years, there have been increasing incidences of the use and sale or distribution of materials or substances to block or distort license plates. According to officials from the NYPD, obscuring and distorting licenses plates undermines Vision Zero by reducing the effectiveness of speed and red light cameras.<sup>36</sup>

In NYS, if a vehicle does not have an EZ Pass, tolls are assigned to the license plate associated with the registered vehicle, whose owner is then sent a bill. However, covering or obstructing a vehicle's plate, thereby making them unreadable, can lead to toll evasion.<sup>37</sup> In September 2021, a report from the MTA Inspector General was released that found an MTA bus division maintenance superintendent did not pay \$104,270 in tolls and fines for years because he used a plastic cover to obstruct his license plate, while also changing the license plates to thwart DMV suspicions.<sup>38</sup> Also, in a 2019 investigation done by a national newsmagazine, more than 100 cars with police placards were found to have their license plates covered.<sup>39</sup> The issue of license plate obstructions is large enough to warrant attention, as a FOIL request showed that the Tunnel and Bridge Transit Authority Police and NYS Police gave out 7,572 summonses for having defaced, damaged or unreadable license plates around MTA bridges and tunnels in 2018, with the MTA noting that from March 1, 2018 to September 30, 2018, there were 9,286,640 license plate toll transactions, of which 101,349 license plates were unintentionally obscured and 17,115 license plates were unreadable due to intentional obstruction.<sup>40</sup> Recently, a bill to increase the maximum penalty of license obstruction to a \$300 fine was unanimously passed by the NYS Legislature and signed into law by the Governor on October 8, 2021.<sup>41</sup>

### **School Bus Safety**

According to the NYS Traffic Safety Committee created by former NYS Governor Andrew Cuomo, an estimated 50,000 vehicles illegally pass school buses with red lights flashing in NYS every school day.<sup>42</sup> Despite

<sup>31</sup> NYC, Department of Finance, Vehicles, *Services-Parking Ticket Services*, available at <https://www1.nyc.gov/site/finance/vehicles/services.page>.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> NYS VAT § 402

<sup>35</sup> *Id.*

<sup>36</sup> Testimony of the NYPD during the joint hearing of the Council's Committee on Transportation and the Committee on Oversight and Investigations held on October 26, 2021 and available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5183225&GUID=221A750B-828F-4A41-B3C1-36244C8B8377&Options=&Search=>

<sup>37</sup> StreetsBlogNYC, Dave Colon, *MTA's \$100k Toll Scofflaw Is Merely The Tip of the License Plat Obstructing Iceberg*, Updated September 27, 2021, available at <https://nyc.streetsblog.org/2021/09/27/mtas-100k-toll-scofflaw-is-merely-the-tip-of-the-license-plate-obstructing-iceberg/>.

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Senate Bill S4849A/A6014A, available at <https://www.nysenate.gov/legislation/bills/2021/s4849/amendment/a> or at <https://www.nyassembly.gov/leg/?bn=6014>.

<sup>42</sup> New York State, Governor's Traffic Safety Committee, *About*, available at <https://trafficsafety.ny.gov/about>.

the fact that State law prohibits passing a stopped school bus with flashing red lights,<sup>43</sup> enforcement of this law remains limited because police officers cannot practically follow every school bus, and school bus drivers cannot document every instance of illegal passing. In response, the NYS Traffic Safety Committee convened Operation Safe Stop, a combined effort of law enforcement agencies, school personnel, school bus contractors, traffic safety organizations, local traffic safety boards and the media aimed at educating motorists that passing a stopped school bus is illegal and dangerous.<sup>44</sup> To help increase enforcement, technology is currently in use in at least 23 states that utilizes stop-arm cameras affixed to the exterior of school buses to identify offenders.<sup>45</sup> Images from those cameras are then used to issue tickets to the owners of the vehicles. Now that this technology is available, NYS has enacted legislation authorizing municipalities to establish demonstration programs under which the respective municipality may enact legislation to use photographic monitoring technologies to impose liability on a vehicle owner if the operator of the vehicle passes a stopped school bus displaying a red visual signal.<sup>46</sup> Under the program, a municipality may install and operate school bus photo violation monitoring systems, which may be installed at stationary locations, or on school buses pursuant to an agreement with the school district. The costs of installing and operating the school bus photo monitoring systems are borne by the municipality.

The use of photographic monitoring technologies to impose liability on motorists has increased in NYC. Cameras are currently used to catch traffic violations with respect to bus lanes, traffic lights, speeding, and license plate obstructions.

#### **ANALYSIS OF INT. NO. 9-A**

Int. No. 9-A would require that by September 30, 2022, DOT identify each intersection immediately adjacent to a school that does not have a traffic control device, such as a stop sign or traffic control signal. No later than September 30, 2024, DOT would have to install a traffic control device at each such intersection. The type of traffic control device installed would be in accordance with the federal Manual on Uniform Traffic Control Devices and based upon DOT's engineering expertise and judgment. This bill would take effect immediately after it becomes law.

#### **ANALYSIS OF INT. NO. 1724-A**

Int. No. 1724-A would authorize an agency chosen by the mayor to implement a school bus stop arm camera enforcement program. The program would impose monetary liability on motorists that fail to comply with State law regarding overtaking and passing stopped school buses. The program would be subject to the State Vehicle and Traffic Law's requirements for fines, adjudication, privacy and reporting regarding the program. This bill would take effect 90 days after it becomes law and would be deemed repealed on December 1, 2024, to coincide with the current sunset date for the State's authorizing legislation.

#### **ANALYSIS OF INT. NO. 2201-A**

Int. No. 2201-A would permit owners and operators of motorcycles to digitally provide photographic evidence that parking was paid for at the time of an alleged parking violation. Such photographic evidence would be submitted to the NYC Department of Finance through their website and serve as an affirmative defense to the alleged violation. This bill would take effect on the same date as a local law for the year 2021 amending the administrative code of the city of New York, relating to parking meters, as proposed in introduction number 2422-A for the year 2021, takes effect.

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<sup>43</sup> NYS VTL §1174

<sup>44</sup> New York State, Governor's Traffic Safety Committee, *About*, available at <https://trafficsafety.ny.gov/about>.

<sup>45</sup> National Conference of State Legislatures, Research: Transportation, *State School Bus Stop-Arm Camera Laws*, July 13, 2021, <http://www.ncsl.org/research/transportation/state-school-bus-stop-arm-camera-laws.aspx>.

<sup>46</sup> Chapter 145 of the laws of New York for 2019

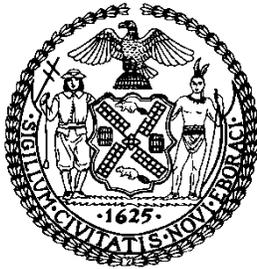
**ANALYSIS OF INT. NO. 2417-A**

Int. No. 2417-A would prohibit the sale or distribution of any materials or substances for the purpose of concealing or obscuring the numbers on license plates or distorting a recorded or photographic image of license plates. The penalty for violations would be at least \$300 for the first violation and at least \$500 for any subsequent violation and would be recoverable in a proceeding before the Office of Administrative Trials and Hearings. This bill would take effect 90 days after it becomes law.

**UPDATE**

On December 8, 2021, the Committee on Transportation passed: Int. No. 9-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions; Int. No. 1724-A by a vote of 11 in the affirmative, zero in the negative, with one abstention; Int. No. 2201-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions; and Int. No. 2417-A by a vote of 12 in the affirmative, zero in the negative, with zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 9-A:)**



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

**PROPOSED INTRO. NO: 9-A**

**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of traffic control devices at intersections adjacent to schools.

**SPONSORS:** Council Members Barron, Brannan, Van Bramer, D. Diaz, Yeger, Kallos and Borelli.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 9-A would require that by September 30, 2022, the Department of Transportation identifies each intersection immediately adjacent to a school that does not have a traffic control device, such as a stop sign or traffic control signal. No later than September 30, 2024, DOT would have to install a traffic control device at each such intersection. The type of traffic control device installed would be in accordance with the federal Manual on Uniform Traffic Control Devices and based upon DOT’s engineering expertise and judgment.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$128,480	\$256,960	\$256,960
<b>Net</b>	\$128,480	\$256,960	\$256,960

**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 the enactment of this legislation would result in increased City-tax levy expense costs of approximately \$256,960 annually. For Fiscal 2022, the prorated cost is \$128,480. The expense costs include two additional headcount positions including a Transportation Specialist and a Traffic Control Inspector, as well as fringe benefits. In addition, although the number of intersections immediately adjacent to a school that would require new traffic control devices is currently unknown, it is anticipated that there would be additional capital costs associated with the installation of traffic control devices at these intersections once identified as required by this legislation. This legislation requires DOT to identify such intersections by September 30, 2022 and to install a traffic control device at each such intersection no later than September 30, 2024. Capital costs for such traffic control devices ranges from \$160 for stop signs to \$160,000 for traffic signals with each newly installed traffic signal requiring an additional expense cost of \$3,000 for maintenance each year.

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

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. No. 9 on January 31, 2018 and referred to the Committee on Transportation (Committee). A joint hearing was held by the Committee and the Committee on Oversight and Investigations on October 26, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 9-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 9-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

**(For text of Int. Nos. 1724-A, 2201-A, and 2417-A and their Fiscal Impact Statements, please see the Report of the Committee on Transportation for Int. Nos. 1724-A, 2201-A, and 2417-A, respectively, printed in these Minutes; for text of Int. No. 9-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 9-A, 1724-A, 2201-A, and 2317-A.*

**(The following is the text of Int. No. 9-A:)**

Int. No. 9-A

By Council Members Barron, Brannan, Holden, Van Bramer, D. Diaz, Yeger, Kallos, Adams, Cabán, Rosenthal, Vallone, Gennaro and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the installation of traffic control devices at intersections adjacent to schools**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-188.2 to read as follows:

§ 19-188.2 *Traffic control devices near schools. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Intersection. The term "intersection" has the same meaning as such term is defined in section 120 of the vehicle and traffic law.*

*School. The term "school" has the same meaning as such term is defined in section 19-189.*

*Traffic control device. The term "traffic control device" means a stop sign or traffic control signal, or other appropriate device consistent with the manual on uniform traffic control devices.*

*Traffic control signal. The term "traffic control signal" has the same meaning as such term is defined in section 19-199.*

*b. No later than September 30, 2022, the department shall identify each intersection immediately adjacent to a school where no traffic control device is located.*

*c. No later than September 30, 2024, the department shall install a traffic control device at each intersection identified pursuant to the requirement set forth in subdivision b of this section. The department shall determine which type of traffic control device is appropriate at each such intersection, in accordance with the most recent version of the manual on uniform traffic control devices, and based upon the department's engineering expertise and judgment.*

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Kallos, Barron, D. Diaz, Powers, Rosenthal and Yeger.*

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. 1724-A

**Report of the Committee on Transportation 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 creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on September 25, 2019 (Minutes, page 3141), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Transportation for Int. No. 9-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 1724-A:*



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

**PROPOSED INTRO. NO: 1724-A**

**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof.

**SPONSORS:** Kallos, Rodriguez, Treyger, Holden, Ayala, Rivera, Brannan, Cornegy, Powers, Rosenthal, Van Bramer, Gennaro and Dinowitz.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2417-A would create a demonstration program to monitor vehicle operators, using images from stationary cameras or cameras affixed to the sides of school buses, for failure to stop for a school bus displaying a red visual signal. Under this program, liability and penalties would be imposed on the owners of such vehicles.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes a law and expire and be deemed repealed on December 1, 2024.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</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 as full compliant with the provisions of this legislation is anticipated.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation. In the event that the City would bear the cost for the required camera it is likely that there would be additional capital costs associated with the implementation of this local law. However, that amount of capital cost is undetermined at this time.

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

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathan Toth, Deputy Director  
Chima Obichere, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council as Intro. No. 1724 on September 25, 2019 and the bill was referred to the Committee on Transportation (Committee). A hearing was held by the Committee on December 16, 2019 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 1724-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1724-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 8, 2021.

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

**(The following is the text of Int. No. 1724-A:)**

Int. No. 1724-A

By Council Members Kallos, Rodriguez, Treyger, Holden, Ayala, Rivera, Brannan, Cornegy, Powers, Rosenthal, Van Bramer, Gennaro and Dinowitz.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Chapter 6 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-610 to read as follows:

*§ 19-610 School bus photo violation monitoring system demonstration program.*

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

*Implementing agency. The term "implementing agency" means an agency designated by the mayor to carry out the provisions of subdivisions c, d and h of this section.*

*Owner. The term "owner" has the same meaning as set forth in section 239 of the vehicle and traffic law.*

*School bus photo violation monitoring system. The term "school bus photo violation monitoring system" has the same meaning as set forth in subdivision (c) of section 1174-a of the vehicle and traffic law.*

*b. Liability for passing a stopped school bus. If the operator of a vehicle fails to comply with section 1174 of the vehicle and traffic law when meeting a school bus operated in the city and marked and equipped as provided in subdivisions 20 and 21-c of section 375 of the vehicle and traffic law, the owner of such vehicle shall be liable in accordance with section 1174-a of the vehicle and traffic law and shall be subject to the monetary penalties described in subdivision e of this section.*

*c. Installation and operation of photo violation monitoring systems. 1. Subject to paragraph 2 of this subdivision, a stationary or mobile school bus photo violation monitoring system may be installed and operated to carry out the provisions of this section by the implementing agency.*

*2. A mobile school bus photo violation monitoring system may be installed and operated on a school bus to carry out the provisions of this section only if:*

*(a) the city and the city school district enter into an agreement for such installation and operation; and*

*(b) such agreement is in effect.*

*d. Privacy measures. In carrying out this section, appropriate privacy measures, as described in paragraph 4 of subdivision (a) of section 1174-a of the vehicle and traffic law, shall be adopted and enforced by the implementing agency.*

*e. Adjudication; penalties. 1. The parking violations bureau shall adjudicate imposition of liability under this section in accordance with a schedule of monetary fines and penalties promulgated as authorized by section 1174-a of the vehicle and traffic law.*

*2. The provisions of sections 239, 240, 241 and 1174-a of the vehicle and traffic law shall apply with respect to the imposition and adjudication of any liability under this section and notice with respect to any such liability.*

3. Any photographs, microphotographs, videotape or other recorded images evidencing a violation under this section shall be available for inspection in any proceeding to adjudicate the liability for such violation.

f. Payment to school district required. If the city does not make the payment to the school district required by paragraph 1-b of subdivision (a) of section 1174-a of the vehicle and traffic law, no liability may be imposed under this section until the city makes such required payment to the district.

g. Implementation of program. The mayor may designate any additional city agency or office or employees of any city agency to assist in implementing the provisions of this section.

h. Annual report. The implementing agency shall submit an annual report on the results of the use of a school bus photo violation monitoring system to the mayor and the speaker of the council. Such report shall be submitted by June 1 of each year in which such system is operable. Such report shall include, but need not be limited to, the information described in subdivision (m) of section 1174-a of the vehicle and traffic law.

§ 2. This local law takes effect 90 days after it becomes a law and expires and is deemed repealed on December 1, 2024.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, *December 8, 2021* (Remote Hearing). *Other Council Members Attending: Kallos, Barron, D. Diaz, Powers, Rosenthal and Yeger.*

**(The following is the text of a Message of Necessity from the Mayor for the Immediate Passage of Int. No. 1724-A:)**

THE CITY OF NEW YORK  
OFFICE OF THE MAYOR  
NEW YORK, N.Y. 10007

Pursuant to authority invested in me by section twenty of the Municipal Home Rule and by section thirty-six of the New York City Charter, I hereby certify to the necessity for the immediate passage of a local law; entitled:

**A LOCAL LAW**

**A Local Law To amend the administrative code of the city of New York, in relation to creating a demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof**

Given under my hand and seal this 7th day of  
December, 2021 at City Hall in the City of New York.

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Bill de Blasio  
Mayor

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. 2201-A

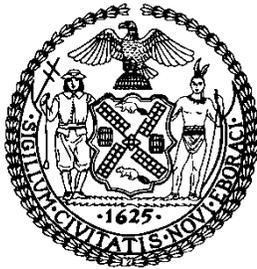
**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 6, 2021(Minutes, page 27), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Transportation for Int. No. 9-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2201-A:*



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

**PROPOSED INTRO. NO: 2201-A**

**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence.

**SPONSORS:** Council Members Rivera, Louis, D. Diaz and Kallos.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2201-A would permit owners and operators of motorcycles to digitally provide photographic evidence that parking was paid for at the time of an alleged parking violation. Such photographic evidence would be submitted to the Department of Finance through their website and serve as an affirmative defense to the alleged violation.

**EFFECTIVE DATE:** This local law would take effect on the same date that a local law for the year 2021 amending the administrative code of the city of New York, relating to parking meters, as proposed in introduction number 2422-A, takes effect.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would utilize existing resources.

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

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. No. 2201 on January 6, 2021 and referred to the Committee on Transportation (Committee). A joint hearing was held by the Committee and the Committee on Oversight and Investigations on October 26, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2201-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2201-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 3, 2021.

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

**(The following is the text of Int. No. 2201-A:)**

Int. No. 2201-A

By Council Members Rivera, Louis, D. Diaz and Kallos.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing motorcyclists to challenge parking violations electronically with photographic evidence**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 19-213 of the administrative code of the city of New York, as amended by a local law for the year 2021 amending the administrative code of the city of New York, relating to parking meters, as proposed in introduction number 2422-A, is amended to read as follows:

c. Failure to purchase parking time. Notwithstanding any rule or regulation to the contrary, and subject to the provisions of the vehicle and traffic law, where a notice of violation is issued to an owner or operator of a vehicle for the failure to purchase parking time, it shall be an affirmative defense to such violation that such owner or operator purchased parking time for the time such notice of violation was issued or up to five minutes thereafter from a parking meter at the location such notice of violation was issued. Evidence in support of the affirmative defense shall be the presentation, in person or by mail, of a valid payment receipt for the time such notice of violation was issued or for up to five minutes thereafter or other suitable evidence, as determined by the hearing officer, that such parking time was purchased. *When in such instance the vehicle is a motorcycle, evidence may be a digital photograph, submitted through the bureau's website, of a valid payment receipt for the time such notice of violation was issued or for up to five minutes thereafter.*

§ 2. This local law takes effect on the same date as a local law for the year 2021 amending the administrative code of the city of New York, relating to parking meters, as proposed in introduction number 2422-A for the year 2021, takes effect.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, *December 8, 2021 (Remote Hearing)*. *Other Council Members Attending: Kallos, Barron, D. Diaz, Powers, Rosenthal and Yeger.*

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. 2417-A

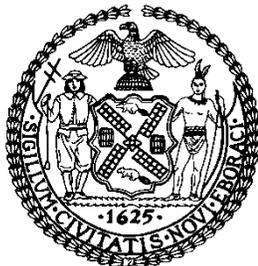
**Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 7, 2021 (Minutes, page 2369), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Transportation for Int. No. 9-A printed in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 2147-A:*



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

PROPOSED INTRO. NO: 2417-A

COMMITTEE: Transportation

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates.

**SPONSORS:** Council Members Holden, Grodenchik, Vallone, Yeger, Adams, Kallos, Dinowitz, Miller, Brannan, Ayala, Rose, Lander, D. Diaz, Koo, Koslowitz, Moya, Powers, Gjonaj, Chin, Cumbo, Levin, Cabrera, Maisel, Salamanca, Feliz, Ulrich and Borelli.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2417-A would prohibit the sale or distribution of any materials or substances whose purpose is to conceal or obscure the numbers on license plates or distort a recorded or photographic image of license plates. The penalty for violations would be at least \$300 for the first violation and at least \$500 for any subsequent violation. Authorized agents and employees of the New York City Police Department, and any other agency designated by the Mayor, would have the authority to enforce this law.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</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. While the administering agency is authorized to impose civil penalties on violators of provisions of the legislation, this estimate assumes full compliance with the provisions of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would utilize existing resources.

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

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

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Chima Obichere, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. No. 2417 on October 7, 2021 and referred to the Committee on Transportation (Committee). A joint hearing was held by the Committee and the Committee on Oversight and Investigations on October 26, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2417-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2417-A will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 3, 2021.

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

**(The following is the text of Int. No. 2417-A:)**

Int. No. 2417-A

By Council Members Holden, Grodenchik, Vallone, Yeger, Adams, Kallos, Dinowitz, Miller, Brannan, Ayala, Rose, Lander, D. Diaz, Koo, Koslowitz, Moya, Powers, Gjonaj, Chin, Cumbo, Levin, Cabrera, Maisel, Salamanca, Feliz, Rosenthal, Ulrich and Borelli.

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates**

*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 10-182 to read as follows:

*§ 10-182 Unlawful sale or distribution of materials that obscure license plates. a. It shall be unlawful for any person or entity to sell, offer for sale or distribute any artificial or synthetic material or substance for the*

*purpose of concealing or obscuring the number on a license plate or distorting a recorded or photographic image of such license plate.*

*b. Authorized agents and employees of the police department, and of any other agency designated by the mayor, shall have the authority to enforce the provisions of subdivision a of this section.*

*c. Civil penalty. Any person who violates subdivision a of this section shall be liable for a civil penalty of not less than \$300 for the first violation and not less than \$500 for each subsequent violation, which may be recoverable in a proceeding before the office of administrative trials and hearings, pursuant to chapter 45-A of the charter.*

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

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, *December 8, 2021 (Remote Hearing)*. *Other Council Members Attending: Kallos, Barron, D. Diaz, Powers, Rosenthal and Yeger.*

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 Veterans**

Report for Int. No. 479-A

**Report of the Committee on Veterans 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 offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status.**

The Committee on Veterans, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 685), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On December 8, 2021, the Committee on Veterans, chaired by Council Member Dinowitz, held a vote on Intro. No. 479-A, a Local Law to amend the administrative code of the city of New York, in relation to offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status, sponsored by Council Members Dromm. This legislation was originally heard at a hearing of this committee on November 26, 2018, at which the committee received testimony from representatives from the New York City Department of Veterans' Services (DVS), veterans' advocates and service providers.

On December 8, 2021, the Committee on Veterans also held a vote on Intro. 2354-B, a Local Law to amend the New York city charter, in relation to the definition of the term veteran and the membership of the veterans' advisory board, sponsored by Council Member Dinowitz. This legislation was previously heard at a hearing of this committee on September 27, 2021, at which the committee received testimony from DVS, legal service providers and veterans' advocates.

## II. BACKGROUND

A veteran's character of discharge can have a profound effect on their entire life after military service.<sup>1</sup> Service members who leave the military with anything other than an honorable discharge, commonly referred to as a "bad paper" discharge, are often ineligible for many veterans' benefits and services, and may struggle looking for work as dishonorable discharges often suggest to employers a history of crime or unreliability.<sup>2</sup> These benefits can include educational opportunities, medical benefits, pension benefits, home loan benefits, and even access to healthcare.<sup>3</sup> Upgrading an unjust discharge may lead to greater eligibility for federal, state and local benefits, more opportunities to obtain better employment and housing, and even simple vindication.<sup>4</sup>

Historically, many service members received "bad paper" discharges for performance issues and conduct related to undiagnosed Post-Traumatic Stress Disorder (PTSD) and Traumatic Brain Injury (TBI), sexual orientation and gender identity, Military Sexual Trauma, and other conduct related to conditions that would otherwise be understood or treated differently today.<sup>5</sup> For example, under the military's discriminatory Don't Ask, Don't Tell (DADT) policy, which was in effect from 1994 to 2011, more than 13,000 LGBTQ+ veterans were unjustly discharged.<sup>6</sup>

Even as policies and legislation have been updated, it remains the responsibility of each veteran to petition the appropriate discharge review board with the often extensive documentation and legal preparations needed to successfully upgrade an adverse discharge.

## III. UPDATE

The Committee on Veterans passed Introduction No. 479-A by a vote of four in the affirmative, zero in the negative, and zero abstentions. The Committee also passed Introduction No. 2354-B by a vote of four in the affirmative, zero in the negative and zero abstentions.

## IV. BILL ANALYSIS

**Int. No. 479-A** - *A Local Law to amend the administrative code of the city of New York, in relation to offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status*

This bill would extend all city benefits and services to veterans who have bad discharge papers due solely or in part to their sexual orientation, gender identity or expression, or, for veterans who identify as LGBTQ, untreated trauma, including that resulting from sexual assault which occurred during military service. This bill would also require DVS to issue a certificate of eligibility to a discharged LGBTQ veteran on request that can be used as proof of their eligibility to receive certain city benefits and services available to veterans. This bill further requires DVS to offer discharge upgrade assistance to LGBTQ veterans who were discharged from military service with an other-than-honorable discharge status due solely or in part to sexual orientation, gender identity or expression, or, for veterans who identify as LGBTQ, untreated trauma, including that resulting from sexual assault which occurred during military service.

Since this legislation was initially heard, it was amended to require DVS to conduct outreach to raise awareness about these certificates of eligibility and the availability of legal services for discharged LGBTQ

<sup>1</sup> U.S. Dep't of Veterans Affairs, *Applying for Benefits and Your Character of Discharge*, available at [https://www.benefits.va.gov/benefits/character\\_of\\_discharge.asp](https://www.benefits.va.gov/benefits/character_of_discharge.asp) (accessed on Sept. 16, 2021).

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

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

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

<sup>5</sup> Kristofer S. Goldsmith, *et. al.*, *Restoring Honor to Veterans with Invisible Injuries*, Columbia University (Dec. 2015), available at <https://www.congress.gov/116/meeting/house/110852/witnesses/HHRG-116-VR09-Wstate-GoldsmithK-20200708-SD001.pdf> (accessed on Sept. 16, 2021).

<sup>6</sup> Jennifer McDermott, *Few Veterans Expelled under 'Don't Ask' Policy Seek Remedy*, The Associated Press, (Jun. 24, 2016), available at <https://www.militarytimes.com/veterans/2016/06/24/few-vets-expelled-under-don-t-ask-remedy/> (accessed on Sept. 16, 2021).

veterans, and to also make information about obtaining such certificates or legal services available on the department's website. Additionally, the bill was amended to require DVS to periodically review veterans' experience with accessing discharge upgrade assistance and to report annually to the Council on any identified issues beginning on June 1, 2022.

This bill would take effect 120 days after it becomes law.

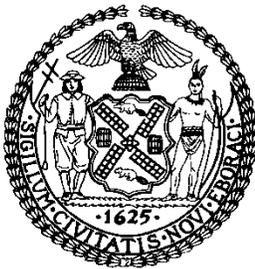
**Int. No. 2354-B** - *A Local Law to amend the New York city charter, in relation to the definition of the term veteran and the membership of the veterans' advisory board*

This bill would amend the definition of the term "veteran" under the city Charter to include persons who currently serve or who have served in the United States military regardless of time served or discharge status. This expanded definition would ensure that all New York City veterans are eligible for city services and benefits. This bill would also expand the Veterans' Advisory Board (VAB) from 11 members to 13. The board would include two new members who are either an immediate family member, spouse or domestic partner, survivor or caregiver of a veteran.

Since this legislation was initially heard, it was amended to require vacancies on the Veterans' Advisory Board to be filled within 120 days from the date of such vacancy, and the definition of the term "veteran" was expanded to explicitly include individuals who served in the Coast Guard.

This bill would take effect 120 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 479-A:)**



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

**PROPOSED INT. NO. 479-A**

**COMMITTEE:** Governmental Operations

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status.

**SPONSORS:** Council Members Dromm.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Veterans' Services (DVS) to offer assistance to veterans discharged other than honorably from the military solely on the basis of their sexual orientation or gender identity in upgrading their discharge papers or changing the narrative reason for their discharge. The bill would also extend all city benefits and services to LGBTQ veterans who have bad discharge papers solely because of their sexual orientation or gender identity. The bill would also require DVS to issue discharged LGBTQ veterans a certificate of eligibility that can be used as proof that a discharged LGBTQ veteran is eligible for certain city benefits or services available to veterans.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 479 on February 14, 2018 and was referred to the Committee on Veterans (Committee). A hearing was held by the Committee on November 26, 2018 and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 479-A, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 479-A will be submitted to the full council for a vote on December 9, 2021.

**DATE PREPARED:** December 1, 2021.

**(For text of Int. No. 2354-B and its Fiscal Impact Statement, please see the Report of the Committee on Veterans for Int. No. 2354-B printed in these Minutes; for text of Int. No. 479-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 479-A and 2354-B.*

**(The following is the text of Int. No. 479-A:)**

Int. No. 479-A

By Council Members Dromm, Kallos, Dinowitz, Cabán, Rosenthal and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status**

*Be it enacted by the Council as follows:*

Section 1. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-112 to read as follows:

§ 31-112 *Benefits and assistance for LGBTQ veterans.* a. *For purposes of this section, the following terms have the following meaning:*

*Certificate of eligibility.* The term “certificate of eligibility” means a certificate issued by the department that can be used as proof that a discharged LGBTQ veteran is eligible for certain city benefits or services available to veterans.

*Discharged LGBTQ veteran.* The term “discharged LGBTQ veteran” means a veteran who was discharged from the United States military or naval services due solely or in part to (i) sexual orientation, gender identity or expression; (ii) statements, consensual sexual conduct, or consensual acts relating to sexual orientation, gender identity or expression; (iii) the disclosure of such statements, conduct or acts, that were prohibited by the armed forces at the time of discharge; or (iv) for veterans who identify as LGBTQ, untreated trauma, including that resulting from sexual assault which occurred during military service.

b. *Notwithstanding any other provision of law, no veteran shall be denied eligibility for any city program, service, or benefit to veterans for which they would otherwise be eligible, solely on the basis of the veteran’s status as a discharged LGBTQ veteran.*

c. *The department shall offer assistance to any discharged LGBTQ veteran seeking a discharge characterization upgrade, change of narrative reasons for discharge, change of separation and separation program designator codes or change of reentry/reenlistment. Such assistance shall be provided by legal counsel or an accredited representative of an organization recognized under section 5902 of title 38 of the United States code or successor provisions.*

d. *Upon request, the department shall issue a certificate of eligibility to a discharged LGBTQ veteran as proof of their eligibility to receive certain services and benefits for veterans.*

e. *The department shall:*

1. *Make available on the department’s website information about (i) obtaining certificates of eligibility for discharged LGBTQ veterans and (ii) the availability of legal assistance, to any discharged LGBTQ veteran seeking a discharge characterization upgrade, change of narrative reasons for discharge, change of separation and separation program designator codes or change of reentry/reenlistment; and*

2. *Conduct outreach through email, social media and other means to raise awareness about such certificates and the availability of such legal assistance.*

f. *The department shall periodically review veterans’ experience with accessing the assistance required pursuant to subdivision c of this section and shall report any identified issues to the speaker of the council by June 1, 2022, and annually thereafter.*

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

ERIC DINOWITZ, *Chairperson*; ALICKA AMPRY-SAMUEL, ALAN N. MAISEL, PAUL A. VALLONE; Committee on Veterans, December 7, 2021 (Remote Hearing). *Other Council Members Attending: Dromm and Louis.*

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. 2354-B

**Report of the Committee on Veterans in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the definition of the term veteran and the membership of the veterans’ advisory board.**

The Committee on Veterans, to which the annexed proposed amended local law was referred on June 30, 2021 (Minutes, page 1987), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Veterans for Int. No. 479-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2354-B:*



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

**PROPOSED INT. NO. 2354-B**  
**COMMITTEE:** Governmental Operations

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**TITLE:** A Local Law to amend the New York city charter, in relation to the definition of the term veteran and the membership of the veterans’ advisory board. **SPONSORS:** Council Members Dinowitz, and Vallone (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill would amend the definition of the term “veteran” to additionally include persons currently serving in the active military service, regardless of discharge status or time served. The bill would also amend the definition to include those who serve or have served in the United States Public Health Service or as a commissioned member of the National Oceanic and Atmospheric Administration. This bill would also increase the membership of the Veterans’ Advisory Board (VAB) to 13 members, two of whom must be immediate family members, spouses or domestic partners, survivors or caregivers of veterans. The Department of Veterans’ Services (DVS) would also be required to publish, and regularly update, a list of all VAB members on the department’s website including term information and appointing official.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

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

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

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

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

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 2354 on June 30, 2021 and was referred to the Committee on Veterans (Committee). A hearing was held by the Committee on September 27, 2021 and the legislation was laid over. The legislation was subsequently amended twice, and the most recent amended version, Proposed Int. No. 2354-B, will be considered by the Committee on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 2354-B will be submitted to the full council for a vote on December 9, 2021.

**DATE PREPARED:** December 1, 2021.

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

**(The following is the text of Int. No. 2354-B:)**

Int. No. 2354-B

By Council Members Dinowitz, Vallone, Yeger and Gennaro (by request of the Mayor).

**A Local Law to amend the New York city charter, in relation to the definition of the term veteran and the membership of the veterans' advisory board**

*Be it enacted by the Council as follows:*

Section 1. Section 3101 of the New York city charter, as added by local law number 113 for the year 2015, is amended to read as follows:

§ 3101. Definition. As used in this chapter, the following term has the following meaning:

Veteran. The term "veteran" [shall mean] *means* a person who *serves or* has served in the active military service [of the United States and who has been released from such service other than by dishonorable discharge, or who has been furloughed to the reserve], *including the navy, coast guard, air force, marines, army, space force, and their respective national guard or reserve components, regardless of discharge status or time served. "Veteran" also means a person who serves or has served in the United States public health service or as a commissioned member of the national oceanic and atmospheric administration.*

§ 2. Section 3103 of the New York city charter, as added by local law number 113 for the year 2015, is amended to read as follows:

§ 3103. Veterans' advisory board. *a.* There shall be a veterans' advisory board consisting of [eleven] 13 members, [all] 11 of whom shall be veterans[, six of whom] *and two of whom shall be immediate family members, spouses or domestic partners, survivors, or caregivers of veterans. Of these 13 members, seven shall be appointed by the mayor, including one immediate family member, spouse or domestic partner, survivor or caregiver of a veteran,* and [five of whom] *six* shall be appointed by the speaker of the council, *including one*

*immediate family member, spouse or domestic partner, survivor or caregiver of a veteran.* Of these [eleven appointees] *13 members*, there shall be *at least* one representative from each of the five boroughs of the city of New York. The mayor and the speaker shall each consider service in conflicts involving members of the United States armed forces when making such appointments.

*b.* All members shall serve for a term of three years and may be removed by the appointing official for cause. Members of the advisory board shall elect by majority vote one such member to serve as [chairperson] *chair* and one such member to serve as [vice-chairperson] *vice chair*, each to serve in that capacity for one-year terms. In the event of a vacancy on the advisory board during the term of office of a member by reason of removal, death, resignation, or otherwise, a successor shall be chosen in the same manner as the original appointment *within 120 days from the date such vacancy occurred*. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

*c.* The advisory board shall:

[(i) advise] *1. Advise* the commissioner on all matters concerning veterans;

[(ii) hold] *2. Hold* at least one meeting open to the public in each borough on an annual basis, with notice of each public meeting provided in accordance with the public notice requirements of article 7 of the public officers law except with respect to those requirements provided in section 31-105 of the administrative code, and with each public meeting recorded and broadcast in accordance with subdivision d of section 1063 of the charter;

[(iii) keep] *3. Keep* a record of its deliberations;

[(iv) determine] *4. Determine* its own rules of procedure; and

[(v) submit] *5. Submit* an annual report of its activities to the mayor and the council on or before December 31 of each year. Such annual report should include policy and legislative recommendations for the department of veterans' services and the council.

*d.* *The department shall maintain on its website and regularly update a list of all members appointed to serve on the veterans' advisory board, including information about each member's term, appointing official and any additional information deemed by the department to be relevant.*

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

ERIC DINOWITZ, *Chairperson*; ALICKA AMPRY-SAMUEL, ALAN N. MAISEL, PAUL A. VALLONE; Committee on Veterans, *December 7, 2021* (Remote Hearing). *Other Council Members Attending: Dromm and Louis.*

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 Women and Gender Equity**

Report for Int. No. 1085-B

**Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law in relation to civil legal services for domestic violence survivors who are a party to a divorce proceeding.**

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on August 8, 2018 (Minutes, page 3273), respectfully

**REPORTS:**

## I. INTRODUCTION

On December 8, 2021, the Committee on Women and Gender Equity, chaired by Council Member Darma V. Diaz, held a vote on Introduction (Int.) Number 1085-B, sponsored by Council Member Mark Treyger, in relation to civil legal services for domestic violence survivors who are a party to a divorce proceeding, and Int. 2372-B, sponsored by Council Member Carlina Rivera, which amends the administrative code of the city of New York, in relation to creating a two year look-back window to the gender-motivated violence act, and extending its statute of limitations. The Committee previously heard testimony<sup>1</sup> on Int. 1085 from the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) and the Human Resources Administration (HRA), as well as local legal aid offices, advocacy groups, experts in the fields of gender equality and gender-based violence, and other interested stakeholders. The Committee previously heard testimony<sup>2</sup> on Int. 2372 from ENDGBV as well as survivors of domestic violence, local legal service providers, advocates and experts in the field of domestic violence, gender-based violence and gender equity, and other interested stakeholders.

### *Update*

On December 8, 2021, the Committee on Women and Gender Equity passed Int. 1085-B and Int. 2372-B, by a vote of six in the affirmative, zero in the negative, and zero abstentions.

## II. BILL ANALYSIS

### *Analysis of Int. 1085-B*

The proposed bill would require the Office of the Civil Justice Coordinator (“Coordinator”) to establish a two-year-long pilot program to provide free brief legal assistance and full legal representation to domestic violence survivors in divorce proceedings. In establishing the program, the Coordinator would convene a working group by February 15, 2022—consisting of representatives from the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV), the Administration for Children's Services (ACS) and the Human Resources Administration (HRA)—which would consult with service providers and produce a report with recommendations for the pilot program by May 15, 2022. The Coordinator would then be required to identify designated organizations to provide legal representation and establish the pilot program by September 1, 2022. The working group would then produce two subsequent reports: (1) a progress report on the number and types of cases and fees, to be submitted by April 1, 2023, and (2) a final report with additional assessments of the pilot and recommendations for potentially expanding the pilot, to be completed by November 1, 2024. Finally, ENDGBV would also be required to work with the Coordinator to offer trauma-informed training and create outreach related to the availability of the program by September 1, 2022. If passed, this bill would take effect immediately.

### *Analysis of Int. 2372-B*

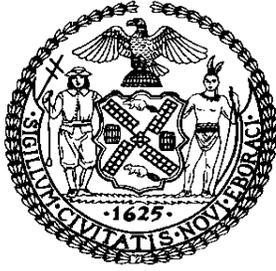
Proposed Int. 2372-B would give survivors of gender-motivated acts of violence more time to pursue civil actions by extending the statute of limitations from seven to nine years, and clarify that the law applies to such acts committed by parties who direct, enable, participate in, or conspire in a gender-motivated act of violence. If passed, the bill would take effect immediately.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1085-B:)**

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<sup>1</sup> Hearing held October 24, 2018.

<sup>2</sup> Hearing held November 29, 2021.



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

**PROPOSED INT. NO. 1085-B**

**COMMITTEE:** Women and Gender Equity

**TITLE:** In relation to civil legal services for domestic violence survivors who are a party to a divorce proceeding.

**Sponsors:** Council Members Treyger, Cumbo, Ampry-Samuel, Koslowitz, Holden, Adams, Ayala, Brannan, Gibson, Rose, Maisel, Rivera, Rosenthal, Kallos, and Chin.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1085-B would require the Office of the Civil Justice Coordinator (“Coordinator”) to establish a two-year pilot program to provide free brief legal assistance and full legal representation to domestic violence survivors in divorce proceedings. In establishing the program, the Coordinator would convene a working group by February 15, 2022, which would consult with service providers and produce a report with recommendations for the pilot program by May 15, 2022. The Coordinator would then be required to identify designated organizations to provide legal representation and establish the pilot program by September 1, 2022. The working group would then produce two subsequent reports: (1) a progress report on the number and types of cases and fees, to be submitted by April 1, 2023, and (2) a final report with additional assessments of the pilot and recommendations for potentially expanding the pilot, to be completed by November 1, 2024. Finally, ENDGBV would also be required to work with the Coordinator to offer trauma-informed training and create outreach related to the availability of the program by September 1, 2022.

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

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Fiscal Impact FY24</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues (+)</b>	\$0	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$525,180	\$700,240	\$175,060
<b>Net</b>	\$0	\$525,180	\$700,240	\$175,060

**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 estimated that the pilot program would offer free legal services, both counseling and representation to approximately five percent of matrimonial cases involving domestic violence each year. The total annual cost to engage a not-for profit legal services provider would be approximately \$700,240, and \$50,000 to conduct an outreach campaign.

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

**SOURCE OF INFORMATION:** Legal Aid Society  
 New York City Council Finance Division

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on August 8, 2018 as Intro. No. 1085 and was referred to the Committee on Women and Gender Equity (Committee). The Committee held a hearing on October 24, 2018 and the bill was laid over. The legislation was subsequently amended twice, and the most recently amended version, Proposed Int. No. 1085-B, will be considered by the Committee at a hearing on December 8, 2021. Upon successful vote by the Committee, Proposed Int. No. 1085-B will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 7, 2021.

**(For text of Int. Nos. 2372-B and its Fiscal Impact Statement, please see the Report of the Committee on Women and Gender Equity for Int. Nos. 2372-B printed in these Minutes; for text of Int. No. 1085-B, please see below)**

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

**(The following is the text of Int. No. 1085-B:)**

Int. No. 1085-B

By Council Members Treyger, Cumbo, Richards, Ampy-Samuel, Koslowitz, Holden, Adams, Ayala, Brannan, Gibson, Rose, Maisel, Rivera, Rosenthal, Kallos, Chin, Yeger, D. Diaz, Gennaro, Cabán and Brooks-Powers.

**A Local Law in relation to civil legal services for domestic violence survivors who are a party to a divorce proceeding**

*Be it enacted by the Council as follows:*

Section 1. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Brief legal assistance. The term “brief legal assistance” means individualized legal assistance provided in one or more single consultations by a designated organization to a domestic violence survivor, in connection with a divorce proceeding.

Coordinator. The term “coordinator” means the coordinator of the office of civil justice.

Designated organization. The term “designated organization” means a not-for-profit organization or association that provides legal services and is designated by the coordinator pursuant to this local law.

Divorce proceeding. The term “divorce proceeding” means any action for divorce or special action as described in sections 170 and 170-a of the domestic relations law.

Domestic violence survivor. The term “domestic violence survivor” means any individual who is covered by the term “victim of domestic violence” as such term is defined in section 8-102 of the administrative code or as such term is defined in section 459-a of the social services law.

Full legal representation. The term “full legal representation” means ongoing legal representation provided by a designated organization to a domestic violence survivor. This includes all legal advice, advocacy and assistance associated with such representation. Such full legal representation shall also include the filing of a notice of appearance in a divorce proceeding and payment of any associated filing fees incurred in the course of such representation, including fees associated with index numbers and notices of issue.

Legal services. The term “legal services” means brief legal assistance and full legal representation.

b. Working group. 1. On or before February 15, 2022, the coordinator shall establish a working group to make recommendations for and report on the pilot program required pursuant to subdivision c of this local law.

2. Members of such working group shall include the coordinator and representatives from the following offices and agencies: the office to end domestic and gender-based violence, the administration for children's services and the human resources administration. Such working group shall consult with organizations that work with or advocate for domestic violence survivors.

3. No later than May 15, 2022, the working group shall submit to the mayor and speaker of the council a report that shall include, but not be limited to, recommendations for:

(a) The scope of the pilot program required by subdivision c of this local law;

(b) Criteria for eligibility for such pilot program;

(c) A plan for implementation of such pilot program, including with regard to the payment of any costs or fees; and

(d) How such program can be culturally responsive to clients.

c. Civil legal services pilot program. 1. No later than September 1, 2022, subject to appropriation, the coordinator shall establish a two-year pilot program for providing free legal services for domestic violence survivors in divorce proceedings. The coordinator may take into consideration the recommendations submitted pursuant to subdivision b of this local law. The coordinator shall establish eligibility criteria for participation in such pilot program, based upon the nature of the legal services needs of such domestic violence survivors, the availability of other free legal services for such domestic violence survivors and any similar factors the coordinator deems appropriate. The coordinator shall additionally establish the scope of free legal services to be provided and a timeline for implementation of such pilot program.

2. At the commencement of such pilot program, the coordinator shall estimate the number of domestic violence survivors for whom free legal services can be provided within the funding available for such pilot program. To the extent the demand for such free legal representation exceeds the funding available for such pilot program, the coordinator shall apportion such funds in a manner that maximizes the efficient provision of legal services.

3. The coordinator shall designate one or more not-for-profit organizations or associations that have experience with domestic violence cases, are culturally responsive and have the capacity to provide the services covered by the pilot program required pursuant to this subdivision.

4. Subject to appropriation, any full legal representation of a domestic violence survivor, commenced pursuant to the pilot program required by this subdivision, shall continue until the final disposition of the divorce proceeding, excluding subsequent appeals and associated legal actions arising from the covered divorce proceeding.

d. No later than September 1, 2022, the office to end domestic and gender-based violence shall work with the coordinator to:

1. Offer trauma-informed training on topics related to domestic and gender-based violence to the designated organizations, including training on economic abuse and trauma-informed engagement practices. Such training may also include information regarding the financial implications for domestic violence survivors who are party to contested divorce proceedings.

2. Create written materials about the pilot program established pursuant to subdivision c of this local law and about interpretation services that are available in divorce proceedings. Such materials shall be posted online and made available at family justice centers and other locations, as practicable, in the designated citywide languages.

e. Any legal services performed by a designated organization pursuant to this local law shall not supplant, replace or satisfy any obligations or responsibilities of such designated organization pursuant to any other program, agreement or contract.

f. No later than April 1, 2023, the coordinator shall submit to the mayor and speaker of the council a progress report on the pilot program that shall include, but not be limited to, the following information, disaggregated by borough:

1. The number of domestic violence survivors who have received brief legal assistance through the pilot program;

2. The number of domestic violence survivors who have received full legal representation through the pilot program;

3. Whether such cases were contested or uncontested; and

4. The amount of fees paid in total and in the course of each full legal representation.

g. No later than November 1, 2024, the coordinator and working group shall submit to the mayor and speaker of the council a report assessing the pilot program established pursuant to subdivision c of this local law and recommendations for the potential expansion of the pilot program. To the extent such information is available, such report shall include, but not be limited to, information and recommendations regarding:

1. The number of uncontested divorce proceedings and contested divorce proceedings in the city of New York involving domestic violence survivors, and the apparent availability of free legal services for parties to such proceedings, including both the services provided pursuant to the pilot program established by subdivision c of this local law and other available services in the city;

2. The number of custody proceedings, visitation proceedings and child support enforcement proceedings in the city of New York involving domestic violence survivors, and the apparent availability of free legal services for parties to such proceedings, including both the services provided pursuant to the pilot program established by this local law and other available services in the city;

3. Other free legal services for domestic relations and family law matters available to domestic violence survivors in the city of New York, including, but not limited to, services that are funded by the city of New York;

4. Obstacles faced by domestic violence survivors who wish to pursue divorce, custody, visitation or child support enforcement proceedings or who are unrepresented in domestic relations and family law matters initiated by another party, including, but not limited to, information related to expert fees, the filing fees associated with such proceedings, the reasons for a contested divorce and any barriers related to providing free legal services;

5. Recommendations for evaluating, expanding upon or creating additional pilots or programs related to domestic violence survivors, including, but not limited to, recommendations about:

(a) The anticipated effects of such pilots or programs;

(b) Which individuals and proceedings would be covered by such pilots or programs; and

(c) How such pilots or programs would interact with other free legal services that are available to domestic violence survivors in the city of New York, including, but not limited to, such services that are funded by the city of New York; and

6. The working group shall dissolve upon submission of the report required by this subdivision

h. Nothing in this local law or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official or employee thereof.

§ 2. This local law takes effect immediately.

DARMA V. DIAZ, *Chairperson*; LAURIE A. CUMBO, BEN KALLOS; HELEN ROSENTHAL, FARAH N. LOUIS, JAMES F. GENNARO; Committee on Women and Gender Equity, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Treyger.*

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. 2372-B

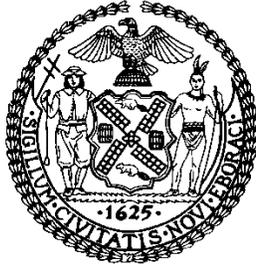
**Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating a two year look-back window to the gender-motivated violence act, and extending its statute of limitations.**

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on July 29, 2021 (Minutes, page 2098), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Women and Gender Equity for Int. No. 1085-B printed in these Minutes)

(The following is the text of the Fiscal Impact Statement for Int. No. 2372-B:)



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

**PROPOSED INT. NO. 2372 – B**

**COMMITTEE:** Women and Gender Equity

**TITLE:** To amend the administrative code of the city of New York, in relation to creating a two year look-back window to the gender-motivated violence act, and extending its statute of limitations.

**Sponsors:** Council Members Rivera, Brooks-Powers, Yeger, Brannan, Dinowitz, Van Bramer, Koo, Kallos, Cumbo, Menchaca, Rosenthal, Ampry-Samuel, Adams, Ayala, Louis, Grodenchik, Gibson, Levine, D. Diaz, Cornegy, Rose, Lander, Chin, Koslowitz, Feliz, Powers, Salamanca and Reynoso.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 2372-B would give survivors of gender-motivated acts of violence more time to pursue civil actions by extending the statute of limitations and clarify that the law applies to such acts committed by parties who direct, enable, participate in, or conspire in a gender-motivated act of violence.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</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 anticipated that there would be no impact on revenues resulting from the enactment of this legislation.

**IMPACT ON EXPENDITURES:** It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as agencies would fulfill the requirements of this legislation using existing resources.

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

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

**ESTIMATE PREPARED BY:** Eisha Wright, Unit Head

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on July 29, 2021 as Intro. 2372 and referred to the Committee Women and Gender Equity (Committee). A joint hearing was held by the Committee and the Committee on General Welfare on November 29, 2021, and an amendment was proposed by the Committees and the legislation was laid over. The legislation was amended a second time and the recently amended version, Proposed Int. No. 2372-B, will be voted on by the Committee at a hearing on December 8, 2021. Upon a successful vote by the Committee, Proposed Int. No. 2372-B will be submitted to the full Council for a vote on December 9, 2021.

**DATE PREPARED:** December 6, 2021.

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

**(The following is the text of Int. No. 2372-B:)**

Int. No. 2372-B

By Council Members Rivera, Brooks-Powers, Yeager, Brannan, Dinowitz, Van Bramer, Koo, Kallos, Cumbo, Menchaca, Rosenthal, Ampry-Samuel, Adams, Ayala, Louis, Grodenchik, Gibson, Levine, D. Diaz, Cornegy, Rose, Lander, Chin, Koslowitz, Feliz, Powers, Salamanca, Reynoso, Cabán and Maisel.

**A Local Law to amend the administrative code of the city of New York, in relation to creating a two year look-back window to the gender-motivated violence act, and extending its statute of limitations**

*Be it enacted by the Council as follows:*

Section 1. Section 10-1104 of the administrative code of the city of New York, as renumbered and amended by local law 63 for the year 2018, is amended to read as follows:

§ 10-1104 Civil cause of action. Except as otherwise provided by law, any person claiming to be injured by [an individual] *a party* who commits, *directs, enables, participates in, or conspires in the commission of* a crime of violence motivated by gender has a cause of action against such [individual] *party* in any court of competent jurisdiction for any or all of the following relief:

- a. Compensatory and punitive damages;
- b. Injunctive and declaratory relief;
- c. Attorney's fees and costs; and
- d. Such other relief as a court may deem appropriate.

§ 2. Subdivision a of section 10-1105 of the administrative code of the city of New York, as renumbered and amended by local law number 63 for the year 2018, is amended to read as follows:

a. A civil action under this chapter shall be commenced within seven years after the alleged crime of violence motivated by gender occurred. If, however, due to injury or disability resulting from an act or acts giving rise to a cause of action under this chapter, or due to infancy as defined in the civil procedure law and rules, a person entitled to commence an action under this chapter is unable to do so at the time such cause of action accrues, then the time within which the action must be commenced shall be extended to [seven] *nine* years after the inability to commence the action ceases. *Notwithstanding any provision of law that imposes a period of limitation to the contrary, any civil claim or cause of action brought under this chapter that is barred because the applicable period of limitation has expired is hereby revived and may be commenced not earlier than six months after, and not later than two years and six months after, September 1, 2022.*

§ 2. This local law takes effect immediately.

DARMA V. DIAZ, *Chairperson*; LAURIE A. CUMBO, BEN KALLOS; HELEN ROSENTHAL, FARAH N. LOUIS, JAMES F. GENNARO; Committee on Women and Gender Equity, December 8, 2021 (Remote Hearing). *Other Council Members Attending: Council Member Treyger.*

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**

Report for L.U. No. 911 & Res. No. 1864

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210406 ZRY (Citywide Hotels Text Amendment) submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article III, Chapter 2 (Use Regulations), Article IV, Chapter 2 (Use Regulations) and related Sections, to create a special permit for new hotels, motels, tourist cabins, and boatels in Commercial Districts and in M1 Districts paired with Residence Districts, Citywide.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3114) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 23, 2021 (Minutes, page 3225), respectfully

### **REPORTS:**

#### **SUBJECT**

#### **CITYWIDE**

**N 210406 ZRY**

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to modify Article III, Chapter 2 (Use Regulations), Article IV, Chapter 2 (Use Regulations) and related Sections, to create a special permit for new hotels, motels, tourist cabins, and boatels in Commercial Districts and in M1 Districts paired with Residence Districts.

#### **INTENT**

To approve the zoning text amendment to create a City Planning Commission (CPC) special permit for new hotels and for enlargements where hotels are permitted as-of-right today in C1 commercial districts (except for C1-1, C1-2, C1-3 or C1-4 districts), as well as C2-4, C4, C5, C6, C8, Mixed Use (MX), and other paired M1/R districts.

#### **PUBLIC HEARING**

**DATE:** October 25, 2021



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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on October 25, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration, issued December 21<sup>st</sup>, 2020 (CEQR No. 21DCP111Y) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on October 8, 2021, which the proposed action as analyzed in the FEIS identified significant adverse impacts with respect to socioeconomic conditions (the “Positive Declaration”). The Council has also considered the Technical Memorandum dated \_\_\_\_\_, 2021.

**RESOLVED:**

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

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

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210406 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

Matter within # # is defined in Section 12-10 or other, as applicable;

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

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

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

\* \* \*

**ARTICLE III  
COMMERCIAL DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

**32-00  
GENERAL PROVISIONS**

\* \* \*

**32-02  
Special Provisions for Hotels**

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of this Section. For the purposes of this Section, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

In all Districts, #transient hotels# shall be permitted only as set forth in this Section.

(a) Applicability

A special permit for #transient hotels#, by the City Planning Commission, pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall be applicable to:

- (1) the #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of [date of adoption], did not contain such #use#; or
- (3) an #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption], that increases the #floor area# of such #use# by 20 percent or more.

(b) Exclusions

Notwithstanding the above, the provisions of this Section shall not apply to the following:

- (1) a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose;
  - (2) where an application for a project containing a #transient hotel#, including an application for an extension of time to complete construction, has been filed at the Board of Standards and Appeals before [date of adoption] and such application has been approved after January 1, 2018, provided that:
    - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in an application or in environmental review documents; and
    - (ii) in the event that a temporary or final certificate of occupancy has not been issued by [six years after date of adoption], the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction); or
  - (3) where an application for a project containing a #transient hotel# has been certified by the City Planning Commission before [date of adoption] and has been approved by the Commission after January 1, 2018, provided that:
    - (i) such #transient hotel# was considered in such application, as evidenced by its description or assessment at a specified location in a land use application or in environmental review documents; and
    - (ii) in the event that a temporary or final certificate of occupancy has not been issued by [six years after date of adoption], the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332. For such applications where a special permit for a #transient hotel# has been certified by the Commission pursuant to a #Special Purpose District#, such application may continue pursuant to the regulations and term of years proposed or in effect at the time such special permit was certified by the Commission.
- (c) Existing hotels
- (1) Any #transient hotel# existing on [date of adoption] shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section

and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use# other than a #transient hotel#, or may be utilized for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-802 or other applicable section of this Resolution.

- (2) The provisions of paragraph (c)(1) of this Section shall be modified up to [six years after date of adoption] to allow a #transient hotel# existing on [date of adoption] to be restored to such #use# regardless of more than two years of discontinuance of the #use#, and regardless of any change of #use# between [date of adoption] and [six years after date of adoption].
- (3) In the event a casualty damages or destroys a #transient hotel# that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).
- (d) Vesting regulations  
The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, the following provisions shall apply.
  - (1) If, on or before [date of referral], an application for a #development#, #enlargement# or #conversion# to a #transient hotel# has been filed with the Department of Buildings, and if, on or before [one year after the date of adoption], the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued.
  - (2) However, in the case of an application for a #development#, #enlargement# or #conversion# to a #transient hotel# that has been filed with the Department of Buildings prior to January 1, 2018 and has not received a permit contingent on zoning approval on or before [one year after date of adoption], the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, the provisions of this paragraph shall apply. For such applications, if, on or before [one year after date of adoption] a permit contingent on zoning approval was lawfully issued by the Department of Buildings, such construction may be started or continued.
  - (3) In the case of an application filed after [date of adoption] for a #development# containing a #transient hotel# on a #zoning lot# located in the Theater Subdistrict of the #Special Midtown District# that as of [date of adoption] has a #lot area# of 20,000 square feet or more; and for which at least 10,000 square feet of such #lot area# is clear of #buildings# or is occupied by #buildings# which are substantially vacant, or any combination thereof, the provisions of paragraph (d)(1) of this Section shall not apply. In lieu thereof, if on or before [two years following the date of adoption], the Department of Buildings has approved an application for a foundation or a new #building#, based on a complete zoning analysis showing zoning compliance for such #transient hotel#, such application may be continued, and construction may be started or continued. For purposes of this provision, the term “substantially vacant” shall mean that at least ninety percent of the #floor area# of a #building# is unoccupied.

All such applications may be revised and retain vested status, provided that the #floor area# for the #transient hotel# is not increased by more than 20 percent of the final approved application, or for a proposed #enlargement#, by more than 20 percent of the proposed new #floor area# of the final approved application.

In the event that a temporary or final certificate of occupancy has not been issued by [six years after date of adoption], the building permit shall automatically lapse and the right to continue construction shall terminate, provided that in the case of a #development# containing a #transient hotel# on a #zoning lot# that has a #lot area# of 20,000 square feet or more and is located in the Theater Subdistrict of the #Special Midtown District#, having vested status under the provisions of paragraph (d)(1) or (d)(3) of this Section, such period for issuance of a temporary or final certificate of occupancy shall be until [10 years after date of adoption]. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

\* \* \*

**32-10  
USES PERMITTED AS-OF-RIGHT**

\* \* \*

**32-14  
Use Group 5**

C1\* C2\*\* C4 C5 C6 C8

Use Group 5 consists of hotels used primarily for transient occupancy.

A. Transient Accommodations

#Hotels, transient#\*\*\* [PRC-H]

B. #Accessory Uses#

\* In a C1-1, C1-2, C1-3 or C1-4 District, a #transient hotel# shall not be permitted

\*\* In a C2-1, C2-2, C2-3 or C2-4 District, each #transient hotel# shall be located on a #zoning lot# in whole or in part within a 1,000-foot radius of the entrance or exit of a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#

\*\*\* Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

\* \* \*

**32-16  
Use Group 7**

C2 C6\* C8

Use Group 7 consists primarily of home maintenance or repair services which:

- (1) fulfill recurrent needs of residents in nearby areas;
- (2) have a relatively small service area and are, therefore, widely distributed throughout the City; and
- (3) are incompatible in primary retail districts since they break the continuity of retail frontage.

A. Transient Accommodations

#Motels#, #tourist cabins# or #boatels#\*\* [PRC-H]

In C2 Districts, each #motel# or #tourist cabin# shall be located on a #zoning lot# in whole or in part within a 1,000 foot radius of the entrance or exit of a limited-access expressway, freeway, parkway or highway, all of which prohibit direct vehicular access to abutting land and provide complete separation of conflicting traffic flows, measured from the centerline of the entrance or exit ramp at its intersection with the nearest adjacent #street#

\* \* \*

E. #Accessory Uses#

\* In a C6-1A District, #uses# in Use Group 7 are not permitted

\*\* Subject to the provisions of Section 32-02 (Special Provisions for Hotels)

\* \* \*

**32-30  
USES PERMITTED BY SPECIAL PERMIT**

**32-31  
By the Board of Standards and Appeals**

In the districts indicated, the following #uses# are permitted by special permit of the Board of Standards and Appeals, in accordance with standards set forth in Article VII, Chapter 3.

C4-1  
Amusement arcades [PRC-E]

C2 C4 C6 C7  
#Automotive service stations#, open or enclosed, with sites of not less than 7,500 square feet per establishment, and provided that facilities for lubrication, minor repairs, or washing are permitted only if located within a #completely enclosed building#

€3  
#Boatels# [PRC-H]

C1 C2 C3  
Camps, overnight or outdoor day [PRC-H]

\* \* \*

**ARTICLE IV  
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 2  
Use Regulations**

\* \* \*

**42-10  
USES PERMITTED AS-OF-RIGHT**

**42-11  
Use Groups 4A, 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B  
M1**

Use Groups 4B, 4C, 5, 6C, 6E, 7A, 9A and 12B as set forth in Sections 32-13, 32-14, 32-15, 32-16, 32-18, 32-21.

Use Group 4A shall be limited to all health facilities requiring approval under Article 28 of the Public Health Law of the State of New York that, prior to July 10, 1974, have received approval of Part I of the required application from the Commissioner of Health, ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), and houses of worship. Such #uses# are not subject to the special permit provisions of Sections 42-32 and 74-921.

#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be subject to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts) or, where applicable, Section 32-02 (Special Provisions for Hotels). For the purposes of this Section, inclusive, #transient hotels# shall include #motels#, #tourist cabins# and #boatels#.

**42-111****Special provisions for hotels in M1 Districts**

In M1 Districts, #transient hotels# shall be permitted only as set forth in this Section. The City Planning Commission may permit #transient hotels# in an M1 District pursuant to a special permit set forth in another Section of this Resolution, or pursuant to Section 74-803 (Transient hotels within M1 Districts), as applicable.

**(a) Applicability**

Such special permit for #transient hotels# pursuant to Section 74-803 shall be applicable to:

- (1) #development# of a #transient hotel#;
- (2) a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of December 20, 2018, did not contain such #use#; or
- (3) #enlargement# or #extension# of a #transient hotel# that existed prior to December 20, 2018, that increases the #floor area# of such #use# by 20 percent or more.

**(b) Exclusions**

The provisions of this Section shall not apply to the following:

- (1) ~~A special permit shall not be required for a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.~~
- (1) ~~In addition, a special permit pursuant to the provisions of Section 74-803 shall not be required for #developments#, #enlargements#, #extensions# or changes of #use# of #transient hotels# in:~~
  - (i) ~~a #transient hotel# located within John F. Kennedy International Airport and LaGuardia Airport, which shall include property under the jurisdiction of the Port Authority of New York and New Jersey for airport use;~~
  - (ii) ~~a #transient hotel# in an M1-6D District, a #Special Mixed Use District# or any other #Special Purpose District# where any M1 District is paired with a #Residence District#, all of which shall instead be subject to the provisions of Section 32-02 (Special Provisions for Hotels); or~~
  - (iii) ~~an M1 District where another special permit in this Resolution permitting such #use# is applicable, subject to approval by the City Planning Commission, including, but not limited to, a special permit for a #transient hotel# applicable within a Special Purpose District or in a Historic District designated by the Landmarks Preservation Commission.~~
- (4) ~~(2) A special permit pursuant to the provisions of Section 74-803 shall also not be required in an M1-2 District for a change of #use# to a #transient hotel# that occupies no more than 30 percent of the #floor area# on the #zoning lot# and where such #zoning lot# contains a minimum #lot area# of 100,000 square feet, comprises an entire #block#, and contains #buildings# with a minimum total of 500,000 square feet of #floor area# on December 20, 2018.~~

**(c) Within M1-5A and M1-5B Districts**

Within an M1-5A or M1-5B District, a special permit pursuant to Section 74-803 shall be required in conjunction with a special permit pursuant to Section 74-781 (Modifications by special permit of the City Planning Commission of uses in M1-5A and M1-5B Districts) except that a permit pursuant to Section 74-781 shall not be required for a #transient hotel# located above the ground floor level, where the #floor area# used for such #use# on the ground floor does not exceed an amount minimally necessary to access and service such #transient hotel#.

**(d) Existing hotels**

- (1) Any #transient hotel# existing prior to December 20, 2018, within an M1 District shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section and subject to the applicable #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building# or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be utilized #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of Section 74-803 or other applicable section of this Resolution.
- (2) The provisions of paragraph (d)(1) of this Section shall be modified up to [six years after date of adoption] to allow a #transient hotel# existing on [date of adoption] to be restored to such #use# regardless of more

than two years of discontinuance of the #use#, and regardless of any change of #use# between [date of adoption] and [six years after date of adoption].

(3) ~~In addition,~~ in the event a casualty damages or destroys a #transient hotel# within an M1 District that was in such #use# as of December 20, 2018, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54-40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).

(e) Vesting

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. As an alternative, if on or before April 23, 2018, a building permit for a #development#, #enlargement# or #conversion# to a #transient hotel#, or a partial permit for a #development# of a #transient hotel# was lawfully issued by the Department of Buildings, such construction may be started or continued. In the event that construction has not been completed and a certificate of occupancy including a temporary certificate of occupancy, has not been issued by December 20, 2021, the building permit shall automatically lapse and the right to continue construction shall terminate. An application to renew the building permit may be made to the Board of Standards and Appeals not more than 30 days after the lapse of such building permit pursuant to the applicable provisions of Section 11-332 (Extension of period to complete construction).

Any special permit approved by the City Council for a #transient hotel# prior to December 20, 2018, shall be permitted and this Section shall not apply to such #transient hotel#, subject to the provisions of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution).

\* \* \*

**42-30  
USES PERMITTED BY SPECIAL PERMIT**

\* \* \*

**42-32  
By the City Planning Commission**

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4.

\* \* \*

M1 M2 M3  
Trade expositions, with rated capacity of more than 2,500 persons [PRC-D]

~~M1  
#Transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), pursuant to the special provisions of Section 42-111 (Special provisions for hotels in M1 Districts)~~

M1 M2 M3  
#Uses# listed in a permitted Use Group for which #railroad or transit air space# is #developed#

\* \* \*

**42-40  
SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG  
DISTRICT BOUNDARIES**

\* \* \*

**42-48  
Supplemental Use Regulations in M1-6 Districts**

\* \* \*

**42-483  
Commercial uses**

The ~~commercial use~~ regulations applicable in M1 Districts shall apply in M1-6D Districts, except that:

~~(a) Transient hotels shall be allowed, except that developments or enlargements of transient hotels with greater than 100 sleeping units on zoning lots where residential use is permitted as of right, in accordance with paragraph (a) of Section 42-481 (Residential use), shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the area in which such transient hotel is located, as set forth in this paragraph, (a), or where such residential development goal has not been met, by special permit pursuant to Section 74-802 (In M1-6D Districts).~~

~~The residential development goal shall be met when at least 865 dwelling units, permitted pursuant to the provisions of Section 42-481, on zoning lots located within an area bounded by West 28th Street, West 30th Street, a line 100 feet west of Seventh Avenue, and a line 100 feet east of Eighth Avenue, have received temporary or final certificates of occupancy subsequent to September 21, 2011.~~

~~(b)(a) Food stores, including supermarkets, grocery stores and delicatessen stores, shall not be limited as to size of establishment.~~

~~(e)(b) On narrow streets, ground floor commercial uses shall be subject to special streetscape provisions, as set forth in Section 42-485.~~

~~(d)(c) All uses listed in Use Group 10 shall be permitted without limitation, except as provided for in paragraph (e)(b) of this Section.~~

\* \* \*

**ARTICLE VII  
ADMINISTRATION**

**Chapter 3  
Special Permits by the Board of Standards and Appeals**

\* \* \*

**73-25  
Boatels**

In C3 Districts, the Board of Standards and Appeals may permit boatels provided that the following findings are made:

(a) that such use is so located as not to impair the essential character or the future use or development of the nearby residential neighborhood; and

(b) that any restaurant permitted in connection with such use satisfies the conditions for issuance of special permits to eating or drinking places, as set forth in Section 73-24.

The Board may modify the regulations relating to signs in C3 Districts to permit a maximum total surface area of 50 square feet of non illuminated or illuminated non flashing signs on each of not more than three street or water frontages.

~~The Board may prescribe appropriate conditions or safeguards to minimize adverse effects on the character of the surrounding area, including requirements with respect to the location of #illuminated signs#, the shielding of floodlights or adequate screening.~~

~~73-26~~

~~73-25~~

~~Children's Amusement Parks~~

\* \* \*

~~73-27~~

~~73-26~~

~~Funeral Establishments~~

\* \* \*

~~73-28~~

~~73-27~~

~~Newspaper Publishing~~

\* \* \*

~~73-29~~

~~73-28~~

~~Utilization of Explosives in Manufacturing Processes~~

\* \* \*

**Chapter 4**

**Special Permits by the City Planning Commission**

\* \* \*

**74-80**

**TRANSIENT HOTELS**

\* \* \*

**74-802**

**In M1-6D Districts**

~~In M1-6D Districts, in areas that have not met the residential development goal set forth in paragraph (a) of Section 42-483 (Commercial uses), the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as of right, in accordance with Section 42-481 (Residential use), provided the Commission finds that:~~

- ~~(a) a sufficient development site is available in the area to meet the residential development goal; or~~
- ~~(b) a harmonious mix of #residential# and non #residential uses# has been established in the area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with such character of the surrounding area.~~

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

**Transient hotels within Commercial Districts**

In C1 Districts, except C1-1, C1-2, C1-3 and C1-4 Districts, in C2 Districts, except C2-1, C2-2, C2-3 and C2-4 Districts where #transient hotels# are not permitted pursuant to Section 32-14 (Use Group 5), in C4, C5, C6 and C8 Districts, in M1 Districts paired with a #Residence District#, and in M1-6D Districts, #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (c) such #use# will not impair the future use or development of the surrounding area.

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

**74-803**

**Transient hotels within M1 Districts**

In M1 Districts, pursuant to Section 42-111 (Special provisions for hotels in M1 Districts), #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission. In order to grant such special permit, the Commission shall find that:

- (a) the site plan incorporates elements that address any potential conflicts between the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building# and to service areas for refuse and laundry, and the #building's# orientation and landscaping;
- (b) the site plan demonstrates that the proposed #street wall# location and the design and landscaping of any area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations will result in a site design that does not impair the character of the existing streetscape;
- (c) such #use# will not cause undue vehicular or pedestrian congestion on local #streets# or unduly inhibit vehicular or pedestrian movement or loading operations; and
- (d) such #use# will not impair the essential character including, but not limited to, existing industrial businesses, or future use or development of the surrounding area.

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

\* \* \*

**ARTICLE VIII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Midtown District**

\* \* \*

**81-60  
SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT**

\* \* \*

**81-62**

## Special Use Provisions

### **81-621**

#### **Special provisions for transient hotels**

~~Within the East Midtown Subdistrict, as shown on Map 1 (Special Midtown District and Subdistricts) in Appendix A of this Chapter, the #development# of a #building# containing a #transient hotel#, as listed in Use Group 5, or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed by special permit of the City Planning Commission pursuant to the provisions of this Section. In addition, in Subareas other than the Vanderbilt Corridor, as shown on Map 2 (Special East Midtown District and Subareas), the #enlargement# of a #building# containing a #transient hotel# shall only be allowed by special permit of the City Planning Commission pursuant to the provisions of this Section.~~

~~However, in the event a casualty damages or destroys a #building# within the East Midtown Subdistrict that was used as a #transient hotel# as of May 27, 2015, in the Vanderbilt Corridor Subarea or on August 9, 2017, in other Subareas, such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building#, less the #floor area# of any other #buildings# on the #zoning lot# does not exceed the applicable basic maximum #floor area ratio# for the #zoning lot# set forth in Section 81-60, inclusive. #Transient hotels# existing on May 27, 2015 within the Vanderbilt Corridor Subarea or on August 9, 2017, in other Subareas, shall be considered conforming #uses#.~~

~~To permit such a #transient hotel#, the Commission shall find that such #transient hotel# will:~~

- ~~(a) be appropriate to the needs of businesses in the vicinity of the East Midtown area; and~~
- ~~(b) provide on-site amenities and services that will support the area's role as an office district. Such business-oriented amenities and services shall be proportionate to the scale of the #transient hotel# being proposed, and shall include, but shall not be limited to, conference and meeting facilities, and telecommunication services.~~

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

~~However, after August 9, 2017, #development# of a #building# containing a #transient hotel# shall be permitted under the regulations which were in effect prior to August 9, 2017, if a new building application for such #development# was filed at the Department of Buildings after June 9, 2016, and a partial permit for such application was issued by the Department of Buildings on or prior to July 20, 2017, and a temporary certificate of occupancy for the entire #building# has been granted prior to January 31, 2020. In the event that such temporary certificate of occupancy has not been granted prior to such date, and an application is filed prior to such date, pursuant to this Section, with the Board of Standards and Appeals, the Board may permit the new building permit to be renewed for a term of one year upon the following findings:~~

- ~~(1) that the applicant has been prevented from completing such construction by hardship or circumstances beyond the applicant's control;~~
- ~~(2) that the applicant has not recovered all or substantially all of the financial expenditures incurred in construction, nor is the applicant able to recover substantially all of the financial expenditures incurred through development that conforms and complies with any applicable amendment to this Resolution; and~~
- ~~(3) that there are no considerations of public safety, health and welfare that have become apparent since the issuance of the permit that indicate an overriding benefit to the public in enforcement of the special permit provisions of this Section. In the event that the Board permits the renewal, the temporary certificate of occupancy shall be obtained by no later than January 31, 2021.~~

### **81-622**

### **81-621**

#### **Location of uses in mixed buildings**

**81-70  
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

**81-72  
Use Regulations Modified**

\* \* \*

**81-722  
Use Group T**

The following #uses# are subject to the limitations on location and #floor area# of the underlying zoning district:

\* \* \*

#Use#  
Hotels, where permitted pursuant to Section 32-02 (Special Provisions for Hotels) - lobby space limited to 20 percent of total #zoning lot# frontage on #wide streets#

\* \* \*

**Chapter 3  
Special Limited Commercial District**

\* \* \*

**83-03  
Use Group "LC"**

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

\* \* \*

H. Transient Accommodations  
#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

\* \* \*

**Chapter 4  
Special Battery Park District**

\* \* \*

**84-10  
ZONE A GENERAL DISTRICT REGULATIONS**

\* \* \*

**84-12  
Use Regulations**

In the areas indicated as permitted #commercial# locations in Appendices 2.3 and 3.3, the #use# regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a #mixed building# containing #residential# and #commercial uses#, #residential uses# are permitted on the same #story# as a #commercial use#, provided no access exists between such #uses# at any

level containing #residences# and provided any #commercial uses# are not located over any #residences#. However, such #commercial use# may be located over #residences# by authorization of the City Planning Commission upon finding that sufficient separation of #residences# from #commercial uses# exists within the #building#.

Notwithstanding any other provisions of this Resolution, the permitted #uses# listed in Use Groups 6, 7, 8, 9 or 14 and the additional #uses# permitted hereunder shall be limited, per establishment, to 10,000 square feet of #floor area# of any #story# and shall not be located above the first #story# ceiling, except that:

- (a) in any #building# containing an #arcade# required in Section 84-134 (Mandatory arcades), any permitted #use# may be located above the first #story# ceiling and below the second #story# ceiling; and
- (b) supermarkets are permitted with no limitation on #floor area#.

Notwithstanding any other provisions of this Resolution, the #zoning lot# south of First Place and east of Battery Place may contain #residential uses#, #transient hotel uses# where permitted pursuant to Section 32-02 (Special Provisions for Hotels), or both #residential# and hotel #uses#.

In the case of hotel #uses# on this #zoning lot#:

- (1) a #physical culture or health establishment# may be permitted; and
- (2) an eating and drinking establishment, as permitted in Section 32-15 (Use Group 6), and a #physical culture and health establishment# or a non-#residential accessory use#, may be located above a #story# containing #residential uses#.

\* \* \*

**Chapter 8  
Special Hudson Square District**

\* \* \*

**88-10  
SUPPLEMENTAL USE REGULATIONS**

\* \* \*

**88-13  
Commercial Use**

The #commercial use# regulations applicable in M1 Districts shall apply in the #Special Hudson Square District#, except that:

- (a) food stores, including supermarkets, grocery stores or delicatessen stores, shall not be limited as to the size of the establishment;
- (b) #uses# listed in Use Group 6A, other than food stores, and Use Groups 6C, pursuant to Section 42-13, 6E, 10 and 12B, shall be limited to 10,000 square feet of #floor area# at the ground floor level, per establishment. Portions of such establishments located above or below ground floor level shall not be limited in size;
- (c) ground floor #commercial uses# shall be subject to special streetscape provisions set forth in Section 88-131;
- (d) #commercial uses# permitted in M1 Districts shall be subject to the modifications set forth in Section 123-22 (Modification of Use Groups 16, 17 and 18), inclusive;
- (e) #transient hotels# shall be subject to the provisions of Section 32-02 (Special Provisions for Hotels); and allowed, except that:
- (1) ~~#development# or #enlargement# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as of right, in accordance with paragraph (a) of Section 88-11, shall only be allowed upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal has been met for the #Special Hudson Square District# as set forth in this paragraph (e)(1), or, where such residential development goal has not been met, by special permit pursuant to Section 88-132 (Special permit for large transient hotels). The residential development goal shall be met when at least 2,255 #dwelling units#, permitted pursuant to the provisions of Section 88-11, within the #Special Hudson Square District#, have received temporary or final certificates of occupancy subsequent to March 20, 2013; and~~

- (2) ~~a change of #use# within a #qualifying building# to a #transient hotel# with greater than 100 sleeping units shall only be allowed by special permit, pursuant to Section 88-132; and~~
- (f) eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing, are permitted only by special permit of the Board of Standards and Appeals, pursuant to Section 73-244.

\* \* \*

**88-132**

**Special permit for large transient hotels**

~~(a) #Developments# or #enlargements# In the #Special Hudson Square District#, prior to the residential development goal set forth in paragraph (e) of Section 88-13 (Commercial Use) having been achieved, the City Planning Commission may permit #developments# or #enlargements# of #transient hotels# with greater than 100 sleeping units on #zoning lots# where #residential use# is permitted as of right, in accordance with paragraph (a) of Section 88-11, provided the Commission finds that:~~

- ~~(1) sufficient development sites are available in the area to meet the residential development goal; or~~
- ~~(2) a harmonious mix of #residential# and non #residential uses# has been established in the surrounding area, and such #transient hotel# resulting from a #development# or #enlargement# is consistent with the character of such surrounding area.~~

~~(b) Changes of #use# In the #Special Hudson Square District#, the City Planning Commission may permit the change of #use# of #floor area# within #qualifying buildings# to a Use Group 5 #transient hotel# with greater than 100 sleeping units provided that, at minimum, the amount of #floor area# changed to such #transient hotel# is:~~

- ~~(1) preserved for Use Group 6B office #use# within a #qualifying building# located within the #Special Hudson Square District#; or~~
- ~~(2) created for Use Group 6B office #use# within a #building developed# after March 20, 2013, or within the #enlarged# portion of a #building#, where such #enlargement# was constructed within one year of the date an application pursuant to this Section is filed with the Department of City Planning (DCP). Such #developed# or #enlarged buildings# may be located anywhere within the #Special Hudson Square District#, and shall have either temporary or final certificates of occupancy for Use Group 6B office #use#.~~

~~In order to permit such change of #use#, the Commission shall find that the proposed #transient hotel# is so located as not to impair the essential character, or the future use or development, of the surrounding area.~~

~~A restrictive declaration acceptable to the DCP shall be executed and recorded, binding the owners, successors and assigns to preserve an amount of Use Group 6B office #use# within a #qualifying building#, or created within a #development# or #enlargement#, as applicable. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for~~

~~any building permit related to a change in #use# from Use Group 6B office #use# to any other #use#.~~

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

\* \* \*

**ARTICLE IX  
SPECIAL PURPOSE DISTRICTS**

\* \* \*

**Chapter 4  
Special Sheepshead Bay District**

\* \* \*

**94-06  
Special Use Regulations**

\* \* \*

**94-061**

**Permitted residential, community facility and commercial uses**

A. #Residential# and #community facility uses#

#Uses# listed in Use Groups 1, 2, 3 and 4 shall be allowed anywhere within the Special District, except as set forth in Section 94-065 (Restriction on ground floor use).

B. #Commercial uses#

In Areas A, B, C, D and E, as indicated in Appendix A (Special Sheepshead Bay District Map) of this Chapter, only those #commercial uses# listed in Section 94-062 (Use Group SB), those #uses# listed in Section 62-211 (Water-Dependent (WD) uses) from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14, and those #uses# permitted pursuant to Section 94-063 (Uses permitted by special permit), shall be allowed. In addition, in Area B, a food store, as listed in Section 32-15 (Use Group 6), shall also be allowed on a #zoning lot# existing on May 27, 2015, for a period of 10 years from such date. Such food store shall be limited to one such establishment per #zoning lot# and shall be limited to 15,000 square feet of #floor area# utilized for the sale of food and non-food grocery products, and further such establishment shall be limited to an additional 6,500 square feet of #floor area# for #accessory# office and storage space. There shall be no limitation on the amount of #floor area# utilized for eating or drinking places as listed in Use Group SB, pursuant to Section 94-062.

In Area F, only #commercial uses# listed in Use Group 6 and those listed in Section 62-211 from Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area G, only #commercial uses# listed in Use Groups 6, 7, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), 8 and 9 and those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 shall be allowed within the underlying #Commercial Districts#.

In Area H, except for #uses# permitted pursuant to Section 94-063, #commercial uses# shall be limited to those listed in Section 62-211 from Use Groups 6, 7, 9 and 14 and the following #uses#:

\* \* \*

#Hotels, transient#, #motels# or #boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

Jewelry or art metal craft shops

#Motels# or #boatels#

\* \* \*

**Chapter 6  
Special Clinton District**

\* \* \*

**96-30  
OTHER AREAS**

\* \* \*

**96-34**

**Special Regulations in Northern Subarea C1**

Within Northern Subarea C1, Special Use Regulations Areas C1-1 and C1-2, as shown on the map in Appendix A of this Chapter, are subject to the special #use# regulations of this Section. In addition, the special Inclusionary Housing regulations set forth in this Section shall apply in Area C1-1.

(a) Inclusionary Housing Program

The boundaries of the #Inclusionary Housing designated area# within the #Special Clinton District# are shown on Map 2 in Manhattan Community District 4, in APPENDIX F of this Resolution. Such area shall be an #Inclusionary Housing designated area#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-154 (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

(b) Special #use# regulations

(+) In Special Use Regulations Areas C1-1 and C1-2, the following #uses# shall be permitted below the level of the lowest floor occupied by #dwelling units#:

(+)(1) automobile showrooms or sales with preparation of automobiles for delivery; and

(+)(2) automobile repairs.

(2) ~~#Transient hotels# shall not be permitted within the portion of Area C1-1 that is located between Eleventh Avenue and a line 250 feet west of Eleventh Avenue, and in the portion located between West 57th Street and a line 100 feet south of West 57th Street, except by special permit of the City Planning Commission, pursuant to the provisions of this paragraph (b)(2).~~

~~The Commission may permit #transient hotels#, resulting from a #development#, #enlargement#, #extension# or change of #use#, provided that the Commission shall find that such #transient hotel# is so located as not to impair the essential character of, or the future use or development of the surrounding area.~~

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

\* \* \*

**Chapter 7**

**Special 125th Street District**

\* \* \*

**97-14**

**Transient Hotels Within the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:

(a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met; or

~~(b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:~~

~~(1) sufficient sites are available in the area to meet the #residential development# goal; or~~

~~(2) a harmonious mix of #residential# and non #residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.~~

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

~~For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 3,865 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, have received temporary or final certificates of occupancy subsequent to November 30, 2017.~~

\* \* \*

**97-412  
Maximum floor area ratio in the Park Avenue Hub Subdistrict**

Within the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of this Chapter, the maximum #floor area ratio# for #zoning lots# is set forth in paragraph (a) of this Section, and is modified for certain #zoning lots# in accordance with paragraph (b) of this Section.

(a) Maximum #floor area ratio# The maximum #floor area ratio# shall be 12.0. Where a #development# or #enlargement# contains #residential floor area#, such #zoning lot# shall satisfy the provisions of either:

(1) a minimum non-#residential floor area ratio# of 2.0 shall be provided on such #zoning lot#. Such #floor area# shall not include any #floor area# containing a #transient hotel# pursuant to the provisions of Section 97-14 (Transient Hotels Within the Park Avenue Hub Subdistrict); or

\* \* \*

**Chapter 9  
Special Madison Avenue Preservation District**

\* \* \*

**99-03  
Special Use Regulations**

\* \* \*

**99-031  
Use Group MP**

Use Group MP comprises a group of #commercial# establishments selected to promote and strengthen the existing #commercial# character of the Special District. The #commercial uses# listed in Table A of this Section are permitted in any portion of the Special District located within a C1 District. The #commercial uses# listed in Tables A and B of this Section are permitted in any portion of the Special District located within a C5 District.

Table A

A. Transient Accommodations

~~#Hotels, transient#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)~~

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Tribeca Mixed Use District**

\* \* \*

**111-10  
SPECIAL USE REGULATIONS**

\* \* \*

**111-13  
Additional Use Regulations**

\* \* \*

~~(d) Areas A4, A5, A6 and A7~~

~~#Transient hotels# shall be allowed, except that #developments#, #enlargements#, #extensions# or changes of #use# that result in a #transient hotel# with greater than 100 sleeping units shall only be allowed pursuant to Section 111-31 (Special Permit for Large Transient Hotels). However, any #transient hotel# that received a special permit pursuant to Section 74-711, granted prior to October 13, 2010, may continue under the terms of such approval.~~

~~(e)(d) Environmental conditions for Area A2~~

\* \* \*

**111-31  
Special Permit for Large Transient Hotels**

~~In Areas A4 through A7, the City Planning Commission may permit #transient hotels# that are comprised of more than 100 sleeping units, provided the Commission shall find that such #transient hotel#, resulting from a #development#, #enlargement#, #extension# or change of #use#, is so located as not to impair the essential residential character of, or the future use or development of, the surrounding area. The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

**111-32  
Special Permit for Certain Large Commercial Establishments**

\* \* \*

**ARTICLE XII  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Garment Center District**

\* \* \*

**121-10  
SPECIAL USE REGULATIONS**

\* \* \*

**121-11  
Transient Hotels and Offices**

~~In the #Special Garment Center District#, #transient hotels#, as listed in Section 32-14 (Use Group 5), and #motels#, #tourist cabins# or #boatels#, as listed in Section 32-16 (Use Group 7A), shall be permitted only by special permit of the City Planning Commission pursuant to Section 121-70 (Special Permit for Transient Hotels).~~

~~However, a special permit shall not be required for a #transient hotel# operated exclusively for the public purpose of temporary housing assistance by the City or State of New York, or operated by a non-governmental entity pursuant to an active contract or other written agreement with an agency of the City or State specifying such public purpose.~~

~~Furthermore, for~~ For a #building# subject to the provisions of Section 121-60 (ANTI-HARASSMENT AND DEMOLITION REGULATIONS IN SUBDISTRICT A-2) and for which #HPD# issued a #certification of no harassment# that was in effect on June 11, 2018, a special permit pursuant to Section 74-802 (Transient hotels within Commercial Districts) shall not be required where such #building# is #enlarged# and a portion of which is subsequently converted to #residences# pursuant to Article I, Chapter 5 (Residential Conversions Within Existing Buildings), provided all new #transient hotel# rooms shall be located in the #enlarged# portion of such #building#, and except for #transient hotel# lobbies and #accessory uses# located below the floor level of the second #story#, the non-#enlarged# portion of such #building# shall contain only permanently affordable #residences# pursuant to a #regulatory agreement# enforceable by #HPD#.

~~Any #transient hotel# existing prior to December 20, 2018, within the #Special Garment Center District#, shall be considered a conforming #use#. Any #enlargement# or #extension# of such existing conforming #use# shall not require a special permit. In the event a casualty damages or destroys a #building# within the #Special Garment Center District# that was used as a #transient hotel# as of December 20, 2018, such #building# may be reconstructed and continue as a #transient hotel# without obtaining a special permit, provided the #floor area# of such reconstructed #building# does not exceed the #floor area# permitted pursuant to the provisions of Section 121-31 (Maximum Permitted Floor Area Within Subdistrict A-1) or Section 121-41 (Maximum Permitted Floor Area Within Subdistrict A-2), as applicable.~~

In Subdistrict A-2, any #development# or #enlargement# that includes offices, as listed in Section 32-15 (Use Group 6B) #developed# or #enlarged# after January 19, 2005, shall be permitted only pursuant to Section 93-13 (Special Office Use Regulations).

\* \* \*

**121-70  
SPECIAL PERMIT FOR TRANSIENT HOTELS**

~~In the #Special Garment Center District#, the City Planning Commission may permit a #transient hotel# as listed in Use Group 5, including #motels#, #tourist cabins# or #boatels# as listed in Use Group 7, that is not otherwise permitted pursuant to Section 121-10 (SPECIAL USE REGULATIONS), provided that:~~

- ~~(a) the location of such proposed #transient hotel# within the Special District will not impair the achievement of a diverse and harmonious mix of #commercial#, #manufacturing# and #community facility uses# within Subdistrict A-1 and of #residential#, #commercial#, #manufacturing# and #community facility uses# in Subdistrict A-2, consistent with the applicable district regulations;~~
- ~~(b) the site plan for such #transient hotel# demonstrates that the design is appropriate, does not impair the character of the area and incorporates elements that are necessary to address any potential conflicts between~~

~~the proposed #use# and adjacent #uses#, such as the location of the proposed access to the #building#, the orientation of the #building# and landscaping;~~  
~~(c) such #transient hotel use# will not cause undue vehicular or pedestrian congestion on local #streets; and~~  
~~(d) such #transient hotel use# is consistent with the planning objectives of the Special District.~~  
~~The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

\* \* \*

**ARTICLE XIII  
 SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
 Special Coney Island District**

\* \* \*

**131-10  
 SPECIAL USE REGULATIONS**

\* \* \*

**131-11  
 Use Group 5**

For the purposes of this Chapter, the definition of #transient hotel# shall be modified to allow only such hotels used exclusively for transient occupancy. Such #transient hotels# used exclusively for transient occupancy shall be permitted only in specified locations as set forth in this Chapter, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

\* \* \*

**131-13  
 Special Use Regulations in Subdistricts**

\* \* \*

**131-131  
 Coney East Subdistrict**

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The provisions of Section 32-02 (Special Provisions for Hotels) are modified to apply in a C7 District. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

\* \* \*

- (e) #Transient hotels#
- (1) Where permitted pursuant to Section 32-02, #Transient transient hotels# shall be permitted only on #blocks# with Surf Avenue frontage, except that no #transient hotels# shall be permitted on that portion of the #block# bounded by West 15th and West 16th Streets south of the prolongation of the centerline of Bowery.

- (2) #Transient hotel use# shall not be permitted within 50 feet of Bowery on the ground floor level of a #building#, except that where a #zoning lot# has frontage only on Bowery, a #transient hotel# lobby may occupy up to 30 feet of such frontage.
- (3) For #transient hotels# located on #zoning lots# with at least 20,000 square feet of #lot area#, an amount of #floor area# or #lot area# of Use Group A1 #uses# equal to at least 20 percent of the total #floor area# permitted on such #zoning lot# shall be provided either onsite or anywhere within the Coney East Subdistrict.
- (4) The #street wall# of the ground floor level of a #transient hotel# shall be occupied by active #accessory uses# including, but not limited to, lobbies, retail establishments, eating and drinking establishments and amusements.
- (5) #Accessory# retail establishments within a #transient hotel# shall be limited to 2,500 square feet of #floor area#.

\* \* \*

### **131-132 Coney North and Coney West Subdistricts**

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

- (a) Mandatory ground floor level #uses# along certain #streets#

Any #use# listed in Use Groups A, B and C, as set forth in Section 131-12, inclusive, not otherwise allowed by the underlying district regulations, shall be permitted within 70 feet of Riegelmann Boardwalk and within 100 feet of all other designated #streets#, as shown on Map 2.

- (1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and, where permitted pursuant to Section 32-02 (Special Provisions for Hotels), #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

- (2) #Streets# other than Riegelmann Boardwalk

At least 20 percent of the frontage of a #building# or of an open #use#, on a #street# specified on Map 2, shall be allocated exclusively to #uses# listed in Use Groups A, B or C. The remaining frontage of such #building# or open #use#, on a specified #street#, shall be allocated to #commercial uses# permitted by the underlying district regulations or, where permitted pursuant to Section 32-02, a #transient hotel#. In addition, a #residential# lobby may occupy up to 40 feet of frontage along a specified #street# frontage.

There shall be at least four separate ground floor or open #commercial# establishments fronting upon each #block# fronting on Surf Avenue.

All ground floor #commercial uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(b) Prohibited ground floor level #uses# along #streets# other than Riegelmann Boardwalk

No #use# listed in this paragraph, (b), shall be permitted within 50 feet of a #street# specified on Map 2. Lobbies or entryways to non-ground floor level #uses# are permitted, provided the length of #street# frontage occupied by such lobbies or entryways does not exceed, in total, 60 feet.

\* \* \*

From Use Group 5A:

All #uses#, except that #transient hotels# shall be permitted within 200 feet of Surf Avenue between Stillwell Avenue and West 16th Street, where permitted pursuant to Section 32-02

\* \* \*

**Chapter 4  
Special Governors Island District**

[NOTE: Modifications to this chapter are based on zoning changes proposed pursuant to the current Governors Island Text Amendment N 210126 ZRM]

\* \* \*

**134-10  
SPECIAL USE REGULATIONS**

**134-11  
Permitted Uses**

\* \* \*

**134-111  
Permitted uses in subdistricts**

In the Northern Subdistrict and the Southern Subdistrict, the following #uses# shall be permitted, except as otherwise specified in Section 134-112 (Permitted uses in the Open Space Subarea). In addition, in the Northern Subdistrict, the provisions of Section 134-14 (Certification for Large Commercial Establishments) shall apply to any #commercial use# exceeding 7,500 square feet of #floor area#.

From Use Groups 1 through 4, as set forth in Sections 22-11 through 22-14:

All #uses#.

From Use Group 5, as set forth in Section 32-14:

All #uses#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 6, as set forth in Section 32-15:

All #uses#, except automobile supply stores, drive-in banks, carpet, rug, linoleum or other floor covering stores, furniture stores, loan offices, medical or orthopedic appliance stores, paint stores, sewing machine stores or typewriter stores.

From Use Group 7, as set forth in Section 32-16:

All #uses# in Use Group 7A, where permitted pursuant to Section 32-02 (Special Provisions for Hotels).

From Use Group 7B: bicycle rental or repair shops, sailmaking establishments, and sign painting shops, limited to 2,500 square feet of #floor area# per establishment.

\* \* \*

**134-112  
Permitted uses in the Open Space Subarea**

In the Open Space Subarea of the Southern Subdistrict, the following #uses# shall be permitted.

\* \* \*

(b) On any pier in the Open Space Subarea, #uses# shall be limited to the following:

From Use Group 4, as set forth in Section 22-14:

Clubs, limited to non-profit private beach clubs and non-profit private boat clubs.

From Use Group 6, as set forth in Section 32-15:

Docks for water taxis, with a vessel capacity of up to 99 passengers.

From Use Group 7, as set forth in Section 32-16:

#Boatels#, where permitted pursuant to Section 32-02 (Special Provisions for Hotels)

\* \* \*

**Chapter 8  
Special East Harlem Corridors District**

\* \* \*

**138-10  
SPECIAL USE REGULATIONS**

\* \* \*

**138-12**

**Transient Hotels**

~~C1-5 C2-5 C4-6 C6-4 M1-6/R9 M1-6/R10~~

~~In the districts indicated, the #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed:~~

- ~~(a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or~~
- ~~(b) where such residential development goal, has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:~~
  - ~~(1) sufficient sites are available in the area to meet the #residential development# goal; or~~
  - ~~(2) a harmonious mix of #residential# and non #residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.~~

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

~~For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 3,865 #dwelling units# within the combined areas of the #Special East Harlem Corridors District#, and the Park Avenue Hub Subdistrict, as shown on Map 1 in Appendix A of Article IX, Chapter 7 (Special 125th Street District), have received temporary or final certificates of occupancy subsequent to November 30, 2017.~~

**138-13**

**Physical Culture or Health Establishments**

Within the #Special East Harlem Corridors District#, the provisions of Section 73-36 (Physical Culture or Health Establishments) shall not apply. In lieu thereof, #physical culture or health establishments# shall be permitted as-of-right in C2-5, C4-6 and C6-4 Districts, and in M1 Districts paired with an R9 or R10 District.

**138-14-138-13**

**Public Parking Garages**

\* \* \*

**Chapter 9**

**Special Gowanus Mixed Use District**

\* \* \*

**139-10**

**SPECIAL USE REGULATIONS**

\* \* \*

[Removing provisions relating to hotels in the CPC approved Special Gowanus Mixed-Use District (N 210178 ZRK) to be superseded by the Citywide Hotel Text Amendment.]

**139-17**

**~~Transient Hotels~~**

~~In all districts, the #development# of a #transient hotel#, a change of #use# or #conversion# to a #transient hotel#, or an #enlargement#, containing a #transient hotel#, of a #building# that, as of [date of adoption], did not contain such #use#; or an #enlargement# or #extension# of a #transient hotel# that existed prior to [date of adoption] that increases the #floor area# of such #use# by 20 percent or more, shall be permitted only by special permit of the City Planning Commission pursuant to the provisions of this Section.~~

~~In order to permit such a #transient hotel#, the Commission shall find that such #transient hotel# is so located as not to impair the essential character of, or the future use or development of, the surrounding area.~~

~~Any #transient hotel# existing prior to [date of adoption] shall be considered a conforming #use# and may be continued, structurally altered, #extended# or #enlarged# subject to the limitations set forth in this Section, and subject to the applicable district #bulk# regulations. However, if for a continuous period of two years such #transient hotel# is discontinued, or the active operation of substantially all the #uses# in the #building or other structure# is discontinued, the space allocated to such #transient hotel# shall thereafter be used only for a conforming #use#, or may be #used# for a #transient hotel# only if the Commission grants a special permit for such #use# in accordance with the provisions of this Section. In addition, in the event a casualty damages or destroys a #transient hotel#, that was in such #use# as of [date of adoption], such #building# may be reconstructed and used as a #transient hotel# without obtaining a special permit. A #non-complying building# may be reconstructed pursuant to Section 54 40 (DAMAGE OR DESTRUCTION IN NON-COMPLYING BUILDINGS).~~

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

\* \* \*

**ARTICLE XIV  
SPECIAL PURPOSE DISTRICTS**

**Chapter 1  
Special Jerome Corridor District**

\* \* \*

**141-10  
SPECIAL USE REGULATIONS**

\* \* \*

**141-11  
Special Permit for Transient Hotels**

The #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed in C2 Districts, subject to the locational criteria set forth in the double-asterisked footnote of Use Group 5 in Section 32-14, and in C4 Districts;

- (a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the #residential development# goal, as set forth in this Section, has been met; or

~~(b) by special permit by the City Planning Commission where such #residential development# goal, has not been met. To permit such a #transient hotel#, the Commission shall find that:~~

- ~~(1) sufficient sites are available in the area to meet the #residential development# goal; or~~
- ~~(2) a harmonious mix of #residential# and non #residential uses# has been established in the area, and such #transient hotel# is consistent with the character of the surrounding area.~~

~~The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

~~For the purpose of applying the provisions of this Section, the #residential development# goal shall be met when at least 3,006 #dwelling units# within the #Special Jerome Corridor District# have received temporary or final certificates of occupancy subsequent to March 22, 2018.~~

**141-12**

**Physical Culture or Health Establishments**

#Physical culture or health establishments# shall be permitted as-of-right in C2 and C4 Districts. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use# and shall be within parking requirement category B.

**141-13-141-12**

**Modification of Supplemental Use Provisions**

\* \* \*

**Chapter 2**

**Special Inwood District**

\* \* \*

**142-10**

**SPECIAL USE REGULATIONS**

\* \* \*

**142-11**

**Permitted Uses**

\* \* \*

**142-111**

**Special provisions for transient hotels**

The #development# or #enlargement# of a #building# containing a #transient hotel#, as listed in Section 32-14 (Use Group 5), or the #conversion# or change of #use# within an existing #building# to a #transient hotel#, shall only be allowed in C2 Districts, subject to the locational criteria set forth in the double-asterisked footnote of Use Group 5 in Section 32-14, and in C4, C6 or M1 Districts:

- ~~(a) upon certification by the Chairperson of the City Planning Commission to the Commissioner of Buildings that the residential development goal, as set forth in this Section, has been met, or~~
- ~~(b) where such residential development goal has not been met, by special permit by the City Planning Commission. To permit such a #transient hotel#, the Commission shall find that:~~
  - ~~(1) sufficient sites are available in the area to meet the residential development goal; or~~
  - ~~(2) a harmonious mix of #residential# and non #residential# uses has been established in the area, and the #transient hotel# is consistent with the character of the surrounding area.~~

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

~~For the purpose of applying the provisions of this Section, the residential development goal shall be met when at least 3,860 #dwelling units# within the #Special Inwood District# have received temporary or final certificates of occupancy subsequent to August 8, 2018.~~

**142-112****Regulations for manufacturing uses in Subareas B2 and B3**

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing).

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 L.U. No. 916 & Res. No. 1865

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210119 ZMK (506 Third Avenue) submitted by PAB 3rd Avenue Holdings LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3rd Avenue, Borough of Brooklyn, Community District 6, Council District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3116) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 23, 2021 (Minutes, page 3227), respectfully

**REPORTS:****SUBJECT****QUEENS CB-8 – TWO APPLICATIONS RELATED TO 506 THIRD AVENUE****C 210119 ZMK (Pre. L.U. No. 916)**

City Planning Commission decision approving an application submitted by PAB 3<sup>rd</sup> Avenue Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration E-617, Borough of Brooklyn, Community District 6.

**N 210120 ZRK (Pre. L.U. No. 917)**

City Planning Commission decision approving an application submitted by PAB 3<sup>rd</sup> Avenue Holdings LLC for an amendment of the text of the Zoning Resolution of the City of New York 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 in the Gowanus neighborhood of Brooklyn, Community District 6.

**INTENT**

To approve the amendment to rezone the project area from an M2-1 zoning district to a C4-4A zoning district and to approve the text amendment to modify Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which would facilitate the construction of a new five-story commercial building at 506 Third Avenue and commercial enlargements at 530 Third Avenue in the Gowanus neighborhood of Brooklyn, Community District 6.

**PUBLIC HEARING**

**DATE:** November 9, 2021

**Witnesses in Favor:** Two

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 18, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 916 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 917.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION**

**DATE:** November 22, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

**Against:**

**Abstain:**

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

The City Planning Commission filed a letter dated \_\_\_\_\_, 2021, with the Council on \_\_\_\_\_, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1865

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210119 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 916).**

By Council Members Salamanca and Moya.

**WHEREAS**, PAB 3rd Avenue Holdings LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an existing M2-1 District to a C4-4A District, which in conjunction with the related item would facilitate the construction of a new five-story commercial building at 506 Third Avenue and commercial enlargements at 530 Third Avenue in the Gowanus neighborhood of Brooklyn, Community District 6 (ULURP No. C 210119 ZMK) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on October 22, 2021 its decision dated October 20, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210120 ZRK (Pre. L.U. No. 917), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 9, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 17<sup>th</sup>, 2021 (CEQR No. 20DCP129K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (the "E" Designation (E-617));

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-617).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210119 ZMK incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section 16d, by changing from an existing M2-1 District to a C4-4A District property bounded by 11th Street, 3rd Avenue, 13th Street, and a line 100 feet northwesterly of 3<sup>rd</sup> Avenue, as shown on a diagram (for illustrative purposes only) dated May 17, 2021, and subject to the conditions of CEQR Declaration E-617, Borough of Brooklyn, Community District 6.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing).

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 L.U. No. 917 & Res. No. 1866

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 2100120 ZRK (506 Third Avenue) submitted by PAB 3rd Avenue Holdings LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 6, Council District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3116) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 23, 2021 (Minutes, page 3229), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 916 printed in the General Order Calendar section of these Minutes)**

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

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

Res. No. 1866

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210120 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 917).**

By Council Members Salamanca and Moya.

**WHEREAS**, PAB 3rd Avenue Holdings LLC, filed an application 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, which in conjunction with the related action would facilitate the construction of a new five-story commercial building at 506 Third Avenue and commercial enlargements at 530 Third Avenue in the Gowanus neighborhood of Brooklyn, Community District 6 (Application No. N 210120 ZRK) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on October 22, 2021, its decision dated October 20, 2021 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210119 ZMK (Pre. L.U. No. 916), a zoning map amendment to rezone the project area from M2-1 to C4-4A;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 9, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 17<sup>th</sup>, 2021 (CEQR No. 20DCP129K) which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (the “E” Designation (E-617));

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-617).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210120 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

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

\* \* \*

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

\* \* \*

**BROOKLYN**

\* \* \*

**Brooklyn Community District 6**

\* \* \*

Map 3– [date of adoption]



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

Portion of Community District 6, Brooklyn

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing).

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 L.U. No. 920 & Res. No. 1867

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210408 ZMM (Starrett-Lehigh + Terminal Warehouse Rezoning) submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b changing from an M2-3 District to an M2-4 District and establishing a Special West Chelsea District (WCh), Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3117) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 23, 2021 (Minutes, page 3229), respectfully

**REPORTS:**

**SUBJECT**

**MANHATTAN CB-4 – TWO APPLICATIONS RELATED TO STARRETT-LEHIGH  
+ TERMINAL WAREHOUSE REZONING**

**C 210408 ZMM (Pre. L.U. No. 920)**

City Planning Commission decision approving an application submitted by Terminal Fee Owner, LP and RXR SL Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to an M2-4 District property bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh) bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-625.

**N 210409 ZRM (Pre. L.U. No. 921)**

City Planning Commission decision approving an application submitted by RXR SL Owner, LLC and Terminal Fee Owner, LP, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections.

**INTENT**

To approve the amendment to rezone the project area to change an M2-3 zoning district to an M2-4 zoning district and expand the Special West Chelsea District and to approve the text amendment to establish Subarea K within the Special West Chelsea District (Article IX, Chapter 8) of the Zoning Resolution (ZR), and modify other related sections including permitted uses, signage, sidewalk cafes and loading requirements, which would facilitate the long-term adaptive reuse of the existing Starrett-Lehigh building, located at 601 W 26th Street, and the Terminal Warehouse building, located at 261 Eleventh Avenue, in Manhattan, Community District 4.

**PUBLIC HEARING**

**DATE:** November 9, 2021

**Witnesses in Favor:** Six

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION**

**DATE:** November 18, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. No. 920 and approve with modifications the decision of the City Planning Commission on Pre. L.U. No. 921.

**In Favor:**

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION**

**DATE:** November 22, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:****Against:****Abstain:****FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2021, with the Council on \_\_\_\_\_, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1867

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210408 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 920).**

By Council Members Salamanca and Moya.

**WHEREAS**, RXR SL Owner, LLC and Terminal Fee Owner, LP and, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8b, changing from an M2-3 District to an M2-4 District and establishing a Special West Chelsea District, which in conjunction with the related action facilitate the long-term adaptive reuse of the existing Starrett-Lehigh building, located at 601 W 26th Street, and the Terminal Warehouse building, located at 261 Eleventh Avenue, Manhattan, Community District 4 (ULURP No. C 210408 ZMM) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on November 5, 2021 its decision dated November 3, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210409 ZRM (Pre. L.U. No. 921), a zoning text amendment to establish Subarea K within the Special West Chelsea District (Article IX, Chapter 8) of the Zoning Resolution (ZR), and modifying other related sections including permitted uses, signage, sidewalk cafes and loading requirements;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 9, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued December 11, 2020 (CEQR No. 21DCP103M). Significant adverse impacts related to hazardous materials and noise would be avoided through the placement of (E) designations (E-625) on selected projected and potential development sites as specified in Chapters 3 and 6, respectively of the Final Environmental Impact Statement (FEIS). The FEIS determined that the proposed actions would have significant adverse impacts with respect to transportation (traffic, transit and pedestrians). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 9, "Mitigation" of the FEIS. The Council has also considered the Technical Memorandum dated November 17, 2021.

**RESOLVED:**

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and
3. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210408 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8b:

1. changing from an M2-3 District to an M2-4 District property bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue; and
2. establishing a Special West Chelsea District (WCh) bounded by West 28th Street, Eleventh Avenue, West 26th Street, and Twelfth Avenue;

as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-625, Borough of Manhattan, Community District 4.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing).

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 L.U. No. 921 & Res. No. 1868

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210409 ZRM (Starrett-Lehigh + Terminal Warehouse Rezoning) submitted by Terminal Fee Owner LP and RXR SL Owner LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections, Borough of Manhattan, Community District 4, Council District 3.**

The Committee on Land Use, to which the annexed Land Use item was referred on November 10, 2021 (Minutes, page 3117) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 23, 2021 (Minutes, page 3231), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 920 printed in the General Order Calendar section of these Minutes)**

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

## Res. No. 1868

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 210409 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 921).**

By Council Members Salamanca and Moya.

**WHEREAS**, RXR SL Owner, LLC and Terminal Fee Owner, LP, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, establishing Subarea K within the Special West Chelsea District (Article IX, Chapter 8), and modifying other related Sections, which in conjunction with the related action would facilitate the long-term adaptive reuse of the existing Starrett-Lehigh building, located at 601 W 26th Street, and the Terminal Warehouse building, located at 261 Eleventh Avenue, Manhattan, Community District 4 (ULURP No. N 210409 ZRM) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on November 5, 2021, its decision dated November 3, 2021 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210408 ZMM (Pre. L.U. No. 920), a zoning map amendment to change an M2-3 zoning district to an M2-4 zoning district and expand the Special West Chelsea District;

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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on November 9, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Positive Declaration issued December 11<sup>th</sup>, 2020 (CEQR No. 21DCP103M). Significant adverse impacts related to hazardous materials and noise would be avoided through the placement of (E) designations (E-625) on selected projected and potential development sites as specified in Chapters 3 and 6, respectively of the Final Environmental Impact Statement (FEIS). The FEIS determined that the proposed actions would have significant adverse impacts with respect to transportation (traffic, transit and pedestrians). The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 9, “Mitigation” of the FEIS. The Council has also considered the Technical Memorandum dated November 17, 2021.

**RESOLVED:**

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the actions that are set forth in this report; and

3. The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210409 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications.

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

**ARTICLE I – GENERAL PROVISIONS**

**Chapter 4 – Sidewalk Cafe Regulations**

\* \* \*

**14-44**

**Special Zoning Districts Where Certain Sidewalk Cafes Are Permitted**

#Enclosed# or #unenclosed sidewalk cafes# shall be permitted, as indicated, in the following special zoning districts, where allowed by the underlying zoning. #Small sidewalk cafes# however, may be located on #streets# or portions of #streets# within special zoning districts pursuant to the provisions of Section 14-43 (Locations Where Only Small Sidewalk Cafes Are Permitted).

<b>Manhattan</b>	<b>#Enclosed Sidewalk Cafe#</b>	<b>#Unenclosed Sidewalk Cafe#</b>
* * *	* * *	* * *
West Chelsea District	No	Yes <sup>5</sup>

\* \* \*

<sup>5</sup> #Unenclosed sidewalk cafes# are allowed only on #wide streets# except they are not allowed on the west side of Ninth Avenue between West 15th Street and West 16th Street. #Unenclosed sidewalk cafes# shall also be allowed on West 27th Street between Eleventh Avenue and Joe DiMaggio Highway.

\* \* \*

**ARTICLE IX – SPECIAL PURPOSE DISTRICTS**

**Chapter 8 – Special West Chelsea District**

**98-00**

**GENERAL PURPOSES**

\* \* \*

**98-04**

**Subareas and High Line Transfer Corridor**

In order to carry out the provisions of this Chapter, Subareas A through J K and a #High Line Transfer Corridor# are established within the #Special West Chelsea District#.

\* \* \*

**98-10  
SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT**

\* \* \*

**98-12  
Modification of Use Regulations**

The #use# regulations of the underlying districts are modified by the provisions of this Section, inclusive.

\* \* \*

**98-122  
~~Location within buildings~~  
In Subarea K**

**[Relocated to Section 98-124 below]**

~~In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:~~

- ~~(a) — are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and~~
- ~~(b) — are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 
  - ~~(1) — #residential# lobby space below or on the same #story# as #commercial uses#; or~~
  - ~~(2) — a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.~~~~

In Subarea K, the provisions of Section 42-10 (USES PERMITTED AS-OF-RIGHT), inclusive, shall be modified as follows:

- (b) The following additional #uses# shall be permitted, provided that the floor space allocated to such #uses# does not exceed 25 percent of the total #floor area# of the #building#:
  - (1) from Use Groups 3 and 4, all #uses#, not otherwise permitted by the underlying regulations, other than those with sleeping accommodations;
  - (2) from Use Group 6A, food stores, including supermarkets, grocery stores or delicatessen stores, larger than 10,000 square feet;
  - (3) from Use Groups 6C, 9A, and 12B, all #uses# not otherwise permitted by the underlying regulations; or
  - (4) from Use Group 10A, all #uses#, not otherwise permitted by the underlying regulations, provided that the floor space allocated to such #uses# does not exceed ~~15~~ 10 percent of the total #floor area# of the #building#.

**98-123  
Adult establishments**

\* \* \*

**98-124**

**Location within buildings**

**[Relocated from Section 98-122 above]**

In any C6 District the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses#:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
  - (1) #residential# lobby space below or on the same #story# as #commercial uses#; or
  - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

\* \* \*

**98-15**

**Signs**

\* \* \*

**98-151**

**Modification of sign regulations in Subarea K**

Within Subarea K, the #sign# regulations of the underlying district shall apply. However, within 15 feet of the intersection of two #streets#, the provisions of Section 42-562 (Restriction on angle and height above curb level) shall not apply.

\* \* \*

**98-17**

**Modification of Parking and Loading Regulations ~~in Subareas H~~**

**[Relocated to Section 98-171 below]**

~~#Accessory# off street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:~~

- ~~(a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;~~
- ~~(b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and~~
- ~~(c) no more than 377 spaces are provided within such facility. For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off street parking spaces in such facility.~~

The underlying provisions of Article III, Chapter 6 and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall apply within the #Special West Chelsea District#, subject to modification by the regulations of this Section, inclusive.

**98-171**

**Parking regulations in Subarea H**

[Relocated from Section 98-17 above]

#Accessory# off-street parking spaces for existing or new governmental offices may be located on a #zoning lot# other than the same #zoning lot# as the #use# to which such spaces are #accessory#, provided that:

- (a) such spaces are located within Subarea H and in a facility, or portion thereof, that is entirely below #curb level#;
- (b) the portion of such facility beneath the required public plaza area shown on Diagram 3 in Appendix A of this Chapter is sufficiently below #curb level# so that trees may be planted at #curb level# within such public plaza but is in no case less than four feet below #curb level#; and
- (c) no more than 377 spaces are provided within such facility.

For purposes of this Section, the governmental offices on #Block# 688, Lots 1001-1002, as of June 23, 2005, may have up to 377 #accessory# off-street parking spaces in such facility.

**98-172**

**Waiver of accessory off-street loading berths in Subarea K**

In Subarea K, the provisions of Section 44-52 (Required Accessory Off-street Loading Berths) shall not apply to changes of #use#.

\* \* \*

**98-20**

**FLOOR AREA AND LOT COVERAGE REGULATIONS**

\* \* \*

**98-22**

**Maximum Floor Area Ratio and Lot Coverage in Subareas**

For all #zoning lots#, or portions thereof, located in Subareas A through J K, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and no maximum #lot coverage# shall apply to any #corner lot#. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

MAXIMUM FLOOR AREA RATIO BY SUBAREA

Sub-area	Basic #floor area ratio# (max)	Increase in FAR from #High Line Transfer Corridor# (98-30)	Increase in FAR with #High Line# Improvement Bonuses (98-25)	Inclusionary Housing		Permitted #floor area ratio# (maximum)
				FAR required to be transferred <sup>1</sup> (minimum)	Increase in FAR for Inclusionary Housing Program (98-26)	
A	6.5	2.65	— <sup>2</sup>	2.65	2.85	12.0
B	5.0	2.5	— <sup>2</sup>	1.25	1.25	7.5
C	5.0	2.5	NA	1.25	1.25	7.5
D <sup>5</sup>	5.0	2.5 <sup>3</sup>	2.5 <sup>3</sup>	1.25	1.25	7.5
E	5.0	1.0 <sup>3</sup>	1.0 <sup>2,3</sup>	NA	NA	6.0
F	5.0	NA	NA	NA	NA	5.0
G	5.0	1.0 <sup>3</sup>	1.0 <sup>3</sup>	NA	NA	6.0
H	7.5	NA	2.5	NA	NA	10.0
I	5.0	2.5	NA	1.25	1.25	7.5
I <sup>4</sup>	5.0	NA	2.5	NA	NA	7.5
J <sup>6</sup>	5.0	NA	2.5	NA	NA	7.5
K	5.0	NA	NA	NA	NA	5.0

<sup>1</sup> Minimum #floor area ratios# required to be transferred pursuant to Section 98-30 (HIGH LINE TRANSFER CORRIDOR), inclusive, before Inclusionary Housing #floor area# bonus can be utilized

<sup>2</sup> In Subareas A, B, and E, the applicable maximum basic #floor area ratio# of that portion of the #zoning lot# that is within the #High Line Transfer Corridor# may be increased up to a maximum of 1.0, and the applicable maximum permitted #floor area ratio# increased accordingly, by certification of the Chairperson of the City Planning Commission, pursuant to Section 98-35 (High Line Transfer Corridor Bonus)

<sup>3</sup> For certain zoning lots located in Subareas D, E and G, the provisions of Section 98-25 (High Line Improvement Bonus) may apply in lieu of the provisions of Section 98-30, subject to the provisions of Section 98-241 (In Subareas D, E and G)

<sup>4</sup> For #zoning lots# over which the #High Line# passes

<sup>5</sup> For #zoning lots# between West 22nd Street and West 24th Street, the #floor area ratios# shall be 7.5, and no #floor area# increases shall be permitted

<sup>6</sup> Bonus contribution subject to provisions of Section 98-25 governing first contribution to Affordable Housing Fund

\* \* \*

**98-40  
SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS**

\* \* \*

**98-42  
Special Height and Setback Regulations**

\* \* \*

**98-423**

**Street wall location, minimum and maximum base heights and maximum building heights**

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through ~~(g)~~ (h) of this Section.

\* \* \*

(g) Subarea J

The provisions set forth in paragraph (a) of this Section shall not apply to any #development# or #enlargement# that utilizes the provisions of Section 98-25. In lieu thereof, the provisions of this paragraph (g) shall apply.

\* \* \*

(3) Tenth Avenue Zone

The Tenth Avenue Zone shall be that portion of a #zoning lot# within 200 feet of the Tenth Avenue #street line#. Within the Tenth Avenue Zone, any portion of a #building# shall have a maximum #street wall# height of 185 feet before setback and a maximum #building# height of 230 feet, provided that any portion of a #building# located above a height of 90 feet shall be set back not less than 15 feet from the Tenth Avenue #street line#. Any portion of a #building# located above a height of 185 feet shall be set back at least 10 feet from the West 15th and West 16th Street #street lines#, and at least 25 feet from the Tenth Avenue #street line#. Any portion of a #building# above a height of 200 feet shall be set back at least 25 feet from the West 15th and West 16th Street #street lines#, and at least 35 feet from the Tenth Avenue #street lines#, and any portion of a building located above a height of 215 feet shall be set back at least 75 feet from the Tenth Avenue #street line#. Permitted obstructions allowed pursuant to Section 33-42 shall be permitted.

(h) Subarea K

The provisions set forth in paragraph (a) of this Section shall not apply. In lieu thereof, the provisions of the underlying zoning districts shall apply.

**MINIMUM AND MAXIMUM BASE HEIGHT AND MAXIMUM BUILDING HEIGHT  
BY DISTRICT OR SUBAREA**

District or Subarea		Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height (in feet)
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	_____ <sup>1</sup>
	between 50 and 100 feet of a #wide street#	15	85	_____ <sup>1</sup>
	for #zoning lots# with only #narrow street# frontage	40	60	_____ <sup>1</sup>
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 <sup>2</sup>	125 <sup>2</sup>	125 <sup>2</sup>
	for #zoning lots# with Eleventh Avenue frontage	125 <sup>2</sup>	145 <sup>2</sup>	145 <sup>2</sup>
Subarea D		60	90	250 <sup>1</sup>
Subarea E		60	105 <sup>3</sup>	120 <sup>3</sup>

Subarea F		60 <sup>2</sup>	80 <sup>2</sup>	80 <sup>2</sup>
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 <sup>2</sup>	120 <sup>2</sup>	120 <sup>2</sup>
Subarea H		60 <sup>4</sup>	85 <sup>4</sup>	— <sup>4</sup>
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 <sup>5</sup>
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 <sup>6</sup>	130 <sup>6</sup>
	Ninth Avenue Zone	NA	130 <sup>6</sup>	135 <sup>6</sup>
	Tenth Avenue Zone	NA	185 <sup>6</sup>	230 <sup>6</sup>
Subarea K		NA <sup>7</sup>	NA <sup>7</sup>	NA <sup>7</sup>

<sup>1</sup> See Section 98-423, paragraph (b)

<sup>2</sup> See Section 98-423, paragraph (c)

<sup>3</sup> See Section 98-423, paragraph (d)

<sup>4</sup> See Section 98-423, paragraph (e)

<sup>5</sup> See Section 98-423, paragraph (f)

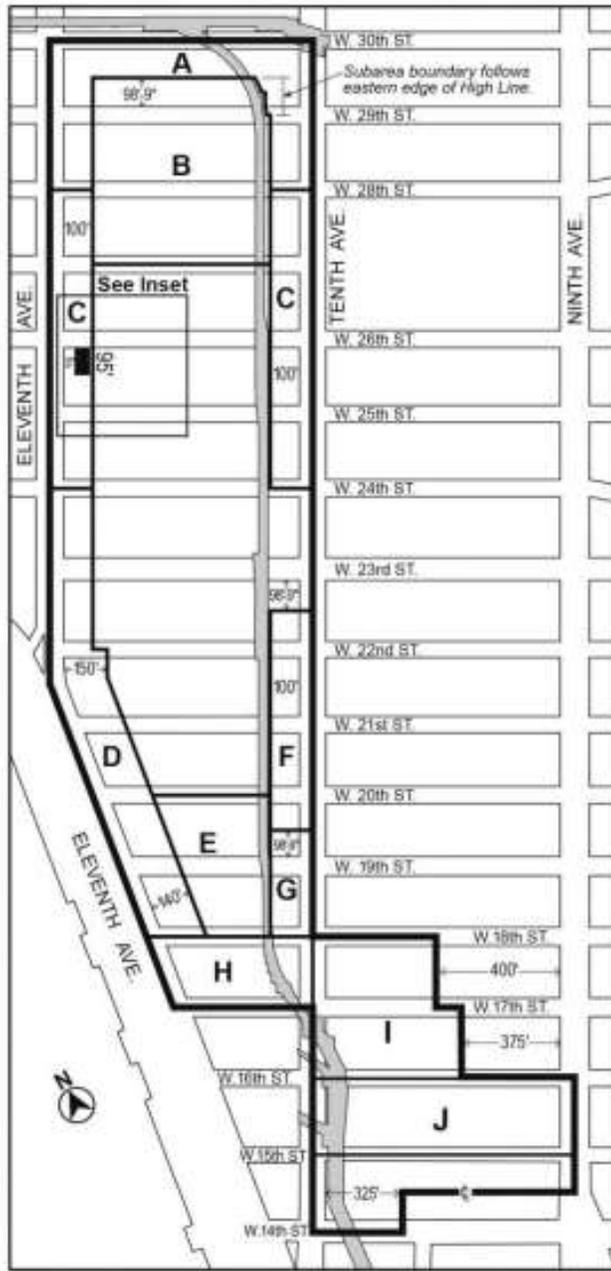
<sup>6</sup> See Section 98-423, paragraph (g)

<sup>7</sup> See Section 98-423, paragraph (h)

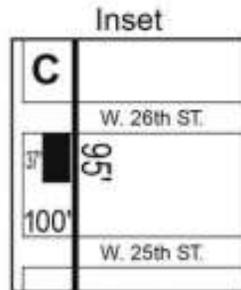
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**Appendix A**  
**Special West Chelsea District and Subareas**

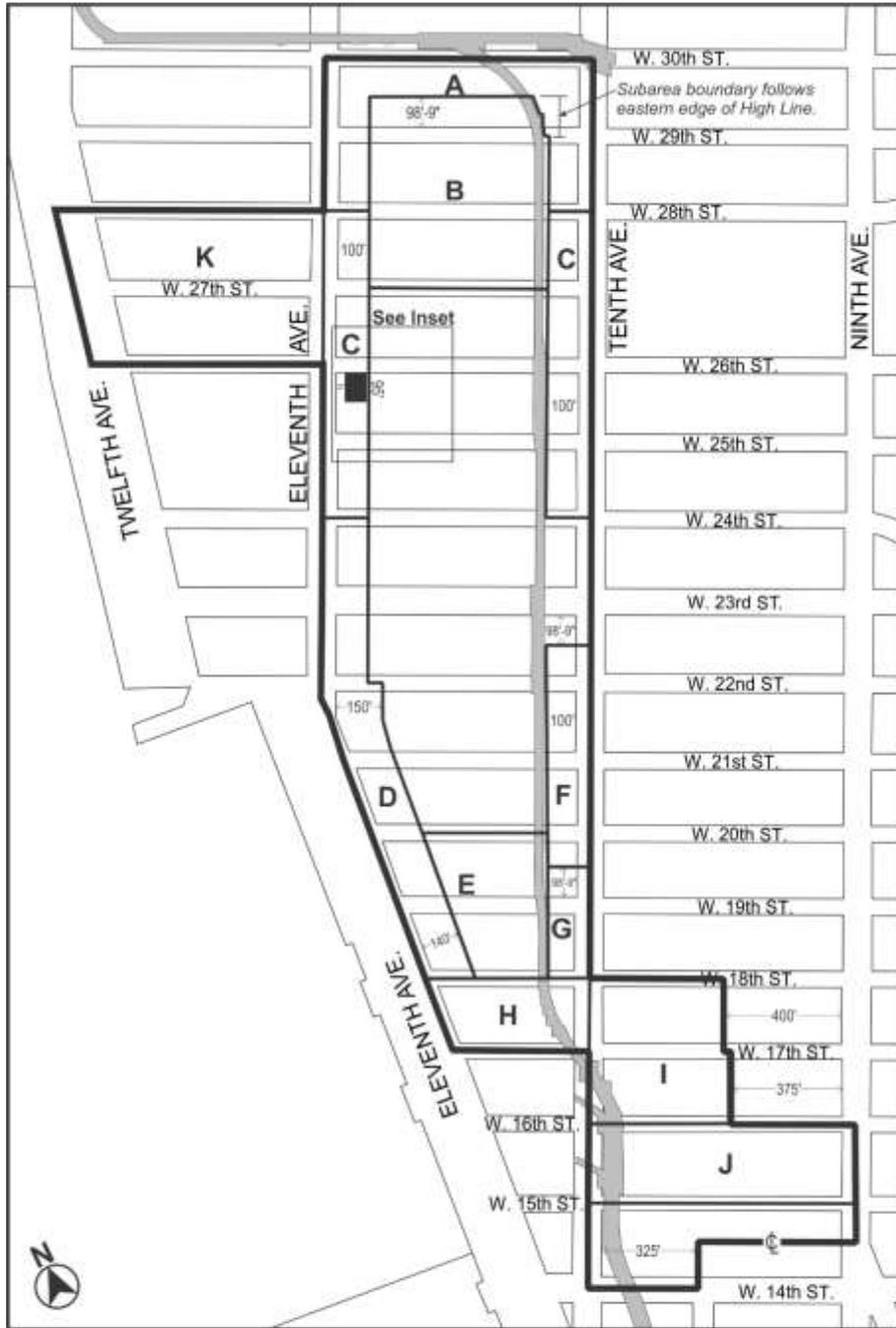
[EXISTING MAP]



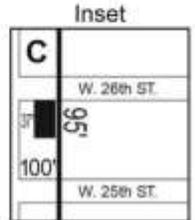
-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



[PROPOSED MAP]



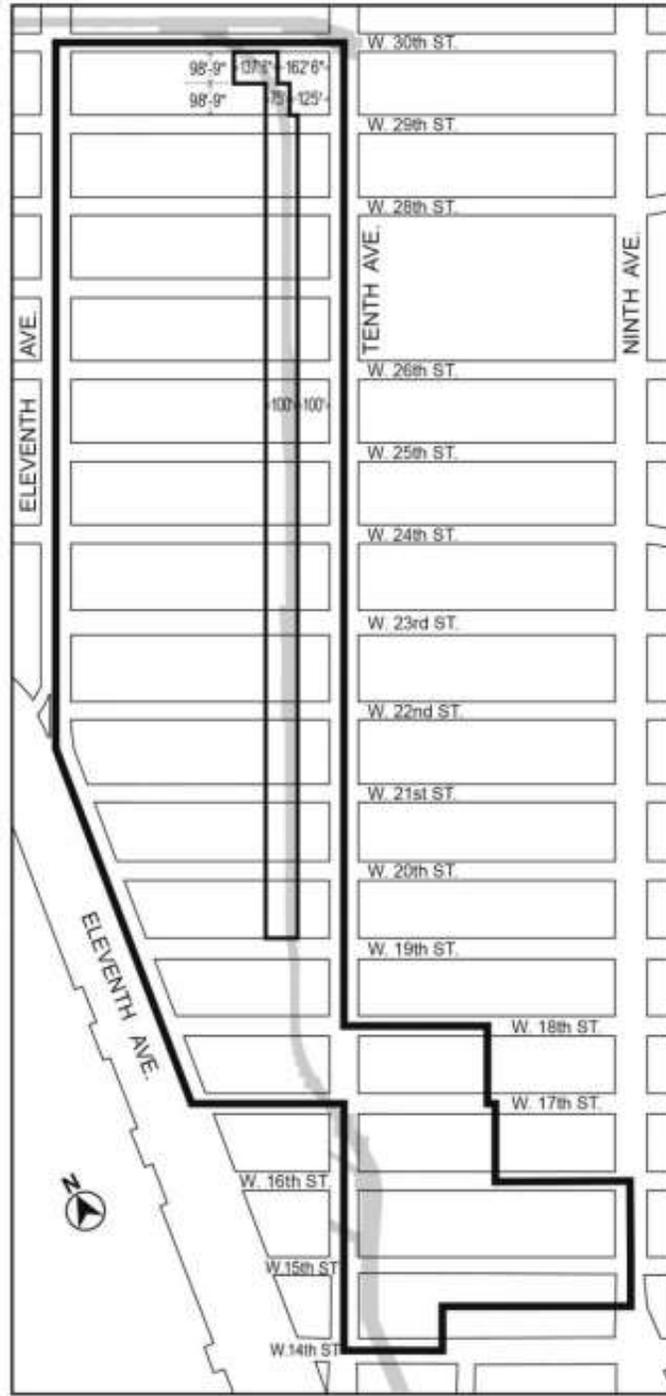
-  Special West Chelsea District boundary
-  Subarea boundary
-  High Line
-  Transit Facility



# High Line Transfer Corridor Location

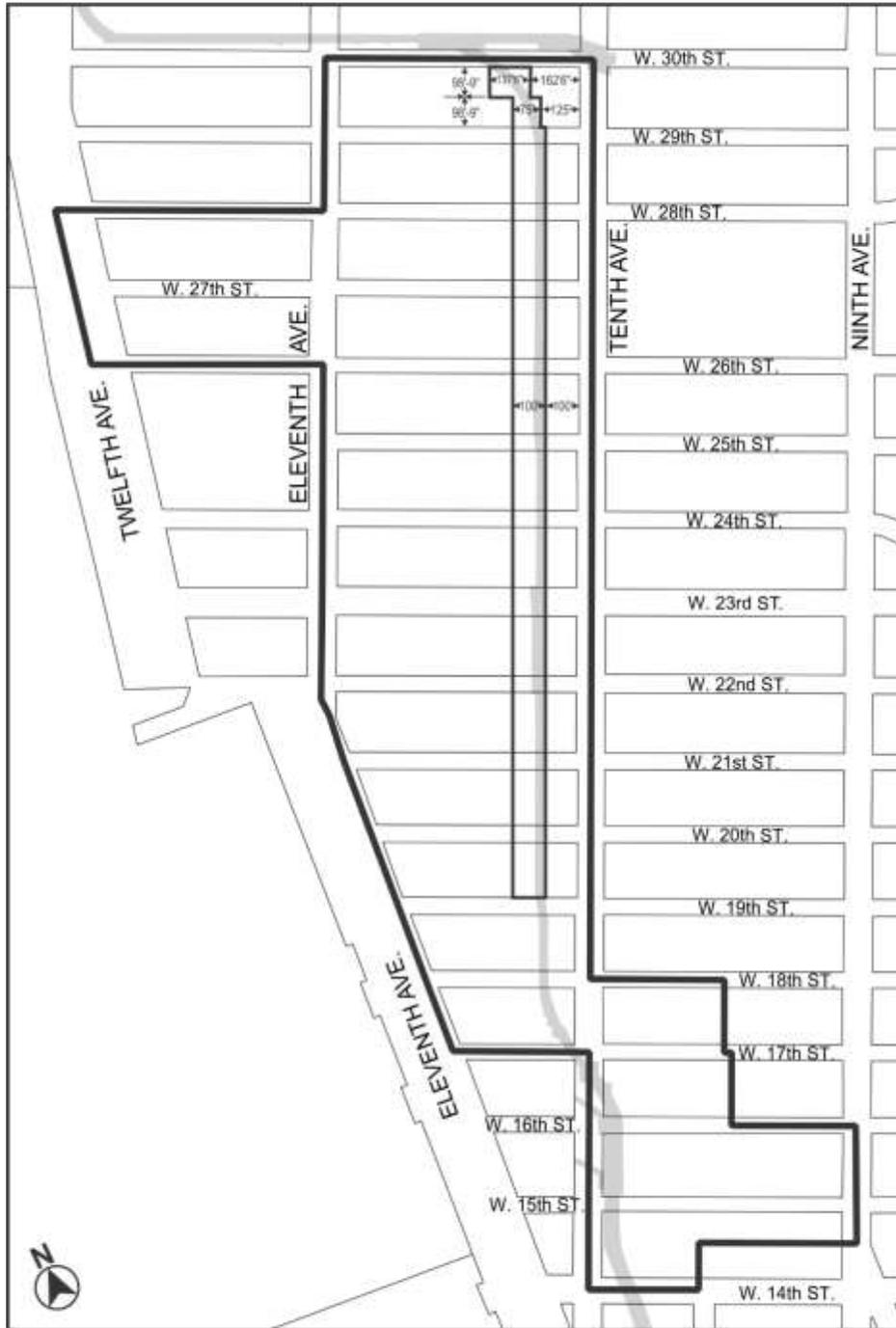
## Appendix B

[EXISTING MAP]



-  Special West Chelsea District
-  High Line Transfer Corridor
-  High Line

[PROPOSED MAP]



-  Special West Chelsea District boundary
-  High Line Transfer Corridor
-  High Line

\* \* \*

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ, JOSEPH C. BORELLI; Committee on Land Use, November 22, 2021 (Remote Hearing).

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).

### **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>
Kim Lettley	2850 8th Ave, Apt 3G New York, New York 10039	9
Felicia Vargas	354 E Mosholu Pkwy S, Apt 3E Bronx, New York 10458	11
Julianna Serrat	785 Courtlandt Ave, Apt 10D Bronx, New York 10451	17
Viviana Williams	137-29 230th Street Queens, New York 11413	31
Maria Montesquieu	95 Stanhope Street, Apt 1 Brooklyn, New York 11221	34
Eliza Miedel	143 Quincy Street, #4 Brooklyn, New York 11216	36
Irene Marie Cedano	841 Dekalb Ave Brooklyn, New York 11221	36
Althea Morgan	371 Wyona Street Brooklyn, New York 11207	42
Iryna Voskov	69 Bay 29th Street, Apt 6F Brooklyn, New York 11214	47

Natalia Varlamova	230 Freeborn Street Staten Island, New York 10306	50
Eugene Burko	125 Woodcutters Lane Staten Island, New York 10306	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) **M-346 & Res 1862 -** Submitting the name of **Leah S. Goodridge** for appointment as a member of the New York City Planning Commission.
- (2) **M-347 & Res 1863 -** Submitting the name of **Joseph Douek** for appointment as a member of the New York City Planning Commission.
- (3) **Int 9-A -** Installation of traffic control devices at intersections adjacent to schools.
- (4) **Int 51-A -** Creation of a demonstration program for geothermal exchange systems.
- (5) **Int 147-A -** Reporting on supportive housing.
- (6) **Int 479-A-** Offering discharge upgrade assistance and extending city veteran benefits to service members who were discharged because of their LGBTQ status.
- (7) **Int 1085-B -** Civil legal services for domestic violence survivors who are a party to a divorce proceeding.
- (8) **Int 1520-A -** Department of Finance to report on the Parking Violations Bureau.
- (9) **Int 1621-A -** Creating a nuclear disarmament and nuclear weapons-free zone advisory committee.
- (10) **Int 1624-A -** Tracking certifications of minority and women owned business enterprises and emerging business enterprises.
- (11) **Int 1625-B -** Department of Health and Mental Hygiene to make available FDA-approved methods of non-surgical contraception and long-acting reversible contraception at its health centers, health stations, health clinics and other health facilities.

- (12) **Int 1724-A -** Demonstration program to use photographic evidence to impose liability on vehicle owners for passing a stopped school bus and providing for the repeal of such provision upon the expiration thereof **(with a Message of Necessity from the Mayor requiring an affirmative vote of at least two-thirds of the Council for passage).**
- (13) **Int 1949-A -** Inter-agency review of emergency plans and public reporting on such plans.
- (14) **Int 2130-A -** Providing notice regarding student loan forgiveness programs to certain employees and applicants for employment.
- (15) **Int 2141-A -** Removing outdated clinical language.
- (16) **Int 2176-A -** Supportive housing tenant's bill of rights.
- (17) **Int 2201-A -** Allowing motorcyclists to challenge parking violations electronically with photographic evidence.
- (18) **Int 2297-A -** Qualification for service with the Police Department.
- (19) **Int 2309-A -** Registration for short-term rentals.
- (20) **Int 2354-B -** Definition of the term veteran and the membership of the Veterans' Advisory Board.
- (21) **Int 2366-A -** Tree health assessments and inspections.
- (22) **Int 2372-B -** Two year look-back window to the gender-motivated violence act, and extending its statute of limitations.
- (23) **Int 2417-A -** Prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates.
- (24) **Int 2425-A -** Requiring borough commissioners in the Department of Environmental Protection.

- (25) **Int 2440-A -** Authorizing the Civilian Complaint Review Board to initiate complaints.
- (26) **Int 2442-A -** Establishing an Office of Community Mental Health.
- (27) **Int 2454 -** New York City Collective Bargaining Law.
- (28) **Int 2458 -** Authorizing an increase in the amount to be expended annually in two business improvement districts.
- (29) **Int 2459-A -** Establishing an Office of Information Privacy.
- (30) **Int 2460-A -** Enforcement of environmental remediation plans and rules of the office of environmental remediation.
- (31) **Res 1839 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget. (**Transparency Resolution**).
- (32) **L.U. 911 & Res 1864 -** App. N **210406 ZRY (Citywide Hotels Text Amendment)** amendment of the Zoning Resolution to create a special permit for new hotels, motels, tourist cabins, and boatels in Commercial Districts and in M1 Districts paired with Residence Districts, Citywide.
- (33) **L.U. 916 & Res 1865 -** App. C **210119 ZMK (506 Third Avenue)** Borough of Brooklyn, Community District 6, Council District 39.
- (34) **L.U. 917 & Res 1866 -** App. N **2100120 ZRK (506 Third Avenue)** Borough of Brooklyn, Community District 6, Council District 39.
- (35) **L.U. 920 & Res 1867 -** App. C **210408 ZMM (Starrett-Lehigh + Terminal Warehouse Rezoning)** Borough of Manhattan, Community District 4, Council District 3.

- (36) **L.U. 921 & Res 1868 -** App. N **210409 ZRM (Starrett-Lehigh + Terminal Warehouse Rezoning)** Borough of Manhattan, Community District 4, Council District 3.
- (37) **L.U. 922 & Res 1846 -** App. **20225007 HAK (Bed-Stuy East and Weeksville Mosaic)** Borough of Brooklyn, Community Districts 3, 8, and 16, Council Districts 36 and 4.
- (38) **L.U. 923 & Res 1847 -** App. N **210482 ZRY (Health and Fitness Citywide Text Amendment)** amendment of the Zoning Resolution of the City of New York, to allow gymnasiums, spas, and other health- and fitness-related uses as-of-right, Citywide.
- (39) **L.U. 931 & Res 1848 -** App. **20225008 HAR (Stapleton Beacon Article XI Disposition)** Borough of Staten Island, Community District 1, Council District 49.
- (40) **L.U. 937 & Res 1849 -** App. C **200299 ZMQ (Beach 79 Self Storage Rezoning)** Borough of Queens, Community District 14, Council District 31.
- (41) **L.U. 939 & Res 1841 -** Johanna IManhattan, Community District No. 10, Council District No. 9.
- (42) **L.U. 940 & Res 1842 -** 1018 E 163rd St, Bronx, Community District No. 2, Council District No. 17.
- (43) **L.U. 941 & Res 1843 -** Seaview Estates, Staten Island, Community District No. 1, Council District No. 49.
- (44) **L.U. 942 & Res 1844 -** Hong Ning Senior Housing, Manhattan, Community District No. 3, Council District No. 1.
- (45) **L.U. 943 & Res 1845 -** 250 West HDFC.HPO.FY22, Manhattan, Community District No. 10, Council District No. 9.

- (46) L.U. 944 & Res 1850 - App. **20225012 PXQ (N 220041 PXQ) (New York City Law Department Office Space)** Borough of Queens, Community District 12, Council District 27 (**Filed pursuant to a Letter of Withdrawal**).
- (47) L.U. 945 & Res 1851 - App. **20205373 SCR (New Supportive Space for Existing School Facility)** Borough of Staten Island, Community District 1, Council District 49, Community School District 31.
- (48) L.U. 946 & Res 1852 - App. **20215033 SCQ (572-Seat Primary School Facility)** Borough of Queens, Community District 7, Council District 19, Community School District 25.
- (49) L.U. 947 & Res 1853 - App. **20215032 SCQ (801-Seat High School Facility)** Borough of Queens, Community District 12, Council District 27, Community School District 28.
- (50) L.U. 948 & Res 1854 - App. **20225011 SCR (572-Seat Primary School Facility)** Borough of Staten Island, Community District 2, Council District 50, Community School District 31.
- (51) L.U. 952 & Res 1856 - App. **C 210200 ZMQ (31st Street and Hoyt Avenue Rezoning)** Borough of Queens, Community District 1, Council District 22.
- (52) L.U. 953 & Res 1857 - App. **N 210201 ZRQ (31st Street and Hoyt Avenue Rezoning)** Borough of Queens, Community District 1, Council District 22.
- (53) L.U. 954 & Res 1858 - App. **C 210041 ZMQ (45-20 83rd Street Rezoning)** Borough of Queens, Community District 4, Council District 25.
- (54) L.U. 955 & Res 1859 - App. **N 210042 ZRQ (45-20 83rd Street Rezoning)** Borough of Queens, Community District 4, Council District 25.

- (55) **L.U. 956 & Res 1860 - App. N 210273 ZRK (1 Wythe Avenue)** Borough of Brooklyn, Community District 1, Council District 33.
- (56) **L.U. 957 & Res 1861 - Application No. C 210272 ZSK (1 Wythe Avenue)** Borough of Brooklyn, Community District 1, Council District 33.
- (57) **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, Brannan, Brooks-Powers, Cabán, Carr, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Vernikov, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

*Present, Not Voting* – R. Diaz and Rodriguez.

**The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **M-346 & Res. No. 1862:**

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

**Negative** – Carr, Ulrich, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) – **5**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **Int. No. 1621-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **41**.

**Negative** – Carr, Maisel, Ulrich, Vernikov, and the Minority Leader (Council Member Borelli) – **5**.

**Abstention** – Yeger – **1**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **Int. No. 1724-A (under a Message of Necessity)**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Carr, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Vernikov, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

**Negative** – Cabán, Lander, and Miller – **3**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **Int. No. 2309-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

**Negative** – Carr, Ulrich, Vernikov, Yeger and the Minority Leader (Council Member Borelli) – **5**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **Int. No. 2440-A:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Brannan, Brooks-Powers, Cabán, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

**Negative** – Barron, Carr, Holden, Treyger, Ulrich, Vallone, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) – **9**.

**Abstention** – Miller – **1**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **Int. No. 2458:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Carr, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Vernikov, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**Negative** – Yeger – **1**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **Int. No. 2460-A:**

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Carr, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Vernikov, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**Negative** – Yeger – **1**.

*Present, Not Voting* – R. Diaz and Rodriguez.

The following was the vote recorded for **L.U. No. 911 & Res. No. 1864**:

**Affirmative** – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabán, Carr, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Vernikov, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

**Negative** – Yeger – **1**.

*Present, Not Voting* – R. Diaz and Rodriguez.

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

*Int. Nos. 9-A, 51-A, 147-A, 479-A, 1085-B, 1520-A, 1621-A, 1624-A, 1625-B, 1724-A (passed under a Message of Necessity), 1949-A, 2130-A, 2141-A, 2176-A, 2201-A, 2297-A, 2309-A, 2354-B, 2366-A, 2372-B, 2417-A, 2425-A, 2440-A, 2442-A, 2454, 2458, 2459-A, and 2460-A.*

*Int. No. 1867-A was considered and adopted by the Council earlier in this Stated Meeting in a separate Roll Call during the Discussion of General Orders; this initial Roll Call vote is printed shortly after the Land Use Call-ups section of these Minutes.*

## RESOLUTIONS

*Presented for voice-vote*

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

Report for voice-vote item Res. No. 976-A

**Report of the Committee on Civil Service and Labor in favor of approving, as amended, a 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**

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on June 26, 2019 (Minutes, page 2171), respectfully

### REPORTS:

**(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 2454 printed above in the Reports of the Standing Committees section of these Minutes)**

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

**(The following is the text of Res. No. 976-A:)**

Res. No. 976-A

**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.**

By Council Members Dromm, Rosenthal, Kallos, Cumbo, Rivera, Chin, Gibson, Cornegy, Brannan, Reynoso, Louis, Rodriguez, Gjonaj, Van Bramer, Menchaca, Levin, Koslowitz, Miller, Perkins, Rose, Treyger, Ayala, Vallone, Koo, Lander, Adams, Salamanca, Moya, Barron, Cabrera, Dinowitz, Riley, Cabán and the Public Advocate (Mr. Williams).

**Whereas**, Catastrophic humanitarian and environmental consequences would result from any nuclear detonation in New York City and could not be adequately addressed; and

**Whereas**, Eliminating nuclear weapons remains the only way to guarantee that nuclear weapons are never used again under any circumstances; and

**Whereas**, The suffering of and harm caused to the victims of the use of nuclear weapons (*hibakusha*), as well as of those affected by the testing of nuclear weapons, is unacceptable; and

**Whereas**, New York City has a special responsibility, as a site of Manhattan Project activities and a nexus for financing of nuclear weapons, to express solidarity with all victims and communities harmed by nuclear weapons use, testing and related activities; and

**Whereas**, On July 7, 2017, 122 countries voted in favor of adopting the United Nations Treaty on the Prohibition of Nuclear Weapons, which is a legally binding multilateral Treaty among the States Parties to the

document, advanced by the International Campaign to Abolish Nuclear Weapons (ICAN), which was subsequently awarded the Nobel Peace Prize in December 2017 for this work; and

**Whereas**, The Treaty was entered into force on January 22, 2021 following ratification by 86 countries, but not including the United States; and

**Whereas**, The United States, along with other nuclear armed nations, did not ratify or accede the treaty; and

**Whereas**, ICAN has established the Cities Appeal, a commitment to mobilize local government to support the Treaty with the aim of influencing the national government to sign, with Washington, DC, Los Angeles, Berlin, Sydney, Paris, and Toronto among the major cities who have joined; and

**Whereas**, The Treaty prohibits the development, testing, production, manufacture, acquisition, possession, stockpiling, stationing, transfer, use and threat of use of nuclear weapons among the member nations of the Treaty, as well as assisting, encouraging or inducing, in any way, anyone to engage in any such activity, with the eventual goal of total elimination of nuclear weapons; further, the Treaty obligates assistance to victims of nuclear weapons use and testing, remediation of contaminated environments and international cooperation and assistance to affected nations; and

**Whereas**, According to the 2018 report compiled by Don't Bank on the Bomb, 329 financial institutions around the world including Goldman Sachs, Bank of America, and JP Morgan Chase among others have invested through financing, manufacturing or production of nuclear weapons with BlackRock and Capital Group, the highest contributors among United States based financial institutions, with their investments totaling \$38 billion and \$36 billion respectively; and

**Whereas**, The pension system for the City of New York retirees has significant investments in these financial institutions and other companies involved in producing key components for and maintaining nuclear weapons through equity holdings, bond holdings and other assets, according to the annual report issued by the New York City Employees' Retirement System; and

**Whereas**, New York City has a demonstrated history of opposing nuclear weapons, including when one million people demonstrated on the streets and in Central Park for nuclear disarmament and an end to the Cold War arms race on June 12, 1982; and

**Whereas**, On April 26, 1983, the New York City Council adopted Resolution 364 declaring the City a Nuclear Weapons Free Zone; and

**Whereas**, Seventy-four years after the nuclear bombings of Nagasaki and Hiroshima, which killed more than 200,000 people in 1945, and exposed hundreds of thousands of people in subsequent decades to radiation exposure resulting from nuclear weapons tests and related activities, the United States continues to have policies and procedures in place to facilitate the manufacturing, possession and use of nuclear weapons; and

**Whereas**, Despite efforts towards disarmament in the last several decades, the global nuclear stockpile consists of approximately 14,000 warheads, more than 13,000 of which are owned by the United States and Russia; and

**Whereas**, On April 16, 2018, Council Member Daniel Dromm and 27 co-signers in the New York City Council sent a letter to New York City Comptroller Scott Stringer requesting that pension funds and finances be divested from banks, corporations and financial institutions that profit from the production of nuclear weapons in similar fashion to the City's divestment from coal and oil investments; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon 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.

I. DANEEK MILLER, *Chairperson*; HELEN K. ROSENTHAL, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, FARAH N. LOUIS, ERIC DINOWITZ, ERIC A. ULRICH; Committee on Civil Service and Labor, December 8, 2021 (Remote Hearing). *Other Council Members Attending: D. Diaz, Dromm and Vallone.*

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 those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 5 Council Members formally noted their intention to vote **negative** on the item:  
Council Members Carr, Holden, Vernikov, Ulrich, and the Minority Leader (Council Member Borelli).

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

Adopted by the Council by voice-vote.

**INTRODUCTION AND READING OF BILLS**

Res. No. 1837

**Resolution calling on the State Legislature to amend Article 130 of the Penal Code to make forcible touching a felony and to amend Article 240 of the Penal Code to categorize aggravated sexual harassment of a correction officer, including verbal abuse and lewd gestures, a Class A misdemeanor.**

By Council Members Adams and Yeger.

**Whereas**, Correction officers have faced an onslaught of sexual assaults and sexual harassment from detainees on Rikers Island and other city jails, often without any repercussions or consequences according to local news reports; and

**Whereas**, On October 30, 2021, The New York Times reported that nearly half of the uniformed staff at New York City's jails are women that face a particularly high risk of being attacked; and

**Whereas**, So far this year, there have been at least 19 allegations of detainees sexually assaulting uniformed correction employees, according to the New York City Department of Correction (DOC). Eighteen of these uniformed correction employees were women, with an additional five reported cases of sexual assault against female civilian staff members; and

**Whereas**, Article 130 of the New York State Penal Code categorizes the forcible touching of a correction officer as only a class A misdemeanor; and

**Whereas**, Article 240 currently categorizes forms of verbal abuse or lewd gestures as harassment in either the first or the second degree and as only constituting a violation; and

**Whereas**, Penal Code offenses that are categorized as violations cannot be subject to a sentence of imprisonment in excess of 15 days; and

**Whereas**, The DOC and the Correction Officers' Benevolent Association, the union representing correction officers in the City's jails, issued a statement that they are working in collaboration with the Bronx District Attorney, who oversees the Riker's Island Prosecution Bureau, to ensure that victims of these heinous assaults receive the justice and support they deserve; and

**Whereas**, During an October 2021 news conference outside of Rikers Island, New York City Council Member Adrienne E. Adams emphasized the need to make forcible touching of a correction officer a felony instead of a misdemeanor, and the need to classify aggravated sexual harassment of a correction officer, including verbal abuse and lewd gestures, as a misdemeanor rather than a civil infraction; and

**Whereas**, Assemblyman David I. Weprin, Chair of the Correction Committee, has said he would introduce legislation to increase the penalties for sexual assault and harassment against correction officers; and

**Whereas**, New York State Press Secretary Hazel Crampton-Hays has stated that, Governor Hochul has zero tolerance for any sexual harassment or assault, and that her office would work with the State Legislature to protect New Yorkers during discussions that would institute higher penalties for such crimes; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the State Legislature to amend Article 130 of the Penal Code to make forcible touching a felony and to amend Article 240 of the Penal Code to categorize aggravated sexual harassment of a correction officer, including verbal abuse and lewd gestures, a Class A misdemeanor.

Referred to the Committee on Public Safety.

Int. No. 2466

By Council Member Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to records of lead-based paint investigations***Be it enacted by the Council as follows:*

Section 1. Section 27-2056.17 of the administrative code of the city of New York, as amended by local law number 31 for the year 2020, is amended by adding a new subdivision b-1 to read as follows:

*b-1. A property owner shall furnish to the department records of inspections and investigations conducted by such owner, including records of any x-ray fluorescence analysis conducted pursuant to subdivision a-1 of section 27-2056.4 or measures taken to remediate lead-based paint hazards, whenever a violation has been issued pursuant to section 27-2056.6. Such property owner shall be issued a violation pursuant to subdivision g of section 27-2056.4 if such property owner does not produce such records within 45 days after a violation of section 27-2056.6 has been issued.*

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Int. No. 2467

By Council Member Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to the permanent removal of lead-based paint on friction surfaces in child-occupied dwellings***Be it enacted by the Council as follows:*

Section 1. Section 27-2056.8 of the administrative code of the city of New York, as amended by local law number 28 for the year 2020, is amended to read as follows:

§ 27-2056.8 Violation in a Dwelling Unit Upon *or Prior to* Turnover. a. Upon turnover of any dwelling unit in a multiple dwelling erected prior to January 1, 1960 [or a dwelling unit in a private dwelling erected prior to January 1, 1960 where each dwelling unit is to be occupied by persons other than the owner or the owner's family], *or on such earlier date as established by rule of the department pursuant to subdivision e of this section*, the owner shall within such dwelling unit have the responsibility to:

- (1) remediate all lead-based paint hazards and any underlying defects, when such underlying defects exist;
- (2) make all bare floors, window sills, and window wells in the dwelling unit smooth and cleanable;
- (3) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all doors and door frames; and
- (4) provide for the removal or permanent covering of all lead-based paint on all friction surfaces on all windows, or provide for the installation of replacement window channels or slides on all lead-based painted friction surfaces on all windows.

b. All work performed pursuant to this section shall be performed pursuant to the safe work practices promulgated pursuant to [section 27-2056.11(a)(3) of this article] *paragraph 3 of subdivision a of section 27-2056.11.*

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 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] \$1,500.

*d. When the department issues a violation pursuant to this section for a specific dwelling unit, the department shall notify the owner of the multiple dwelling where the dwelling unit is located that the owner shall, within 45 days of the department's notice, provide to the department all records or access to all records required to be maintained under this article.*

*e. The department shall by rule establish a schedule for compliance with this section prior to turnover of a dwelling unit in a multiple dwelling in which a child of applicable age resides. In establishing such schedule, the department shall consider the age of a multiple dwelling and other factors relevant to the prevalence of lead-based paint hazards including, but not limited to, outstanding violations, emergency repair charges, tax arrears and mortgage debt. Such schedule shall also require compliance in all such dwelling units by July 1, 2023.*

§ 2. Subdivision d-1 of section 27-2056.9 of the administrative code of the city of New York, as added by local law number 28 for the year 2020, is amended to read as follows:

*d-1. [When] Prior to the effective date of the rules promulgated by the department pursuant to subdivision e of section 27-2056.8, the department, 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, or if the inspection pursuant to this section is conducted after the effective date of the rules promulgated by the department pursuant to subdivision e of section 27-2056.8 and [the] such inspection [pursuant to this section] indicates a failure by the owner to comply with the requirements of section 27-2056.8 or the rules promulgated thereunder, the department shall issue a violation pursuant to subdivision c of section 27-2056.8 and shall also conduct an audit pursuant to subdivision a of section 27-2056.17 pertaining to records of compliance with section 27-2056.8. Such inspection shall include, at a minimum, the testing of one or more painted friction surfaces on a window frame and one or more painted friction surfaces on a door frame, whether or not such surfaces are peeling. 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.*

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions 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. 2468

By Council Member Chin.

**A Local Law to amend the New York city charter, in relation to establishing an office of translation and interpretation within the office of immigrant affairs**

*Be it enacted by the Council as follows:*

Section 1. Section 18 of the New York city charter is amended by adding a new subdivision h to read as follows:

*h. There is hereby established an office of translation and interpretation within the office of immigrant affairs, the head of which shall be the director of the office of immigrant affairs. Within appropriations therefor, the office of translation and interpretation shall employ individuals who are proficient in the designated citywide languages, as defined in section 23-1101 of the administrative code, for the purpose of providing translation*

*and interpretation services to the city and its agencies. The office of translation and interpretation shall have the power and duty to:*

- 1. Upon request, translate documents created by agencies into the designated citywide languages;*
- 2. Provide interpretation services to agencies for the designated citywide languages; and*
- 3. Perform any other appropriate function related to providing translation and interpretation services to city agencies.*

§ 2. This local law takes effect 180 days after it becomes law.

Referred to the Committee on Immigration.

Res. No. 1838

**Resolution reaffirming New York City's status as a Purple Heart City and calling on the State Legislature to pass, and the Governor to sign A.7961/S.2279, designating the State of New York a Purple Heart State.**

By Council Members Dinowitz and Yeger.

**Whereas**, According to the Military Order of the Purple Heart, an organization for combat wounded veterans, the Purple Heart Medal is the oldest and among the most venerated military decorations in present use; and

**Whereas**, The Purple Heart is awarded in the name of the President of the United States to those wounded or killed in combat by enemy action, or posthumously to their next of kin; and

**Whereas**, On August 7, 1782, during the Revolutionary War, General George Washington issued an order establishing a badge of distinction for meritorious action, which consisted of a heart made of purple cloth; and

**Whereas**, The award was notable because it was a way to honor brave soldiers in the lower ranks who fought under General Washington's command for America's independence at a time when only officers were eligible for decoration in European armies; and

**Whereas**, Although discontinued after the Revolutionary War, the decoration was reinstated by the Department of Defense in 1932; and

**Whereas**, Our nation's military leaders have awarded the Purple Heart to honor an estimated 1.8 million Americans who have been wounded in battle or killed in action; and

**Whereas**, New York City is home to 230,000 veterans, according to the New York City Department of Veteran Services; and

**Whereas**, In 2015, the New York City Council issued a proclamation declaring New York City a Purple Heart City; and

**Whereas**, S.2279, sponsored by Senator Daphne Jordan and its companion bill A.7961, sponsored by Assembly Member Jake Ashby, would designate the State of New York a Purple Heart State, recognizing the heroic sacrifices our nation's soldiers have made in order to protect our country; now, therefore, be it

**Resolved**, That the Council of the City of New York reaffirms New York City's status as a Purple Heart City and calls on the State Legislature to pass, and the Governor to sign A.7961/S.2279, designating the State of New York a Purple Heart State.

Referred to the Committee on Veterans.

Int. No. 2469

By Council Member Dromm.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the approval of the commissioner of correction to honor a civil immigration detainer, and requiring the department of correction to provide notice of receipt of a civil immigration detainer to the implicated person and their attorney**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 1 of subdivision b of section 9-131 of the administrative code of the city of New York, as amended by local law number 58 for the year 2014, is amended to read as follows:

1. The department may only honor a civil immigration detainer by holding a person beyond the time when such person would otherwise be released from the department's custody, in addition to such reasonable time as is necessary to conduct the search specified in subparagraph (ii) of this paragraph, or by notifying federal immigration authorities of such person's release, if:

i. federal immigration authorities present the department with a judicial warrant for the detention of the person who is the subject of such civil immigration detainer at the time such civil immigration detainer is presented; [and]

ii. a search, conducted at or about the time when such individual would otherwise be released from the department's custody, of state and federal databases, or any similar or successor databases, accessed through the New York state division of criminal justice services e-JusticeNY computer application, or any similar or successor computer application maintained by the city of New York or state of New York, indicates, or the department has been informed by a court or any other governmental entity, that such person: A. has been convicted of a violent or serious crime, or B. is identified as a possible match in the terrorist screening database[.]; *and*

iii. *the commissioner of correction approves the continued detention or notice of release of such person, as the case may be.*

§ 2. Section 9-131 of the administrative code of the city of New York is amended by adding new subdivision i to read as follows:

*i. Notice of receipt of civil immigration detainer. Immediately upon receipt of a civil immigration detainer, the department shall provide notice of the receipt of such request to the person whose detention is requested, and to such person's attorney.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 2470

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

**A Local Law in relation to the date of submission by the mayor of a preliminary management report, the date of submission by the mayor of the preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects, the date of submission by the mayor of the preliminary budget, the date of publication by the director of the independent budget office of a report on revenues and expenditures, the date of submission by the community boards of statements in regard to the preliminary budget, the date of submission by the commissioner of finance of an estimate of the assessed valuation of real property and statement of real property taxes due, expected to be received, and uncollected, the date of submission by the mayor of a tax benefit report, the date of submission by the borough boards of statements on budget priorities, the date of submission by the borough presidents of proposed modifications of the preliminary budget, the date of publication by**

**the director of the independent budget office of a report analyzing the preliminary budget, and the date of submission by the campaign finance board of estimates of the financial needs of the campaign finance board, relating to the fiscal year two thousand twenty-three**

*Be it enacted by the Council as follows:*

Section 1. During the calendar year 2022 and in relation to the 2023 fiscal year:

1. Notwithstanding any inconsistent provisions of section 12 of the New York city charter, as amended by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a preliminary management report as therein described not later than February 28, 2022.

2. Notwithstanding any inconsistent provisions of section 235 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit and publish a preliminary certificate regarding debt and reserves and appropriations and expenditures for capital projects as therein described not later than February 16, 2022.

3. Notwithstanding any inconsistent provisions of section 236 of the New York city charter, as amended by local law number 218 for the year 2017, the mayor shall pursuant to such section submit a preliminary budget as therein described not later than February 16, 2022.

4. Notwithstanding any inconsistent provisions of section 237 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall publish a report on revenues and expenditures as therein described on or before March 1, 2022.

5. Notwithstanding any inconsistent provisions of section 238 of the New York city charter, as added by vote of the electors on November 7, 1989, each community board shall pursuant to such section submit a statement and recommendations in regard to the preliminary budget as therein described not later than March 15, 2022.

6. Notwithstanding any inconsistent provisions of section 239 of the New York city charter, as added by vote of the electors on November 7, 1989, the commissioner of finance shall pursuant to such section submit an estimate of the assessed valuation of real property and a certified statement of all real property taxes due as therein described not later than March 15, 2022.

7. Notwithstanding any inconsistent provisions of section 240 of the New York city charter, as added by vote of the electors on November 7, 1989, the mayor shall pursuant to such section submit a tax benefit report as therein described not later than March 15, 2022.

8. Notwithstanding any inconsistent provisions of section 241 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough board shall pursuant to such section submit a statement of budget priorities as therein described not later than March 25, 2022.

9. Notwithstanding any inconsistent provisions of section 245 of the New York city charter, as added by vote of the electors on November 7, 1989, each borough president shall pursuant to such section submit any proposed modifications of the preliminary budget as therein described not later than April 10, 2022.

10. Notwithstanding any inconsistent provisions of section 246 of the New York city charter, as added by vote of the electors on November 7, 1989, the director of the independent budget office shall pursuant to such section publish a report analyzing the preliminary budget as therein described on or before April 15, 2022.

11. Notwithstanding any inconsistent provisions of subdivision c of section 1052 of the New York city charter, as added by vote of the electors on November 3, 1998, the campaign finance board shall pursuant to such subdivision submit estimates of the financial needs of the campaign finance board as therein described not later than April 8, 2022.

§ 2. This local law takes effect immediately, except that if it becomes law after January 16, 2022, it is retroactive to and deemed to have been in full force and effect as of January 16, 2022.

Referred to the Committee on Finance.

## Preconsidered Res. No. 1839

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

**Whereas**, On June 30, 2020, the City Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 and Fiscal 2021 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local and aging 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 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives; 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 pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 2; 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 Speaker's Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; 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 A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; 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 2022 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 Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; 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 NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; 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 2022 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 Cultural Immigrant Initiative in accordance with the Fiscal 2022 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 Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

**Resolved**, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; 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 2022 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 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 the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; 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 Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; 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 YouthBuild Project Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; 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 AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Key to the City Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Hate Crime Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; 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 Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; 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 Art a Catalyst for Change Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2022, as set forth in Chart 28.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1839 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 2471

By Council Members Gjonaj and Yeger.

**A Local Law to amend the administrative code of the city of New York, in relation to agency procurement of data storage services that projects, accounts for and assesses future costs related to such services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-146 to read as follows:

§ 6-146 *Data storage services.* *The commissioner of citywide administrative services, or another person designated by the mayor to carry out this section, shall collaborate with the commissioner of information technology and telecommunications to develop and issue guidance, as necessary, for agency procurement of services to store computerized data. The purpose of such guidance shall be to project, account for and assess future costs related to such services including, but not necessarily limited to, installation, maintenance, upgrades and expansions of such services. Such guidance shall include information regarding the preparation of specifications.*

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

Referred to the Committee on Contracts.

Int. No. 2472

By Council Members Kallos and Cornegy.

**A Local Law to amend the administrative code of the city of New York, in relation to a pilot program for the use of unmanned aircraft systems in the inspection of the exterior walls of buildings greater than six stories in height**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 10-126 of the administrative code of the city of New York is amended to read as follows:

a. Definitions. [When] *As used in this section,* the following [words or] terms [shall mean or include] have the following meanings:

[1. “[Aircraft.]” *The term “aircraft” means [A]any contrivance [, now or hereafter] invented, used or designed for aviation or flight in the air, including an unmanned aerial vehicle or a captive balloon, except a parachute or other contrivance designed for use[,] as and carried primarily as safety equipment.*

[2. “Place of landing.” Any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.

3. “Limits of the city.” The water, waterways and land under the jurisdiction of the city and the air space above the same.

4. “[Avigate.]” *To] The term “avigate” means to pilot, steer, direct, fly or manage an aircraft in or through the air, whether controlled from the ground or otherwise.*

[5. “Congested area.” Any land terrain within the limits of the city.

6. “Person.” A natural person, co-partnership, firm, company, association, joint stock association, corporation or other like organization.]

*Limits of the city. The term “limits of the city” means the water, waterways and land under the jurisdiction of the city and the air space above the same.*

*Place of landing. The term “place of landing” means any authorized airport, aircraft landing site, sky port or seaplane base in the port of New York or in the limits of the city.*

*Unmanned aerial vehicle. The term “unmanned aerial vehicle” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.*

§ 2. Subdivision c of section 10-126 of the administrative code of the city of New York is amended to read as follows:

c. Take offs and landings. It shall be unlawful for any person avigating an aircraft to take off or land, except in an emergency, at any place within the limits of the city other than places of landing designated by the department of transportation or the port of New York authority, *and except pursuant to section 28-302.7.*

§ 3. Article 302 of title 28 of the administrative code of the city of New York, as added by local law 38 for the year 2007, is amended by adding a new section 28-302.7 to read as follows:

§ 28-302.7 *Unmanned aerial systems pilot program. a. Definitions. As used in this section, the following terms have the following meanings:*

*Unmanned aerial vehicle. The term “unmanned aerial vehicle” means an aircraft that is operated without the possibility of direct human intervention from within or on the aircraft.*

*Unmanned aircraft system. The term “unmanned aircraft system” means an unmanned aerial vehicle and any associated equipment used for the operation of an unmanned aerial vehicle.*

b. *No later than December 31, 2022, the department shall establish a pilot program for the use of unmanned aircraft systems, in conjunction with physical examinations and close-up inspections, for critical examinations of a building’s exterior walls, as required by section 28-302.2, provided that no unmanned aircraft system shall be operated pursuant to this section in any manner prohibited by or contrary to the laws and regulations of the federal aviation administration. Such pilot program shall continue through at least December 31, 2023, and may continue after such date at the discretion of the commissioner. The department shall promulgate rules for such pilot program to prioritize implementation in community districts with the greatest number of sidewalk sheds. The department shall promulgate rules for the safe operation of unmanned aircraft systems, and for the security of data collected and retained by owners and operators of such unmanned aircraft systems.*

c. *The department shall continue to study the safety and feasibility of the use of unmanned aircraft systems over the course of the pilot program established by subdivision b, and shall consider, but not be limited to, the following subjects:*

1. *The impacts of the use of unmanned aircraft systems on the time spent and costs of conducting the inspections required by section 28-302.2, including the impacts, if any, on any repair or maintenance work required as a result of such inspection;*

2. *What types of exterior wall defects are better identified through the use of unmanned aircraft systems;*

3. *The efficacy of the use of unmanned aircraft systems in conducting inspections required by section 28-302.2 in relation to the physical examinations and close-up inspections required by that section;*

4. *Whether the periodic use of unmanned aircraft systems can identify any changes in the condition of a building’s exterior walls in comparison to previous inspections of such exterior walls;*

5. *Which types of buildings would most benefit from the use of unmanned aircraft systems in exterior wall inspections;*

6. *The feasibility of authorizing the use of unmanned aircraft systems in the course of emergency response work conducted by the department;*

7. *The feasibility of authorizing the use of unmanned aircraft systems in identifying open roofs in structurally compromised buildings;*

8. *The feasibility of authorizing the use of unmanned aircraft systems to improve the energy efficiency of buildings; and*

9. *The impacts of the use of unmanned aircraft systems in conducting inspections required by section 28-302.2 on pedestrian safety.*

d. *No later than June 30, 2024, the commissioner shall submit a report to the mayor and the speaker of the city council on such pilot program and the results of the study required by subdivision c, which shall include, at a minimum:*

1. *Recommendations as to whether and how such pilot program may be expanded and made permanent;*

2. *The cost of conducting inspections required by section 28-302.2 with the use of unmanned aircraft systems compared to the cost of conducting such inspections without their use;*

3. *Feedback from participants in such pilot program, including building owners, qualified exterior wall inspectors and unmanned aircraft system operators; and*

4. *Challenges presented by the use of unmanned aircraft systems in the pilot program.*

§ 4. This local law takes effect immediately, except that section three of this local law expires and is deemed repealed upon completion of the pilot program established by that section.

Referred to the Committee on Housing and Buildings.

Res. No. 1840

**Resolution calling upon the New York State Legislature to pass and the Governor to sign A.5573/S.1603, in relation to prohibiting eviction without good cause.**

By Council Members Kallos, the Speaker (Council Member Johnson), Gibson, Cabán, Rosenthal, Louis and the Public Advocate (Mr. Williams).

**Whereas**, According to the 2017 New York City Housing Vacancy Survey (HVS), a little over two-thirds of New York City households rent their units; and

**Whereas**, The 2021 Income and Affordability Study by the NYC Rent Guidelines Board estimated that 50.1 percent of renters in New York City (NYC or the City) are rent burdened, which means that they are paying 30 percent of their income towards rent; and

**Whereas**, 26.2 percent of these rent burdened renters are considered to be severely rent burdened since they are spending 50 percent or more of their income towards rent, according to that same study; and

**Whereas**, Tenants who are rent burdened or severely rent burdened could become homeless due to an unexpected financial setback, illness or personal crisis; and

**Whereas**, Research from the Right to Counsel NYC Coalition, a tenant advocacy group, documented that there were 152,284 eviction cases in New York State on March 13, 2020, at the start of the COVID-19 pandemic, and as of October 3, 2021, there were 224,341 active eviction cases; and

**Whereas**, An increase in the number of evictions sought by landlords could be detrimental for many impacted renters and put enormous pressure on the City's homeless service programs; and

**Whereas**, According to the Coalition for the Homeless, a homeless advocacy group, in the past few years homelessness in NYC has reached the highest levels since the Great Depression of the 1930s; and

**Whereas**, As of August 2021, research from the Coalition of the Homeless showed 18,357 single adults and 47,979 households, including 14,881 homeless children, were sleeping each night in the City's shelter system; and

**Whereas**, A report titled, "Turning the Tide on Homelessness in New York City" by the NYC Department of Homeless Services highlighted that New York City has more than 3.4 million housing units, however that many of these units are unaffordable to many low income and middle income families; and

**Whereas**, That same report emphasized that the City's vacancy rate is 3.5 percent and the vacancy rate for apartments with a rent that costs \$800 or less is 1.8 percent, which is a problem for a household searching for an affordable unit, and that the availability of affordable rental housing has not kept up with the City's need; and

**Whereas**, A way to cut the proportion of people becoming homeless is by giving renters in NYC protections against unconscionable rent hikes and offering them a lease renewal option; and

**Whereas**, A.5573, sponsored by Assembly Member Pamela Hunter in the New York State Assembly and companion bill S.1603, sponsored by State Senator Julia Salazar in the New York State Senate, would prohibit landlords from taking any action to evict, to fail to renew a lease or to remove a tenant from a housing accommodation unless it was done for a good cause; and

**Whereas**, Under A.5573/S.1603, some of the proposed grounds for eviction would be narrowed to situations such as if the tenant fails to pay rent, conducts nuisance activities in the unit or on the premise, and if there are substantive lease violations; and

**Whereas**, Cities such as Albany and Hudson have recently passed legislation that would prohibit eviction without a good cause, while cities such as Kingston, Poughkeepsie, New Paltz, Ithaca, Beacon and Newburgh currently have legislation pending in their respective jurisdictions; and

**Whereas**, New York City needs A.5573/S.1603 to help provide some comfort and relief to its overburdened tenants; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5573/S.1603, in relation to prohibiting eviction without good cause

Referred to the Committee on Housing and Buildings.

Int. No. 2473

By Council Members Reynoso, Rivera and Cabán.

**A Local Law to amend the administrative code of the city of New York, in relation to abolishing the criminal group database and prohibiting the establishment of a successor database**

*Be it enacted by the Council as follows:*

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-188.1 to read as follows:

§ 14-188.1 *Criminal group database prohibited. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Criminal group database. The term “criminal group database” means the database utilized by the department to centralize and consolidate criminal group related intelligence and as further described in the department’s proposed surveillance impact and use policy for such criminal group database, posted online pursuant to subdivision c of section 14-188 on January 11, 2021, requiring a surveillance technology impact and use policy for existing surveillance technology.*

*Inspector general for the police department. The term “inspector general for the police department” means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the New York city charter.*

*b. The criminal group database shall be abolished pursuant to this section and no agency shall establish a successor database that has the same or substantially similar features.*

*c. No later than 2 years after the effective date of the local law that added this section, the commissioner shall abolish the criminal group database and shall destroy all information contained therein.*

*d. No later than 10 days after the effective date of the local law that added this section, the commissioner shall notify each agency of the federal or state government with which the commissioner has entered an agreement regarding the collection or sharing of information contained in the criminal group database of the provisions of this section, and shall request the destruction by any agency of the federal or state government of information contained in the criminal group database that was provided to such agency.*

*e. Prior to the abolishment of the criminal group database pursuant to subdivision c of this section, no employee shall access or use such database for any purpose except to carry out the provisions of this section or to process a request for access to information contained in such database pursuant to the state freedom of information law or any other law entitling access to information contained in such database. Any employee who violates this subdivision shall be subject to a civil penalty no less than \$500 for the first violation and no less than \$1,000 for any subsequent violation.*

*f. No later than 10 days after the effective date of the local law that added this section, the commissioner shall transfer all records that comprise the criminal group database to the custody of the inspector general for the police department. No employee of the department shall access any such records for any purpose after such transfer of records is complete.*

*g. 1. No later than 180 days after the effective date of the local law that added this section, the inspector general for the police department shall issue notice by mail to each person whose name is or has been included in the criminal group database.*

*2. Such notice shall:*

*(a) Contain a description of the criminal group database, including an explanation of why it was created, how it was used and the potential consequences of being named in such database;*

*(b) Inform the intended recipient that their name appears in the criminal group database;*

*(c) Reference this section, and provide a plain explanation of the forthcoming abolishment of the criminal group database, including the date on which such information contained therein shall be destroyed pursuant to this section; and*

*(d) Provide information regarding how the intended recipient may submit a request, pursuant to the state freedom of information law, to access additional information regarding such person's inclusion in the criminal group database.*

*h. No later than 180 days after the effective date of the local law that added this section, the inspector general for the police department shall carry out a public awareness campaign for the purpose of informing the public that the criminal group database shall be abolished and that requests for records contained therein may be submitted pursuant to the state freedom of information law, prior to the destruction of such records pursuant to this section.*

*i. Any person aggrieved by an employee's violation of this section shall have a cause of action against such employee in any court of competent jurisdiction for any or all of the following relief:*

*1. Compensatory and punitive damages;*

*2. Injunctive and declaratory relief;*

*3. Attorneys' fees and costs; and*

*4. Such other relief as a court may deem appropriate.*

*j. The inspector general for the police department shall enforce the provisions of this section and, no later than January 1 of each year, shall submit a report to the mayor and the speaker of the council, and post such report on the inspector general's website, that contains a summary of the inspector general's efforts in the prior calendar year to carry out the inspector general's duties pursuant to this section, including details of the inspector general's oversight and enforcement of this section.*

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

Referred to the Committee on Public Safety.

Int. No. 2474

By Council Member Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to lead-based paint hazards in common areas of dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a-1 of section 27-2056.4 of the administrative code of the city of New York, as amended by local law number 39 for the year 2021, is amended to read as follows:

a-1. Within the earliest of five years of the effective date of this subdivision, 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, or the issuance of an order by the department of health and mental hygiene as required by such order, 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 *and in the common areas of such multiple dwelling*. 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.

§ 2. Section 27-2056.6 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:

§ 27-2056.6 Violation in a Dwelling Unit or Common Area. a. The existence of lead-based paint in any dwelling unit in a multiple dwelling where a child of applicable age resides shall constitute a class C immediately hazardous violation if such paint is peeling or is on a deteriorated subsurface.

b. *The existence of lead-based paint in any common area of a multiple dwelling where a child of applicable age resides shall constitute a class C hazardous violation if such paint is peeling or is on a deteriorated subsurface.*

§ 3. Section 27-2056.9 of the administrative code of the city of New York is amended by adding a new subdivision d-2 to read as follows:

d-2. When conducting an inspection pursuant to this section, the department shall also conduct an inspection of the common areas of such multiple dwelling, in the manner provided by subdivision c of this section, for conditions that would constitute a violation of section 27-2056.6. Provided, however, that an inspection of the common areas of a multiple dwelling as specified by this subdivision shall not be required if an inspection of the common areas of such multiple dwelling complying with the requirements of this subdivision was conducted by the department within the previous year, unless the department has received a specific complaint relating to presumed peeling lead paint in a common area and such surface has not been previously tested to determine the presence of lead-based paint pursuant to subdivision a-1 of section 27-2056.4 or subdivision c of this section or exempted pursuant to subdivision b of section 27-2056.5.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development shall take such actions 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. 2475

By Council Member Rivera.

**A Local Law to amend the administrative code of the city of New York, in relation to providing an exception to requirements to obtain a new or amended certificate of occupancy for certain dwelling units occupied by rent-stabilized tenants, and providing for the repeal and reenactment of such exception**

*Be it enacted by the Council as follows:*

Section 1. Section 28-118.3 of the administrative code of the city of New York, as added by local law number 33 for the year 2007, is amended to read as follows:

**§28-118.3 Completed buildings or open lots.** The provisions of sections 28-118.3.1 through 28-118.3.4 shall apply to completed buildings or open lots.

**Exception:** *The provisions of sections 28-118.3.1 and 28-118.3.2 shall not be interpreted to require an issuance of a new or amended certificate of occupancy for a change that results from a dwelling unit classified as R-1 being occupied by a permanent tenant who has rent-stabilized status with respect to the unit pursuant to section*

*26-506 of the rent stabilization law of nineteen hundred sixty-nine, regardless of whether the tenant obtained rent-stabilized status before or after occupying the unit or whether the tenant was offered a lease in advance of occupancy.*

§ 2. Section 28-118.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

**§28-118.3 Completed buildings or open lots.** The provisions of sections 28-118.3.1 through 28-118.3.4 shall apply to completed buildings or open lots.

**[Exception] Exceptions:**

1. The provisions of sections 28-118.3.1 and 28-118.3.2 shall not be interpreted to require an issuance of a new or amended certificate of occupancy for a change from a mercantile establishment to a business establishment, or from a business establishment to a mercantile establishment, provided all the following criteria are met:

- 1.1. Such alteration is limited to a change within the same zoning use group;
- 1.2. The maximum occupant load for the individual establishment, both as existing and proposed, does not exceed 74 persons based on occupant load calculations in accordance with Table 6-2 of the 1968 building code or Table 1004.1.3 of the New York city building code, as applicable;
- 1.3. The establishment is located on the ground floor, accessed by the public directly from the exterior of the building;
- 1.4. The establishment undergoing alteration complies or is made to comply with any other requirements that would be applicable to the alteration, including but not limited to accessibility, and fire protection requirements pursuant to sections 901.9.2 and 1101.3.1 of the New York city building code;
- 1.5. Such alteration does not require a change in the required exits. Relocation of exit doors of the same size or larger shall not constitute a change in the required exits; and
- 1.6. Such alteration does not require a change in the live load from that stated on the existing certificate of occupancy.

2. *The provisions of sections 28-118.3.1 and 28-118.3.2 shall not be interpreted to require an issuance of a new or amended certificate of occupancy for a change that results from a dwelling unit classified as R-1 being occupied by a permanent tenant who has rent-stabilized status with respect to the unit pursuant to section 26-506 of the rent stabilization law of nineteen hundred sixty-nine, regardless of whether the tenant obtained rent-stabilized status before or after occupying the unit or whether the tenant was offered a lease in advance of occupancy.*

§ 3. This local law takes effect immediately, except that section one of this local law expires and is deemed repealed on the same date that local law number 126 for the year 2021 takes effect; and further except that section two of this local law takes effect on the same date as local law number 126 for the year 2021.

Referred to the Committee on Housing and Buildings.

## Preconsidered Int. No. 2476

By Council Members Yeger, Grodenchik, Cornegy, Vallone, Riley, Louis, Gennaro and Rose.

**A Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 11-243 of the administrative code of the city of New York, as amended by local law number 23 for the year 2020, is amended to read as follows:

b. Subject to the limitations provided in subdivision d of this section and the restrictions in this section on conversion of buildings used in whole or in part for single room occupancy, any increase in the assessed valuation of real property shall be exempt from taxation for local purposes to the extent such increase results from the reasonable cost of: (1) the conversion of a class B multiple dwelling to a class A multiple dwelling except insofar as the gross cubic content of such building is increased thereby; or (2) the conversion of any nonresidential building or structure situated in the county of New York to a class A multiple dwelling except insofar as the gross cubic content of such building is increased; or (3) the conversion of any nonresidential building or structure situated in the counties of Bronx, Kings, Queens or Richmond to a class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (4) alterations or improvements to the exterior of an otherwise eligible building or structure visible from a public street pursuant to a permit issued by the landmarks commission with respect to a designated historic or landmark site or structure; or (5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, and conversions of direct metering to a system that includes a master meter and submeters in any cooperative, condominium, or housing development fund company organized under article eleven of the private housing finance law; or (7) alterations or improvements to existing dwellings to eliminate existing unhealthy or dangerous conditions in any such existing dwelling or replace inadequate and obsolete sanitary facilities in any such existing dwelling, any of which represents fire or health hazards, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, except insofar as the gross cubic content of such existing dwelling is increased thereby; or (8) conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings or portions thereof registered with the New York city loft board as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or (9) alterations or improvements commenced on or after September first, nineteen hundred eighty-seven constituting a substantial rehabilitation of a class A multiple dwelling, or a conversion of a building or structure into a class A multiple dwelling, as part of a program to provide housing for low and moderate income households as defined by the department of housing preservation and development pursuant to the rules and regulations promulgated pursuant to subdivision m of this section, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the department of housing preservation and development, a subsidy in the form of a below market sale from the city of New York; or (10) alterations or improvements to any private dwelling or conversion of any private dwelling to a multiple dwelling or conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversions are part of a project that has applied for or is receiving benefits pursuant to this section and shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality. Such conversions, alterations or improvements shall be completed within thirty months after the date on which same shall be started except that such thirty month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to paragraph eight of this subdivision. Notwithstanding the foregoing, a sixty-month period for completion shall be available for alterations or improvements undertaken by a housing development

fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York if alterations and improvements are completed within seven years after the date of transfer. In addition, the department of housing preservation and development may grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations, improvements or conversions are completed within sixty months from commencement of construction. Provided, further, that such conversions, alterations or improvements shall in any event be completed prior to June thirtieth, two thousand [twenty] *twenty-two*. Exemption for conversions, alterations or improvements pursuant to paragraph one, two, three, four, six, seven, eight or ten of this subdivision shall continue for a period not to exceed fourteen years and begin no sooner than the first tax period immediately following the completion of such conversions, alterations or improvements. Exemption for alterations or improvements pursuant to paragraph five or nine of this subdivision shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first tax period immediately following the completion of such alterations or improvements. Such exemption shall be equal to the increase in the valuation, which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements is fully taxable. Provided, however, exemption for any conversions, alterations or improvements, which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen, or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act, (42 U.S.C.A. 12701 et seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax period subsequent to the start of such conversions, alterations or improvements and prior to the completion of such conversions, alterations or improvements. The assessed valuation of the land occupied by such dwelling and any increase in assessed valuation resulting from conversions, alterations, or improvements other than those made pursuant to this section shall not be affected by the provisions of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Preconsidered L.U. No. 939

By Council Member Dromm:

**Johanna I, Block 2012, Lots 39, 41, 42, and 44; Manhattan, Community District No. 10, Council District No. 9.**

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

Preconsidered L.U. No. 940

By Council Member Dromm:

**1018 E 163rd St, Block 2723, Lot 40; Bronx, Community District No. 2, Council District No. 17.**

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

Preconsidered L.U. No. 941

By Council Member Dromm:

**Seaview Estates, Block 22, Lot 70; Staten Island, Community District No. 1, Council District No. 49.**

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

Preconsidered L.U. No. 942

By Council Member Dromm:

**Hong Ning Senior Housing, Block 346, Lot 1; Manhattan, Community District No. 3, Council District No. 1.**

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

Preconsidered L.U. No. 943

By Council Member Dromm:

**250 West HDFC.HPO.FY22, Block 1831, Lot 56; Block 2723, Lot 40; Manhattan, Community District No. 10, Council District No. 9.**

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

Preconsidered L.U. No. 944

By Council Member Salamanca:

**Application No. 20225012 PXQ (N 220041 PXQ) (New York City Law Department Office Space) submitted by the Department of Citywide Administrative Services, pursuant to Section 195 of the New York City Charter for use of property located at 162-10 Jamaica Avenue (Block 10102, Lot 4), Borough of Queens, Community District 12, Council District 27.**

Filed pursuant to a Letter of Withdrawal (preconsidered and filed by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

Preconsidered L.U. No. 945

By Council Member Salamanca:

**Application No. 20205373 SCR (New Supportive Space for Existing School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new supportive space for an existing school facility, located at 129 Tompkins Avenue (Block 534, Lot 84), Borough of Staten Island, Community District 1, Council District 49, Community School District 31.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

Preconsidered L.U. No. 946

By Council Member Salamanca:

**Application No. 20215033 SCQ (572-Seat Primary School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 572-seat primary school facility, located at the corner of Water's Edge Drive and 24<sup>th</sup> Avenue (Block 5958, Lot 30), Borough of Queens, Community District 7, Council District 19, Community School District 25.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

Preconsidered L.U. No. 947

By Council Member Salamanca:

**Application No. 20215032 SCQ (801-Seat High School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 801-seat high school facility, located at 165-18 Hillside Avenue (Block 9816, Lots 39, 41, and 49), Borough of Queens, Community District 12, Council District 27, Community School District 28.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

Preconsidered L.U. No. 948

By Council Member Salamanca:

**Application No. 20225011 SCR (572-Seat Primary School Facility) pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, 572-seat primary school facility, located on 24 Shelley Avenue (Block 2629, Lots 1 and 20), Borough of Staten Island, Community District 2, Council District 50, Community School District 31.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions).

Preconsidered L.U. No. 949

By Council Member Salamanca:

**Application No. 20225010 RSY (Coney Island Amusement Park Project Plan – Third Amendment to the Special Process Agreement) Third Amendment to agreement for special process to amend Paragraph 5(b) of the Special Process Agreement to change seventeen (17) years to twenty-seven (27) years to promote the development and programming of the lands within the Coney Island Amusement Park for amusement purposes, pursuant to the Coney Island Amusement Park Project Plan “CIAPPP” described in the Special Process Agreement. The expiration date of each of the Interim Leases shall not be later than December 31, 2037.**

Laid Over by the Council.

Preconsidered L.U. No. 950

By Council Member Salamanca:

**Application No. C 210166 ZMK (79 Quay Street Rezoning) submitted by Quay Plaza, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12c, by changing from an M1-2/R6A District to an M1-4/R7D District property bounded by a line 100 feet northerly of Quay Street, a line 100 feet westerly of Franklin Street, Quay Street, and West Street, as shown on a diagram (for illustrative purposes only) dated June 21, 2021, and subject to the conditions of CEQR Declaration E-622, Borough of Brooklyn, Community District 1, Council District 33.**

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter (preconsidered and approved with modifications by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 951

By Council Member Salamanca:

**Application No. N 210167 ZRK (79 Quay Street Rezoning) submitted by Quay Plaza, 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 Article XII, Chapter 3 (Special Mixed Use District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 33.**

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter (preconsidered and approved with modifications by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 952

By Council Member Salamanca:

**Application No. C 210200 ZMQ (31st Street and Hoyt Avenue Rezoning) submitted by MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5B District to a C4-4 District, changing from a C4-3 District to a C4-4 District, changing from an R5B District to a C4-5X District, and changing from a C4-3 District to a C4-5X District, Borough of Queens, Community District 1, Council District 22.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 953

By Council Member Salamanca:

**Application No. N 210201 ZRQ (31st Street and Hoyt Avenue Rezoning) submitted by MDM Development Group, LLC; 2441 Astoria Associates, LLC; and 31 Neptune, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 22.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 954

By Council Member Salamanca:

**Application No. C 210041 ZMQ (45-20 83rd Street Rezoning) submitted by Sunshine Elmhurst, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, changing from an M1-1 to an R7A District, Borough of Queens, Community District 4, Council District 25.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 955

By Council Member Salamanca:

**Application No. N 210042 ZRQ (45-20 83rd Street Rezoning) submitted by Sunshine Elmhurst LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 4, Council District 25.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 956

By Council Member Salamanca:

**Application No. N 210273 ZRK (1 Wythe Avenue) submitted by One Wythe, LLC, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, adding an Industrial Business Incentive Area to Article VII, Chapter 4 (Special Permits by the City Planning Commission), Borough of Brooklyn, Community District 1, Council District 33.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 957

By Council Member Salamanca:

**Application No. C 210272 ZSK (1 Wythe Avenue) submitted by One Wythe LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-96 of the Zoning Resolution to allow an increase in the maximum permitted floor area ratio in accordance with Section 74-963 (Permitted floor area increase) and, in conjunction therewith, to waive the off-street parking requirements of Section 44-20 (REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR MANUFACTURING, COMMERCIAL OR COMMUNITY FACILITY USES), and to modify the quantity and size of the loading berth requirements of Section 44-50 (GENERAL PURPOSES), in connection with a proposed 8-story commercial and industrial building, within an Industrial Business Incentive Area specified on the Maps in Section 74-968 (Maps of Industrial Business Incentive Areas), on property located at 1 Wythe Avenue (Block 2641, Lots 1, 3 and 4), in a M1-2 District, Borough of Brooklyn, Community District 1, Council District 33.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

NEW YORK CITY COUNCIL

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

**Friday, December 10, 2021**

Committee on Small Business Mark Gjonaj, Chairperson  
**Oversight** - Regulatory Burdens on Small Businesses.  
Remote Hearing (Virtual Room 3).....10:00 a.m.

Committee on Technology Robert Holden, Chairperson  
**Oversight** - Open Data Compliance.  
Remote Hearing (Virtual Room 4)..... 11:00 a.m.

**Monday, December 13, 2021**

Committee on Civil Service and Labor I. Daneek Miller, Chairperson  
**Oversight** - COVID-19 Safety Protocols in the Workplace.  
Council Chambers – City Hall.....10:00 a.m.

Committee on Cultural Affairs, Libraries & International Intergroup Relations James Van Bramer, Chairperson  
**Oversight** - The New York City Public Libraries – Updates and COVID-19 Recovery.  
Committee Room – City Hall.....10:00 a.m.

**Tuesday, December 14, 2021**

Committee on Immigration Carlos Menchaca, Chairperson  
**Oversight** - Supporting Low-Wage Immigrant Workers in a COVID-19 Recovery.  
Council Chambers – City Hall.....10:00 a.m.

**Wednesday, December 15, 2021**

★ Addition  
Stated Council Meeting  
**HYBRID HEARING – Council Chambers – City Hall.....Agenda –1:30 p.m**

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) extended a special welcome to newly sworn Council Members Cabán, Vernikov, and Carr who were taking part in their first Stated Meeting. On behalf of the Council, he congratulated all three and expressed his gratitude for their presence.

Shortly before the Reports of the Standing Committees, the Speaker (Council Member Johnson) wished a happy birthday to Council Member Adams.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these hybrid proceedings to meet again for the Stated Meeting of Wednesday, December 15, 2021.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* These proceedings mark the first Stated Meeting for three newly-sworn Council Members: David M. Carr was first sworn-in on November 30, 2021 as the new Council Member representing the 50<sup>th</sup> District (Staten Island); Tiffany Cabán was first sworn-in on December 1, 2021 as the new Council Member representing the 22<sup>nd</sup> District (Queens); and Inna Vernikov was first sworn-in on December 1, 2021 as the new Council Member representing the 48<sup>th</sup> District (Brooklyn).

