

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Wednesday, May 29, 2019, 2:09 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent on May 29, 2019: Council Member Moya.
Paternity Leave: Council Member Levin.

There is a vacancy in the Council pending the swearing-in of the certified winner of the May 14, 2019 Special Election held in the 45th District (Brooklyn).

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

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

*There were 48 Council Members marked present at this Stated Meeting held on May 29, 2019 in the Council Chambers of City Hall, New York, N.Y. (*but see Editor's Note: re: Attendance below).*

** Editor's Note re: Attendance for the Stated Meeting held on May 29, 2019 and the brief Recessed Meeting held on June 13, 2019: The brief Recessed Meeting held subsequently on June 13, 2019 is considered to be the continuation and conclusion of this Stated Meeting which opened on May 29, 2019. For attendance purposes, therefore, any Council Member who was present at any one of these two Meetings will be considered present for all of the proceedings known collectively as the Stated Meeting of May 29, 2019.*

INVOCATION

The Invocation was delivered by Rabbi Andy Bachman, from The Jewish Project, 146 Duane Street, New York, New York 10013.

Source of life and light,
 source of justice and truth,
 source of freedom, love, and peace.
 Inspire and give strength to these elected officials
 and all who aid them
 in the good work of the New York City Council.
 Inspire their hearts and minds to do what is right.
 Guide them along paths of fairness and equity.
 Deepen their commitment to a generosity of spirit
 in serving all New Yorkers
 of all faiths and genders and nations of origin,
 to band together and celebrate the blessing of life,
 the wonder of creating, and the animating idea
 that there is always more that unites us than divides us a
 and that together we can build
 a city and a nation and a world of justice and peace.
 Amen.

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

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

Retired NYPD Sergeant Detective Vincent K. Gough, 52, passed away on May 12, 2019 of 9/11 related illnesses which he developed while serving at Ground Zero. Before joining the NYPD, Detective Goff had also served in the United States Marine Corps.

A construction worker, 49, lost his life while working on a job in midtown Manhattan on May 18, 2019 (*Editor's Note: The construction worker was identified as Giuseppe Pagano and he died in a scaffolding accident near Grand Central Station*).

On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to the families, friends and colleagues of these two individuals above.

A Moment of Silence was observed in the Chambers.

* * *

ADOPTION OF MINUTES

Council Member Holden moved the Minutes of the Stated Meeting of April 9, 2019 be adopted as printed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-167

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2020 for non-payment of taxes on real estate and for the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2020, pursuant to the City Charter.

May 10, 2019

Honorable Corey Johnson

Speaker, New York City Council
ATTN: Jonathan Ettricks
City Hall
New York, NY 10007
Re: FY2020 Interest Rates Recommendations for:
Early Payment (Discount) of Real Estate Taxes; and
Non-Payment of Real Estate Taxes

Dear Speaker Johnson:

Pursuant to § 11-224.1 of the New York City Administrative Code and § 1519(a) of the New York City Charter, at its meeting on May 10, 2018, the NYC Banking Commission approved resolutions recommending to the City Council the following proposed FY2019 interest rates for the discount rate for early real estate tax payments and the rates for non-payment of real estate taxes:

- a. One-half of one percent (0.50%) discount per annum for early payment of real estate taxes;
- b. Seven percent (7.0%) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops;
- c. Eighteen percent (18.0%) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand

dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land.

Attached are copies of the Banking Commission resolutions.

Sincerely,

Karen A. Cassidy
Assistant Commissioner and Treasurer
NYC Department of Finance

Attachment

Cc: Honorable Bill de Blasio
Comptroller Scott M. Stringer
Commissioner Jacques Jiha, Ph.D., NYC Department of Finance
Deputy Commissioner Jeffrey Shear, NYC Department of Finance
NYC Deputy Mayor for Operations Officer Laura Anglin
Assistant Comptroller for Economic Development Brian Cook

May 10, 2019
Honorable Corey Johnson
Interest Rate Recommendations — FY2020

ATTACHMENT: NYC Banking Commission Resolutions Nos. 1 to 3 (2019)

RESOLUTION NO. 1 — FY2020 EARLY PROPERTY TAX PAYMENT DISCOUNT RATE RECOMMENDATION

WHEREAS, pursuant to § 1519(a) of the New York City Charter, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed discount rate for the early payment of real estate taxes, and

WHEREAS, the Federal Reserve is currently in a hold steady and patiently assess the future rate environment. However, there have been three incremental increases of 25 basis points (0.25%) or a total of 75 basis points (0.75%) in the Federal Funds rate range in the past twelve months by the Open Market Committee of the Federal Reserve Bank on these three dates (March 2018, June 2018, September 2018) Concurrently the prime rate has also increased in 2018 from 4.75% to 5.50%, or a total of 75 basis points (0.75%).

WHEREAS, the increase in interest rates has allowed the City to earn more income than it had previously on property taxes paid early. From May 2018 — April 2019, NYC's quarterly average rates on its investments ranged from 1.70% - 2.49% in comparison to FY2018 from 1.0% - 1.70%, an increase of —80 basis points (-0.80%), and

WHEREAS, the Banking Commission's impact analysis for FY2019 demonstrates that this higher return on investments rate resulted in \$27.9 million of interest earned on taxes collected early at 50 basis points (0.50%). This offset estimates of forgone tax revenue of (\$9.6 million) (discount given) plus (+) forgone interest income on forgone taxes of (\$210K), resulting in a net surplus in revenue to the city in FY2019 of \$18 million compared to \$6.2 million in FY2018, and

WHEREAS, the impact translates to a total positive impact for the City of \$19.3 million in FY2019. This consists of the aforementioned \$18 million in net surplus revenue and an additional \$1.3 million in administrative cost savings. If the Banking Commission were to increase the discount rate to 100 basis points (1.0%), this would produce \$10 million less in net revenue to the City, and

WHEREAS, changes in the discount rate decrease from 100 basis points (1.0%) in FY2015 to 50 basis points (0.50%) in FY2016 through FY2019 has had little effect on the number of pre-paid accounts or the amount of taxes collected early. The number of pre-paid accounts has consistently remained at —176k with a dollar value of —\$2.2 billion. Therefore, taxpayer behavior appears somewhat inelastic in response to changes in the discount rates. Further, given the inelasticity, cash flow would not materially increase should the discount increase above 50 basis points (0.50%), now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the discount rate for the early payment of real estate taxes shall remain at 50 basis points (0.50%) per annum for FY2020, and be it further

RESOLVED, that said discount rate is to be offered only for that portion of the real estate tax that is paid before the due date.

RESOLUTION NO. 2 — FY2020 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED NO MORE THAN \$250,000

WHEREAS, pursuant to the New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes that as of May 9, 2019 said prime rate stands at five point five percent (5.50%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all taxpayers, and

WHEREAS, the overall trend in the past year was a rising interest rate environment. There have been three incremental increases of 25 basis points (0.25%) or a total of 75 basis points (0.75%) in the Federal Funds rate range in the past twelve months by the Open Market Committee of the Federal Reserve Bank. Concurrently, between March 2018 and December 2018 the prime rate increased from 4.75% to 5.50%, or a total of 75 basis points (0.75%), and

WHEREAS, maintaining the current penalty rate of 7.0% for assessed properties valued at no more than \$250k is consistent with the past year's 75 basis point (0.75%) increase and the current Federal Reserve position of holding rates at current levels, and

WHEREAS, the property tax balance (amount delinquent) increased from \$306.7 million in FY18 to \$345 million in FY19, an increase of 12.6% or —\$38.6 million. The interest earned on delinquent property taxes at 7.0% of \$5.9 Million was not enough to cover the negative impact of (\$6.1 Million) of forgone interest the city would have made if the taxes had been paid on time. This is a result of the —80 bps (-0.80%) increase in NYC investment rates in 2018. This resulted in a net negative revenue impact of — (\$200k). Though the increase in the penalty rate from 6.0% to 7.0% for quarterly accounts in FY2018 did not avert the aforementioned slight negative impact, the loss would have been greater had the rate not been increased to 7.0%, and

WHEREAS, the delinquency rate for quarterly accounts (assessed properties < \$250,000) increased from 9.52% to 10.43% or an increase of 9.6%. The increase in delinquencies remains within a healthy range and has not significantly increased the City's overall delinquency rate which went from 9.18% in FY18 to 10.17% in FY19, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, be maintained at seven per cent (7.0%) per annum for FY2020.

RESOLUTION NO. 3 — FY2019 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED GREATER THAN \$250,000

WHEREAS, pursuant to the New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, and

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6.0%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes for the record that as of May 9, 2019 said prime rate stands at five point five percent (5.50%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all large taxpayers, and

WHEREAS, the delinquency rates for semi-annual accounts (assessed properties > \$250,000) increased 41.2%, going from 5.23% in FY2018 to 7.4% in FY2019, which is still a healthy delinquency rate. The Banking Commission does not think that this is attributable to the 18% penalty rate, as that rate has not changed in decades. In addition, there continues to be a positive impact on New York City revenue when considering interest paid for semi-annual accounts of \$22.7 million offset by the negative (\$6.7 million) of forgone interest the city would have made if the taxes had been paid on time, which resulted in a positive impact of \$16 million in net revenue, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of real estate taxes where the assessed value of a property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, remain at eighteen per cent (18%) per annum for FY2020.

Dated May 9, 2019

The NYC Banking Commission unanimously approved Resolutions Nos. 1-3.

Referred to the Committee on Finance.

LAND USE CALL-UPS

M-168

By Council Member Van Bramer:

Pursuant to Rule 11.20(b) of the Council and §20-226 of the New York City Administrative Code, the Council resolves that the action of the Department of Consumer Affairs approving an unenclosed sidewalk café located at 201 50th Avenue, Borough of Queens, Council District 26, Community District 2 Application No. 20195511 TCQ (American Bass) shall be subject to review by the Council.

Coupled on Call-up vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 1180-A

Report of the Committee on Aging 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 mental health training for senior center caseworkers.

The Committee on Aging, to which the annexed amended proposed local law was referred on October 31, 2018 (Minutes, page 4206), respectfully

REPORTS:

INTRODUCTION

On May 28, 2019, the Committee on Aging, chaired by Council Member Margaret Chin, held a hearing on two pieces of legislation: Int. No. 1180-A and Res. No. 714-A. Int. No. 1180-A, sponsored by Council Member Diana Ayala, would require each caseworker at a senior center under the purview of the Department of the Aging (DFTA) to complete a mental health training for older adults offered by the Department of Health and Mental Hygiene (DOHMH). This bill was previously heard on November 19, 2018, at an oversight hearing on mental wellness in older adults.

Additionally, the Committee considered Res. No. 714-A, sponsored by Council Member Chin, which would call on Congress to pass and the President to sign the Protecting Older Workers Against Discrimination Act. This resolution was previously heard on January 23, 2019, at an oversight hearing on poverty and older women.

At both previous hearings for Proposed Int. No. 1180-A and Res. No. 714-A, the Committee heard from representatives from DFTA, DOHMH, service providers, and aging advocates.

On May 28, 2019, the Committee passed Int. 1180-A and Res. No. 714-A by a vote of eight in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Seniors in New York City

Nationwide, according to the United States Census Bureau, the country's older adult population is increasing.¹ In fact, from 2000 to 2016, the population of individuals age 65 and older increased from 35 million to 49.2 million.² Similar to national trends, New York City (NYC) is experiencing an increase in its aging population.³ In fact, NYC's population of individuals age 65 and older increased from 947,000 in 2005 to 1.13 million in 2015.⁴ Today, older adults represent about 13 percent of the City's total population,⁵ and researchers predict that by 2040 more than 1.4 million of the City's population will be age 65 or older.⁶

As the City's aging population continues to increase, supportive programs and services will experience an increase in demand.⁷ According to a 2017 report released by Comptroller Scott Stringer, "existing programs and

¹ United States Census Bureau, "The Nation's Older Population Is Still Growing, Census Bureau Reports," June 22, 2017, *available at* <https://www.census.gov/newsroom/press-releases/2017/cb17-100.html> (last visited April 10, 2018).

² *Id.*

³ NYC Comptroller Office, *Aging with Dignity: A Blueprint for Serving NYC's Growing Senior Population*, Mar. 2017, *available at* https://comptroller.nyc.gov/wp-content/uploads/documents/Aging_with_Dignity_A_Blueprint_for_Serving_NYC_Growing_Senior_Population.pdf (last visited April 10, 2018), at p. 4.

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ *Id.* at p. 5.

services should be adapted to prepare for the inevitable growth in demand that will occur as the population continues to age.”⁸ These programs and services should target not only the physical, but the mental well-being of this population.

Mental Health and Older Adults

Mental health advocacy groups have charted not only this rise in the older adult population, but a rise in mental illness among this group as well. The Geriatric Mental Health Alliance of New York, for example, have predicted that over the next 25 years, the number of older adults with mental illnesses in the U.S. will double from 7 million to 14 million, including an increase of more than 50% in New York State alone, from 500,00 to 780,000.⁹ The Alliance writes that “[o]lder adults with mental disorders are a heterogenous population, most of whom live and want to remain in the community” and include those older adults with: serious and persistent mental illnesses who are aging, dementia, severe anxiety, depressive, and paranoid disorders resulting in social isolation, dysfunction, behavioral obstacles to living in the community, and high rates of suicide, less severe anxiety and depressive disorders, alcohol and prescription drug abuse and some lifelong addiction, and emotional problems adjusting to old age.¹⁰

The Alliance also acknowledges that “virtually all older adults with mental illnesses also have chronic physical illnesses, and many older adults with physical illnesses have related mental illnesses.”¹¹ Despite this wide array of potential mental illness in the aging population, “[o]nly 20-25% of older adults with mental disorders receive services from mental health professionals.”¹² With the older adult population rapidly increasing, then, it is vital that NYC provides holistic and comprehensive mental health services and makes such services widely available and easily accessible to this population, in order to help them properly age in place.

City Offered Mental Health Services for Older Adults

New York City provides a host of mental health services and supportive resources to older adults. Senior centers, social adult day cares (SADC), and events in naturally occurring retirement communities (NORCs) help combat older adult social isolation by providing them with opportunities to connect with others. The City also provide supports to older adults who lost a loved one by connecting them to local bereavement support groups.¹³ Additionally, there are online resources on the Official Website of NYC that connects older adults to mental health services,¹⁴ and older adults can contact 311 to inquire about mental health services.¹⁵

While there are many city programs that support the mental wellbeing of older adults, DOHMH and DFTA are the two city agencies that provide the most comprehensive mental health supports for older adults.

⁸ Id.

⁹ The Geriatric Mental Health Alliance of New York. (2014). Meeting the Mental Health Challenges of the Elder Boom. Retrieved from https://www.vibrant.org/wp-content/uploads/2014/04/meeting_the_mental_health_challenges_of_the_elder_boom-one-pager-2009_pdf.pdf.

¹⁰ Id.

¹¹ Id.

¹² Id.

¹³ The Official Website of the City of New York, “Bereavement Support Groups for Seniors.” Retrieved from <https://www1.nyc.gov/nyc-resources/service/1177/bereavement-support-groups-for-seniors>.

¹⁴ The Official Website of the City of New York. Retrieved from <https://www1.nyc.gov/apps/311universalintake/form.htm?serviceName=DFTA+Bereavement+Support+Group>.

¹⁵ Id.

Department for the Aging (DFTA) Mental Health Services

DFTA oversees and operates many programs that increase older adults' mental wellbeing. The agency oversees more than 300 SADCs,¹⁶ which are programs that provide functionally impaired individuals, with socialization, supervision, personal care and nutrition in a protective setting during part of the day.¹⁷ As previously mentioned, these SADCs provide seniors with social stimulation and help decrease their social isolation, a factor in the rise of many mental illnesses among this population. DFTA also works with case management agencies to offer in-home care for older adults, including counseling on long-term care issues.¹⁸ At NORCs, DFTA funds supportive service programs for seniors so that older adults have access to health and social services in their communities.¹⁹

Notably, in December 2016, as part of ThriveNYC, first lady Chirlane McCray, Deputy Mayor Richard Buery, and DFTA's Commissioner Donna Corrado launched the Geriatric Mental Health Initiative to make mental health services more accessible for older adults²⁰ at 25 NYC senior centers.²¹ Under this initiative, mental health clinicians' evaluate older adults for depression, provide them with mental health related referrals and offer older adults on-site counseling.²² The Geriatric Mental Health Initiative's on-site counseling services include individual, family, couples and group counseling.²³ Additionally, mental health clinicians lead educational workshops and discussions with older adults about depression and anxiety at senior centers. Participating senior centers offer medication management, engagement programs, and clinical services in different languages including in English, Cantonese, Polish, Mandarin, Spanish and Russian.²⁴ Senior participants are not required to be members of the senior center, but must be age 60 or older.²⁵

Under ThriveNYC, the administration also expanded DFTA's older adult visiting programs with the launch of the Friendly Visiting Program. The Friendly Visiting program provides visiting services to older adults who live alone and are prone to social isolation.²⁶ As part of the Friendly Visiting program, trained volunteers who work with coordinators at case management agencies, are paired with older adults who they visit. These volunteers are trained for regular in-home visits and will take walks, run errands or talk about shared interests and experiences with their assigned older client.²⁷ Volunteers will also accompany older adults in activities like shopping, senior center visits and library visits.²⁸ The program seeks to connect clients who are identified by their visitors to need mental health services to the appropriate services.²⁹ Volunteers and friendly visiting

¹⁶ DFTA, *Social Adult Day Care Ombudsperson City Council Report*, Jan. 2018. Report on file with the Committee on Aging.

¹⁷ 9 N.Y.C.R.R. § 6654.20.

¹⁸ New York City Department for the Aging, "In-Home Services." Retrieved from <https://www1.nyc.gov/site/dfta/services/in-home-services.page>.

¹⁹ New York City Department for the Aging, "Naturally Occurring Retirement Communities." Retrieved from <https://www1.nyc.gov/site/dfta/services/naturally-occurring-retirement-communities.page>.

²⁰ The Official Website of the City of New York. "First Lady Chirlane McCray Launches Mental Health Programs for Seniors with NYC Department for the Aging." (Dec. 7, 2016). Retrieved from <https://www1.nyc.gov/office-of-the-mayor/news/934-16/first-lady-chirlane-mccray-launches-mental-health-programs-seniors-nyc-department-the>.

²¹ New York City Department for the Aging. "DFTA Geriatric Mental Health Initiative Wins National Achievement Award." (Aug. 1, 2018). Retrieved from https://www1.nyc.gov/site/dfta/about/pr_dfta_geriatric_mental_health_initiative_wins_national_achievement_award.page.

²² New York City Department for the Aging. "ThriveNYC at DFTA." Retrieved from <https://www1.nyc.gov/site/dfta/services/thrivenyc-at-dfta.page>.

²³ New York City Department for the Aging. "DFTA Geriatric Mental Health Initiative Wins National Achievement Award." (Aug. 1, 2018). Retrieved from https://www1.nyc.gov/site/dfta/about/pr_dfta_geriatric_mental_health_initiative_wins_national_achievement_award.page

²⁴ Id.

²⁵ The Official Website of the City of New York. "Mental Health Services for Seniors." Retrieved from <https://www1.nyc.gov/nyc-resources/service/7324/mental-health-services-for-seniors>.

²⁶ The Official Website of the City of New York. "First Lady Chirlane McCray Launches Mental Health Programs for Seniors with NYC Department for the Aging." (Dec. 7, 2018) Retrieved from <https://www1.nyc.gov/office-of-the-mayor/news/934-16/first-lady-chirlane-mccray-launches-mental-health-programs-seniors-nyc-department-the>.

²⁷ New York City Department for the Aging. (2018). ThriveNYC at DFTA. Retrieved from <https://www1.nyc.gov/site/dfta/services/thrivenyc-at-dfta.page>.

²⁸ Id.

²⁹ Id.

coordinators are trained on mental health first-aid since social isolation puts older adults at risk for mental health complications.³⁰

Finally, through providers like Weill-Cornell, Jewish Association for Services (JASA), Service Program for Older People (SPOP), and Community Advisory Program for the Elderly (CAPE), older adults may also request referrals for a wide variety of services in their own boroughs.³¹ While individuals requesting services do not need to be a member of a senior center, they must be age 60 or older to receive mental health services in any of the participating senior centers.³²

Department of Health and Mental Hygiene (DOHMH) Mental Health Services

DOHMH also provides health information and services for older adults, including free and low-cost medical care and screening options for various types of cancer and other medical conditions.³³ For depression and behavioral health concerns, NYC Well counselors are available to answer questions and guide participants to the appropriate services for services 24 hours a day, 7 days a week.³⁴ NYC Well staff offer assistance in multiple languages and health insurance is not required to receive referral information.³⁵ Peer support specialists are available to those who request it and services include short term counseling, suicide prevention and crisis intervention, peer support, information and referral and follow up services.³⁶

Another effective New York City DOHMH resource is the ThriveNYC's free training for Mental Health First Aid. This program provides training to help caregivers, caseworkers and any member of the public obtain the necessary tools to identify and recognize early signs and symptoms of mental illness and substance misuse.³⁷ Focusing on learning how to listen without judging, participants are taught how to help stabilize someone in distress until professional help arrives. Participants who complete the eight hour training receive a three-year certification in Mental Health First Aid.³⁸ Importantly, one of the courses offered by the Mental Health First Aid program is specifically targeted toward recognizing mental health flags and helping mental health needs in older adults.

Older Adults and Age Discrimination

Nationwide, older adults are increasingly the victims of age discrimination in the workplace. Age discrimination, according to the United States Equal Employment Opportunity Commission (EEOC), "involves treating an applicant or employee less favorably because of his or her age."³⁹ During fiscal year (FY) 2017, age discrimination represented 21.8 percent of complaints made to the EEOC, with 18,376 total complaints filed,⁴⁰ and most of which were filed by women.⁴¹ In a recent national survey conducted by the American Association of Retired Persons (AARP) of adults older than 45, 61 percent of respondents indicated that they have seen or experienced age discrimination in the workplace, and 38 percent of these respondents indicated that such

³⁰ Id.

³¹ Id.

³² "Senior Centers," New York City Department for the Aging website, available at <https://www1.nyc.gov/site/dfta/services/senior-centers.page>.

³³ New York City Department of Health. (2018). NYC Well. Retrieved from <https://www1.nyc.gov/site/doh/health/health-topics/nyc-well.page>.

³⁴ Id.

³⁵ Id.

³⁶ Id.

³⁷ New York City Health. (2018). Mental health First Aid Trainings. Retrieved from <https://www1.nyc.gov/site/doh/health/health-topics/mental-health-first-aid.page>.

³⁸ Id.

³⁹ *Age Discrimination*, U.S. Equal Employment Opportunity Commission, available at <https://www.eeoc.gov/laws/types/age.cfm>.

⁴⁰ *EEOC Releases Fiscal Year 2017 Enforcement and Litigation Data*, U.S. Equal Employment Opportunity Commission, Jan. 25, 2018, available at <https://www.eeoc.gov/eeoc/newsroom/release/1-25-18.cfm>.

⁴¹ Paula Span, *He Called Older Employees 'Dead Wood' Two Sued for Age Discrimination*, *The New York Times*, July 6, 2018, available at <https://www.nytimes.com/2018/07/06/health/age-discrimination-ohio-state.html>.

discrimination is “very common.”⁴² 19 percent of these respondents indicated that they were not hired due to their age and 12 percent indicated that they were not promoted because of their age.⁴³

Current Legal Protections

Although it persists in the workplace, age discrimination in employment is prohibited by federal, state, and local laws. Generally, it is unlawful for employers, employment agencies, apprenticeship programs, and labor organizations to discriminate against an employee or a job applicant because of their age with respect to any term, condition, or privilege of employment, including hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training. However, there are slight differences in the ways in which age as a protected class is defined under each of these laws and the employers it covers.

For example, the Age Discrimination in Employment Act of 1967 (ADEA)⁴⁴, the federal law that prohibits employers from discriminating against individuals on the basis of age, applies to employers with 20 or more employees and protects individuals who are 40 years of age or older. The state law that prohibits age discrimination in employment, the New York State Human Rights Law,⁴⁵ is considerably broader, covering employers with four or more employees, and protecting persons who are 18 years of age and over from age discrimination in employment. Finally, the law which most expansively prohibits age discrimination in employment is the local one; the New York City Human Rights Law (NYCHRL)⁴⁶ applies to employers with four or more employees and protects persons of all ages from discrimination based on age or perceived age.

Issues and Challenges in Proving Age Discrimination

While the ADEA provides a potential remedy for those older adults facing age discrimination, it is actually difficult to prove age discrimination even when plaintiffs can prove that age was a factor in being fired. Prior to 2009, workers were able to prove age discrimination so long as age was one of the factors considered in firing an employee. However, this changed with the Supreme Court’s decision in *Gross v. FBL Financial Services*.⁴⁷ In *Gross*, the Supreme Court raised the standard required to prove age discrimination; after *Gross*, employees must prove that age was the *only* reason for their termination, and not one of many reasons.⁴⁸ This means that in mixed motive cases, such as those where an employer considers age and race or age and gender, employees must have what amounts to an explicit statement that they were fired due to age in order to successfully prove age discrimination.

The current mechanisms to address age discrimination in the workplace, then, leave older adults vulnerable and unable to properly pursue their rights. Even where legislation, such as the ADEA and the NYCHRL, and rights enforcement bodies, such as the EEOC and NYCCHR, exist to protect older adults from employment discrimination, the actual mechanics of enforcement often obstruct older adults from receiving any relief at all. That is, older adults can pursue action against employment discrimination almost exclusively through litigation—however, age discrimination is often difficult, and costly, to prove.

To this end, Senator Casey Robert Jr. introduced S.443 in February 2017; the Protecting Older Workers Against Discrimination Act (POWADA) would address and rescind the stringent standard the Supreme Court set for age discrimination suits in *Gross*. That is, POWADA would amend the ADEA to allow complainants “to rely on any type or form of admissible evidence” to prove age discrimination and would allow age discrimination to be proved, even in mixed motive claims with multiple factors, as long as they can show that age was a

⁴² Rebecca Perron, *The Value of Experience Study*, AARP, July 2018, available at <https://www.aarp.org/research/topics/economics/info-2018/multicultural-work-jobs.html?CMP=RDRCT-PRI-OTHER-WORKJOBS-052118>.

⁴³ Kimberly Palmer, *10 Things You Should Know About Age Discrimination*, AARP, available at <https://www.aarp.org/work/on-the-job/info-2017/age-discrimination-facts.html>.

⁴⁴ 29 U.S.C.A. §§ 621 to 634.

⁴⁵ N.Y. Exec. Law § 296(1)(a).

⁴⁶ N.Y.C. Admin Code § 8-107(1)

⁴⁷ *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167 (2009).

⁴⁸ David G. Savage, *Supreme Court makes age bias suits harder to win*, *Los Angeles Times*, June 19, 2009, available at <http://articles.latimes.com/2009/jun/19/nation/na-court-age-bias19>; James Dennin, *Older workers are consistently discriminated against in job hiring – here’s how we can fix that*, *Mic*, May 9, 2018, available at <https://mic.com/articles/189141/older-workers-are-consistently-discriminated-against-in-job-hiring-heres-how-we-can-fix-that#.eCVpEMA0n>.

motivating factor in the discriminatory employment practice.⁴⁹ In other words, if passed, complainants would no longer be required to demonstrate that age was the *sole* reason they were fired in order to be successful in an age discrimination suit. POWADA was re-introduced for the 2019-2020 legislative session by Senator Robert C. Scott.

Addressing Mental Wellness in Older Adults and Age Discrimination in the Workplace

The Committee, then, seeks to promote mental wellness in older adults and fight age discrimination in the workplace by voting on two pieces of legislation on these topics. The Committee thus voted and passed Int. 1180-A, which would require caseworkers working at DFTA senior centers to be trained in mental health for older adults, and Res. 714-A, which supports the passage of POWADA.

INT. NO. 1180-A

Int. No. 1180-A would require all caseworkers working at city-funded senior centers to complete mental health training for older adults, as offered by DOHMH. Caseworkers continuing to work at DFTA senior centers would also be required to receive supplemental refresher courses and training in the same area at least once every three years.

Since introduction, the language of Int. No. 1180-A was amended to clarify what caseworker means for the purpose of this bill, and amended to clarify that caseworkers shall complete this training, and refresher courses, only so long as DOHMH, or any successor agency, offers the training.

This bill would take effect 120 days after it becomes law.

RES. NO. 714-A

Res. No. 714-A calls upon the United States Congress to pass and the President to sign S. 485 and H.R. 1230, the Protecting Older Workers Against Discrimination Act (POWADA), which would strengthen protections for older Americans by reversing the United States Supreme Court's 2009 decision in *Gross v. FBL Financial Services Inc.* and reinstating the "mixed-motive" claim, which would permit employees to only prove that age was one of the factors of an employer's actions, rather than requiring that plaintiffs seeking to prove age discrimination in the workforce prove that age was the only motivating factor for the employer's action.

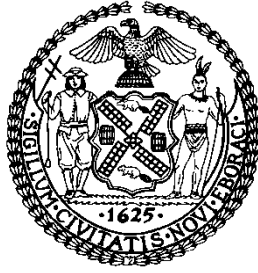
Since introduction, the language of the resolution was amended to reflect that POWADA has been re-introduced for the 2019-2020 legislative session, including updated the congressional bill numbers. The resolution was also amended to support passage of POWADA, as opposed to calling for its reintroduction.

UPDATE

On May 28, 2019, the Committee passed Int. No. 1180-A and Res. No. 714-A by a vote of eight in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1180-A:)

⁴⁹ S. 443 – *Protecting Older Workers Against Discrimination Act*, 115th U.S. Congress, Feb. 27, 2017, available at <https://www.congress.gov/bill/115th-congress/senate-bill/443>.



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

PROPOSED INTRO. NO. 1180-A

COMMITTEE: Aging

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to mental health training for senior center caseworkers. **SPONSORS:** Council Members Ayala, Chin, Brannan, Ampry-Samuel, Kallos, Koo and Vallone.

SUMMARY OF LEGISLATION: Proposed Int. No. 1180-A would require caseworkers providing services at senior centers to complete the mental health first aid training course for older adults offered by the Department of Health and Mental Hygiene, or any successor agency, and to complete a refresher training course at least once every three years.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
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 covered caseworkers would attend existing mental health first aid trainings provided by the Department of Health and Mental Hygiene.

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

SOURCES OF INFORMATION: City Council Finance Division
Department of Health and Mental Hygiene
Mayor’s Office of City Legislative Affairs

ESTIMATE PREPARED BY: Daniel Kroop, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Dohini Sompura, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1180 on October 31, 2018 and referred to the Committee on Aging. A joint hearing was held by the Committee on Aging and the Committee on Mental Health, Disabilities, and Addiction on November 19, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1180-A, will be considered by the Committee on Aging on May 28, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1180-A will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: May 23, 2019.

(For text of Res. No. 714-A; please see the Report of the Committee on Aging for Res. Nos. 714-A printed in the voice-vote Resolutions Calendar section of these Minutes; for text of Int. No. 1180-A, please see below)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1180-A:)

Int. No. 1180-A

By Council Members Ayala, Chin, Brannan, Ampry-Samuel, Kallos, Koo, Vallone, Rosenthal, Lander, Eugene, Deutsch, Rose, Diaz, Holden, Rivera, Cornegy and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to mental health training for senior center caseworkers

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-209 to read as follows:

§ 21-209 Mental health training for senior center case workers. a. Definitions. For the purposes of this section, the term “caseworker” means an individual employed by a senior center that receives funding from the department to provide services on-site pursuant to a contract procured under chapter 13 of the charter and through a source selection method established by procurement policy board rule, who provides case assistance, information and referrals for benefits and social services at such a senior center.

b. Each caseworker shall complete a training to recognize the signs and symptoms of mental illness for older adults offered by the department of health and mental hygiene or a successor agency, provided that such department offers such training.

c. At least once every three years after completing the training described in subdivision b of this section, each caseworker shall receive supplemental refresher training, provided that the department of health and mental hygiene or a successor agency offers such training.

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

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 28, 2019.

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 Education

Report for Int. No. 242-B

Report of the Committee on Education 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 education to report on funding for after school athletics.

The Committee on Education, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 425), respectfully

REPORTS:

INTRODUCTION

On Tuesday, May 28, 2019, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Proposed Introduction Number 242-B sponsored by Council Member Antonio Reynoso; Proposed Introduction Number 1294-A, sponsored by Council Member Helen Rosenthal; Proposed Introduction Number 1298-A, sponsored by Council Members Mark Treyger and Ben Kallos; Proposed Resolution Number 85-B, sponsored by Council Member Antonio Reynoso; and Resolution Number 811, sponsored by Council Member I. Daneek Miller. The Committee previously heard testimony on this legislation¹ from the Department of Education (“DOE”), parents, students, educators, advocates, unions, and other members of the public. On May 28, 2019, the Committee passed Proposed Int. No. 242-B, Proposed Int. No. 1294-A, Proposed Int. No. 1298-A, Proposed Res. No. 85-B and Res. No. 811 by a vote of thirteen in the affirmative, zero in the negative, with zero abstentions.

I. BACKGROUND

Regular physical activity in childhood and adolescence promotes lifelong health and well-being. Physical activity reduces the risk of numerous diseases and conditions, including obesity, heart disease, stroke, hypertension, Type 2 diabetes, and a number of cancers.² Regular physical activity contributes to overall health by strengthening bones, improving sleep, and reducing the risk for and symptoms of anxiety and depression.³ Physical activity also improves the brain’s “executive function” processes that help plan and organize daily activities and other components of cognition, including memory, processing speed, and attention.⁴ Research also shows a link between physical activity and academic performance. According to the Centers for Disease Control and Prevention, increased physical education (“PE”) time improves cognitive skills such as concentration and creativity, as well as standardized test scores and grade point averages.⁵ In addition, increased PE time enhances student self-esteem, motivation, and conduct.⁶

School athletics programs provide all of the above health benefits as well as a number of others. Students who play sports are less likely to smoke cigarettes or use drugs, and female high school athletes are less likely to become pregnant than non-athletes.⁷ Studies also show that student athletes have higher grade point averages

¹ Hearing held on December 3, 2018.

² U.S. Department of Health and Human Services, *2018 Physical Activity Guidelines Advisory Committee Scientific Report*, February 2018, accessed 11/19/18 at <https://health.gov/paguidelines/second-edition/report/>.

³ *Id.*

⁴ *Id.*

⁵ Centers for Disease Control and Prevention, *The Association Between School-Based Physical Activity, Including Physical Education, and Academic Performance*, U.S. Department of Health and Human Services, April 2010, accessed at https://www.cdc.gov/healthyyouth/health_and_academics/pdf/pa-pe_paper.pdf.

⁶ *Id.*

⁷ Office of Disease Prevention and Health Promotion, U.S. Department of Health and Human Services, “The Benefits of Playing Sports Aren’t Just Physical!” May 30, 2012, accessed at <https://health.gov/news/blog/2012/05/the-benefits-of-playing-sports-arent-just-physical/>.

and test scores, better attendance, lower dropout rates, and a greater chance of going to college.⁸ Participation in team sports also teaches students valuable social skills, such as cooperation and teamwork, time management, and leadership development.⁹

Despite the recognized benefits of PE and athletics programs, a 2015 report by the New York City Comptroller revealed that 32 percent of City schools lacked a full-time, certified PE teacher and 28 percent lacked a dedicated physical fitness space.¹⁰ This Comptroller's report reinforced earlier findings, such as a 2012 survey of schools by the American Heart Association, which found that DOE failed to provide adequate PE instruction to all City students.¹¹ In response, the City Council enacted Local Law 102 of 2015 ("LL 102/2015"), which requires DOE to provide an annual report regarding the amount of time each week that PE instruction is provided to students in each grade level at every school.¹² The law also requires DOE to report the number of full-time state certified PE instructors employed for grades K through 12, as well as information about PE space, including lists of all schools using non-gymnasium space and those using off-site space for PE instruction.¹³ Since LL 102/2015 was enacted, DOE has submitted three reports, which show an increase in the number of students receiving the State-mandated amount of PE, though many students are still not getting the required amount.¹⁴ According to the latest data for the 2017-18 school year, 76 percent of students Citywide received the required amount of PE, an increase from 71 percent during 2016-17 and 53 percent in 2015-16.¹⁵ Elementary students are less likely than their older peers to receive the required PE instruction. In 2017-18, 87 percent of high school and middle school students received the required amount of PE, while only 63 percent of elementary school students did.¹⁶ There were also 179 more licensed PE teachers in 2017-18, compared to 2016-17.¹⁷ It should be noted that the law includes a redaction provision to protect student privacy, and the most recent report provided by DOE was heavily redacted such that it included minimal school-level data. The Council has been working with DOE to address this issue and receive an accurate report.

In recent years, stakeholders have brought inequities in access to sports teams to the Council's attention.¹⁸ Students staged a protest relating to disparities in the distribution of sports teams to small high schools serving primarily low-income students of color at a 2014 Council budget hearing.¹⁹ These efforts led to the incorporation within DOE of the independent Small Schools Athletic League ("SSAL"), with the help of an initial City Council grant of \$825,000 in Fiscal 2015.²⁰ However, inequities in access to sports teams remain. In June 2018, New York Lawyers for the Public Interest ("NYLPI") filed a class action lawsuit, on behalf of the student-led organization Integrate NYC, and Black and Latino students, charging that DOE and Public Schools Athletic League ("PSAL") "have engaged in racial discrimination by denying Black and Latino students equal opportunity to play high school sports."²¹ The suit charges that, on average, Black and Latino students have

⁸ *Id.*

⁹ Grace Chen, "10 Reasons Why High School Sports Benefit Students," Public School Review, updated August 28, 2018, accessed at <https://www.publicschoolreview.com/blog/10-reasons-why-high-school-sports-benefit-students>.

¹⁰ Office of the Comptroller, "Dropping the Ball: Disparities in Physical Education in New York City Schools," May 5, 2015, accessed at http://comptroller.nyc.gov/wp-content/uploads/documents/Phys_Ed.pdf.

¹¹ American Heart Association, "Physical Education in New York City: Ignoring the 800 lb. Gorilla, Preliminary Results of the American Heart Association's Survey on Physical Education," January 2013, accessed at <https://media.gractions.com/F410DC9E068B98B88EA0B5C54D6885F750D9D0A3/2850366f-07e8-4da8-a7ba-ff6d1b687975.pdf>.

¹² Local Law 102 of 2015, accessed at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2170477&GUID=2682A7A6-BE35-49F7-947A-4DC6FC69B2E2&Options=Advanced&Search=>

¹³ *Id.*

¹⁴ DOE email, on file with the Committee, and *PE Report for 2017-2018*, accessed at <https://infohub.nyced.org/reports-and-policies/government/intergovernmental-affairs/physical-education-reporting>.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See testimony of David Garcia-Rosen and Mark Doorman, Transcript of Education Committee hearing, March 20, 2014, accessed at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1665399&GUID=77F8DAEE-5C95-4C19-8CE4-D02F96B6D3DA&Options=Advanced&Search=>.

¹⁹ Bob Cook, "In The Biggest City, A Fight Over Sports For the Smallest Schools," *Forbes*, May 29, 2014, accessed at <https://www.forbes.com/sites/bobcook/2014/05/29/in-the-biggest-city-a-fight-over-sports-for-the-smallest-schools/#114e7a832c8f>.

²⁰ Alex Ellefson, "High School Athletes Flag DOE for Violating Their Civil Rights," *The Independent*, May 19, 2015, accessed at <https://independent.org/2015/05/high-school-athletes-flag-doe-for-violating-their-civil-rights/>.

²¹ New York Lawyers for the Public Interest press release, "Discrimination Lawsuit Filed Against New York City Department of Education and Public Schools Athletic League Calls for Equal Access to School Sports," June 21, 2018, accessed at

access to far fewer teams and sports, and are twice as likely as students of other races to attend schools without sports teams.²² Further, the suit charges that the City spends much less on sports teams per Black and Latino student than for students of other races.²³ The lawsuit seeks to “create equal access to high school sports for all students, regardless of race,” arguing that access to school sports can affect students’ physical and mental health as well as college opportunities.²⁴

III. STATE LAWS AND REGULATIONS REGARDING PE AND ATHLETICS

New York State Education Law (“SEL”) requires all pupils above the age of eight years old in all elementary and secondary schools, public and private, to receive instruction in physical education.²⁵ The New York State Board of Regents adopt rules determining the subjects to be included in courses of physical education, the period of instruction in each course, the qualifications of teachers, and course attendance requirements.²⁶ According to the regulations, local boards of education are required to develop and implement school district plans to provide PE experiences for all pupils and to keep current plans on file in the school district office and with the State Education Department.²⁷ This school district plan must include detailed information on PE curricula, required instruction, attendance, personnel, facilities, administrative procedures, and policies for school athletic activities outside of class.²⁸

Pursuant to the rules, students in grades K-6 must participate in PE for at least 120 minutes per week (exclusive of time required for dressing and showering) as follows:

- Pupils in grades K-3 shall participate in PE on a daily basis.
- Pupils in grades 4-6 shall participate in PE no less than three times per week.²⁹

While it is recommended that PE is taught by a certified PE teacher, elementary classroom teachers may provide PE instruction under the supervision of a certified PE teacher or supervisor.³⁰

Students in grades 7-12 are required by the State rules to participate in PE at least three times per week in one semester and two times per week in the other semester.³¹ Students in grades 7-12 must be taught by a certified PE teacher.³²

New York State does not grant waivers or permit exemptions from PE.³³ If a student has a medical certificate of limitation, it must indicate the area of the PE program in which the pupil may participate.³⁴ Additionally, State regulations require districts to “provide adequate indoor and outdoor facilities for the physical education program at all grade levels.”³⁵

In the area of athletics, State law does not mandate participation, but does require that coaches of “extra-class public school athletic activities” receive instruction in and hold a valid certificate of completion of a state-approved first aid course, which must include cardiopulmonary resuscitation.³⁶ Commissioner’s Regulations also specify the ages for interschool athletic competition for pupils in grades 7 through 12.

<http://www.nylpi.org/nylpi-files-discrimination-lawsuit-against-new-york-city-department-of-education-and-public-schools-athletic-league-calling-for-equal-access-to-school-sports/>

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ SEL §803.1.

²⁶ *Id.* §803.5.

²⁷ 8 NYCRR §135.4 (a).

²⁸ 8 NYCRR §135.4 (c).

²⁹ 8 NYCRR §135.4 (c)(2)(i)(a).

³⁰ 8 NYCRR §135.4 (c)(4)(i).

³¹ 8 NYCRR §135.4 (c)(2)(ii)(a).

³² *Id.*

³³ 8 NYCRR §135.4 (c)(3)(i).

³⁴ *Id.*

³⁵ 8 NYCRR §135.4 (c)(5).

³⁶ SEL §3001-b.

IV. PE AND ATHLETICS IN NYC SCHOOLS

DOE's Office of School Wellness Programs ("OSWP") is responsible for overseeing PE as well as comprehensive health education and other wellness programs.³⁷ OSWP develops DOE's Wellness Policy, in collaboration with a District Wellness Advisory Council consisting of representatives including parents, students, PE teachers, health education teachers, school health professionals, school administrators and other community partners and stakeholders.³⁸ According to DOE's Wellness Policy, PE is an academic subject in which "students learn about their bodies, how to take care of them, and how to move, as well as the skills to engage in lifelong healthy habits."³⁹ The Wellness Policy acknowledges DOE's responsibility to provide students in grades K–12 with PE in accordance with New York State Education Law and Commissioner's Regulations, including the time and frequency requirements for each grade.⁴⁰ To assist elementary schools with meeting time and frequency requirements, DOE has introduced the "Move-to-Improve" classroom-based physical activity program.⁴¹ Elementary schools in which at least 85 percent of eligible teachers are trained in the program are permitted to use up to 40 minutes per week of Move-to-Improve activities to help meet the 120 minutes of required PE.⁴² In elementary schools, classroom teachers may only provide instruction under the guidance of a certified PE teacher so there must be at least one certified PE teacher in every elementary school.⁴³ PE instruction in middle and high schools must be provided by a certified PE teacher.⁴⁴ DOE's policy specifies that schools will make appropriate accommodations and adapt PE classes to meet the needs of students with disabilities.⁴⁵ DOE's Adaptive Physical Education ("APE") program is specifically designed for students with disabilities who may not be able to safely or successfully participate in the activities of a regular PE program.⁴⁶

DOE's Wellness Policy also recommends that classroom teachers provide short physical activity breaks between lessons or classes and strongly recommends that all elementary schools offer at least 20 minutes of recess per day, but emphasizes that these activities do not count toward the PE requirements.⁴⁷

DOE also promotes physical fitness through NYC FITNESSGRAM, which is an individualized assessment required for all eligible students in grades K—12 conducted in PE class.⁴⁸ Parents can access their child's annual NYC FITNESSGRAM report via their NYC Schools Account.⁴⁹

Regarding sports and athletic programs, DOE provides opportunities for students to participate in activities before and/or after the school day through CHAMPS Sports and Fitness Programs in elementary and middle school, and PSAL programs in high schools.⁵⁰ CHAMPS is a sports and fitness program that runs in three seasons (Fall, Winter, and Spring).⁵¹ At the beginning of each school year, schools have the opportunity to apply for programs. Principals can choose from a range of activities, including basketball, tennis, golf, badminton, yoga, dance, and running. The City Council has provided \$125,000 to support CHAMPS annually since Fiscal 2007. The total Fiscal 2018 budget supported 1,583 CHAMPS programs at 428 middle schools. Most of the funding pays for coaches, who are school personnel, and also supports student insurances, school supplies, and transportation.⁵² Similar to CHAMPS, PSAL programs are offered in the Fall, Winter, and Spring. Sports include badminton, baseball, basketball, soccer, bowling, cricket, cross country, double dutch, fencing, flag football, football, golf, gymnastics, handball, indoor track, lacrosse, outdoor track, rugby, softball, swimming, table

³⁷ New York City Department of Education Wellness Policy, 2017, accessed 11/27/18 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ DOE website, "Physical Education" accessed on 11/19/18 at <https://www.schools.nyc.gov/school-life/learning/subjects/physical-education>.

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ DOE website, "Sports and Staying Active" accessed on 11/19/18 at <https://www.schools.nyc.gov/school-life/health-and-wellness/sports-and-staying-active>.

⁵² Information provided by DOE to Council Finance, on file with Council Finance.

tennis, tennis, volleyball, and wrestling.⁵³ All PSAL and CHAMPS coaches must complete concussion training every two years.⁵⁴

V. DOE'S RECENT INVESTMENTS IN PE & ATHLETICS

Over the past four years, the Administration has made targeted investments to improve PE in schools. In the Fiscal Year 2016 Budget, the Administration baselined \$6.6 million for PE and wellness.⁵⁵ Of this, \$2.4 million was for eight PE and wellness support staff in Borough Field Support Centers who are responsible for identifying PE needs in schools, providing training and professional development to teachers, supporting school in PE compliance, and developing partnerships to support PE efforts. The remaining \$4.2 million funded an additional 50 PE teachers.⁵⁶

In Fiscal 2017, the Administration added another \$9.1 million for PE and fitness.⁵⁷ This investment grew to \$39.8 million in Fiscal 2019 and \$20.9 million in Fiscal 2020. This funding supports 455 PE and wellness staff in Fiscal 2019 and 441 in Fiscal 2020, as well as the Move-to-Improve training programs.⁵⁸ According to former-Chancellor Carmen Fariña, the Fiscal 2017 funding was added specifically “to move all elementary schools to compliance with State PE regulations by June 2019.”⁵⁹ This initiative, called “PE Works,” provides funding to schools with elementary grades that did not have a PE certified teacher to hire a certified PE teacher.⁶⁰ Funding is provided at 100 percent for the first year and then decreases each year until the school assumes full responsibility for the PE teacher salary in the fourth year.⁶¹ Schools are also provided with funding to support the formation of, or to strengthen, a School Wellness Council. In Fiscal 2019 \$28.6 million is being provided directly to schools through PE Works.⁶²

In Fiscal 2018, the total PSAL budget, including allocations made to schools to support their teams, was \$34.5 million.⁶³ This includes \$1 million in City Council discretionary funding.⁶⁴ The Council has provided \$1 million to support PSAL annually since Fiscal 2015; this funding is specifically to support teams in the SSAL and Multiple Pathways League, created in 2014 as a replacement for the Transfer League to serve over-age students in Transfer High Schools.⁶⁵ Approximately two-thirds of the total PSAL budget is for coaches and athletic directors, other costs include \$5.7 million in OTPS team costs, \$2.7 million for central staff, \$1.1 million for equipment and IT upgrades, and approximately \$2 million for travel, Big Apple Games, and privately funded initiatives.⁶⁶ This funding has supported more than 3,000 teams with approximately 44,000 student athletes at 528 schools.⁶⁷ While the average cost per PSAL program is \$9,207, funding ranges from as little as \$1,000 to as much as \$30,000 per program.⁶⁸ The cost of each program is based on the number of allowable hours for each sport, as determined by the PSAL coaching Collective Bargaining Agreement negotiated by DOE and the United Federation of Teachers, among other factors.

⁵³ PSAL website, “Sports,” accessed on 11/19/18 at <http://www.psal.org/>

⁵⁴ New York City Department of Education Wellness Policy, 2017, accessed 11/27/18 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>.

⁵⁵ Fiscal 2016 Adopted Budget, Office of Management and Budget.

⁵⁶ *Id.*

⁵⁷ Council Finance report on DOE Fiscal 2017 Executive Budget, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2016/05/040-Education-Expense.pdf> and Fiscal 2017 Executive Budget, Office of Management and Budget.

⁵⁸ *Id.*

⁵⁹ DOE testimony at Fiscal 2017 Executive Budget hearing, May 16, 2016, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2702766&GUID=5BF6B5F1-C4FA-4272-BA3E-3A105D59B1B7&Options=&Search=>

⁶⁰ DOE, *PE Works Year Three Report (2017-18)*, accessed at <https://infohub.nyced.org/reports-and-policies/citywide-information-and-data/annual-pe-works-reports>.

⁶¹ School Allocation Memorandum No. 40, FY 2019,

https://www.nycenet.edu/offices/finance_schools/budget/DSBPO/allocationmemo/fy18_19/fy19_docs/fy2019_sam040.htm

⁶² *Id.*

⁶³ Fiscal 2018 Term & Condition, DOE PSAL Report, <https://council.nyc.gov/budget/fy2018/>

⁶⁴ *Id.*

⁶⁵ PSAL website, <http://www.psal.org/sports/sport.aspx?spCode=072&flag=MPL>.

⁶⁶ Fiscal 2018 Term & Condition, DOE PSAL Report, <https://council.nyc.gov/budget/fy2018/>.

⁶⁷ *Id.*

⁶⁸ These costs do not include fringe for the personnel spending.

Pursuant to a Fiscal 2018 Term and Condition, DOE reported PSAL program applications that were denied.⁶⁹ In Fiscal 2018, 150 teams that applied for PSAL funding were denied.⁷⁰ Half of these requests were denied due to “lack of funding,” while other common reasons for denial were “facility is at full capacity,” or because DOE determined the school had a large number of teams and preference was given to schools with fewer PSAL teams. DOE did fund 42 new PSAL programs in Fiscal 2018, including 23 SSAL teams and six Multiple Pathways League teams.⁷¹

While all schools are required to provide PE, not all schools have PE space. Capital funding is expended to repair and construct the facilities in which PE programming is offered. In June 2017, the Mayor announced a “Universal Physical Education” initiative to ensure all students have access to appropriate PE space by 2021, including \$105.5 million in capital funding.⁷² The proposed Fiscal 2020-2024 Five-Year Capital Plan also includes \$25 million for the Universal Physical Education initiative.⁷³ In the first phase of the initiative, the School Construction Authority (“SCA”) is exploring options to construct new gymnasiums, renovate schoolyards, or convert existing space for schools that do not currently have sufficient access to indoor PE space.⁷⁴ The SCA has already identified three schools that will receive a new standalone gym annex: P.S. 81 in Queens, P.S. 18 in Brooklyn, and P.S. 6 in the Bronx. In addition, two schools will be getting gymnasiums through an addition/annex funded in the Capacity program: P.S. 254 in Brooklyn and P.S. 340 in the Bronx. The Fiscal 2018 Adopted Budget also included \$1.8 million in expense funding to cover 21 leases of gymnasium space.⁷⁵

Beyond the capital funding for the Universal Physical Education initiative, small amounts of funding have been allocated for “physical fitness upgrades” (swimming pools and gymnasiums) and athletic fields that need upgrading.⁷⁶ In addition, a portion of Temporary Classroom Unit (TCU) removal funding is also for playground redevelopment. Council Members and Borough Presidents often allocate discretionary capital funding to renovation of PE space as well.⁷⁷

VI. BILL ANALYSIS

Proposed Int. 242-B - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on funding for after school athletics

This bill would require DOE to provide a report on after school athletic funding to the Council and post the same report on its website. The report would include data with respect to funding for coaches, referees, athletic directors, equipment, uniforms, and transportation. The bill would also require reporting on student demographic information, athletic teams requests, and athletic facilities used for after school athletics. The bill would take effect immediately.

Update to B version: The bill was amended to conform its requirements with how DOE collects and reports certain data. The disaggregation of students in paragraph 2 of subdivision b no longer includes eligibility for the free and reduced price lunch program because the City now provides free lunch to all NYC public school students irrespective of need. Finally, the bill now includes an expiration date and is deemed repealed 2026.

Proposed Int. 1294-A - A Local Law to amend the administrative code of the city of New York, in relation to

⁶⁹ Fiscal 2018 Term & Condition, DOE PSAL Report, <https://council.nyc.gov/budget/fy2018/>.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² Office of the Mayor press release, “Mayor de Blasio, Speaker Mark-Viverito, Chancellor Fariña Announce Universal Physical Education Initiative,” June 5, 2017, accessed at <https://www1.nyc.gov/office-of-the-mayor/news/390-17/mayor-de-blasio-speaker-mark-viverito-chancellor-fari-a-universal-physical-education#0>.

⁷³ SCA Fiscal 2015-2019 Five-Year Capital Plan, accessed at <http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67>.

⁷⁴ *Id.*

⁷⁵ Fiscal 2019 Preliminary Budget Report for DOE and SCA, <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2018/03/FY19-Department-of-Education-and-the-School-Construction-Authority.pdf>

⁷⁶ SCA Fiscal 2015-2019 Five-Year Capital Plan, accessed at <http://www.nycsca.org/Community/Capital-Plan-Reports-Data#Capital-Plan-67>.

⁷⁷ *Id.*

reporting by the department of education on physical education

This bill would amend the report required by Local Law 102 of 2015 to require additional reporting by DOE on whether students with disabilities are provided with adaptive physical education, or waivers from physical education activity, including the number of students receiving each of these options per individual school. The bill would also require reporting on the average physical education class size per school. The bill would take effect immediately.

Update to A version: The reporting requirement for physical education waivers was removed from the bill because New York State does not permit waivers for physical education. The bill was updated to require DOE to report on whether students with disabilities whose individualized education program recommends adaptive physical education are provided adaptive physical education and the number of students with disabilities whose individualized education program recommends adaptive physical education who receive adaptive physical education.

Proposed Int. 1298-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on physical education curricula in New York city public schools

This bill would amend the report required by Local Law 102 of 2015 to require additional reporting by DOE on PE curricula, including whether individual schools are in compliance with State PE regulations regarding curricula for each grade of instruction. The bill would also require reporting on professional development received by certified physical education instructors. The bill would take effect immediately.

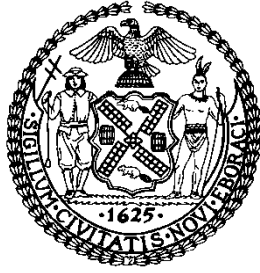
Update to A version: The bill was amended for formatting purposes. The bill was also amended to require reporting regarding District 75. Finally, further reporting would be required on certified instructors and DOE would be required to report on whether instructors are certified or not and whether they are full-time or part-time.

VII. CONCLUSION

Today's hearing will provide an opportunity to review DOE's provision of PE, including the department's plans for and progress towards meeting State PE requirements. The Committee will also review DOE's athletic programs, and the access to sports teams across the city. This hearing will also allow the Committee to consider the legislation that will increase transparency around PE instructions and access to athletics citywide. Finally, the Committee will hear the concerns and recommendations of parents, community groups, and advocates regarding the City's efforts to meet State PE requirements and to provide equitable access to sports and athletic programs.

UPDATE: On May 28, 2019, the Committee passed Proposed Int. No. 242-B, Proposed Int. No. 1294-A, Proposed Int. No. 1298-A, Proposed Res. No. 85-B and Res. No. 811 by a vote of thirteen in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 242-B:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 242-B

COMMITTEE: Committee on Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on funding for after school athletics.

SPONSOR(S): Council Members Reynoso, Brannan, Richards, Lander, Torres, Gibson, Holden, Treyger, Cumbo, Ampry-Samuel, Rose, Cohen, Levin, Cabrera, Menchaca, Rivera, Adams, Rosenthal, King, Cornegy, Eugene, Salamanca, Lancman, Powers, Ayala, Kallos, Moya and Ulrich.

SUMMARY OF LEGISLATION: This bill would require the Department of Education to provide a report on after school athletic funding to the Council and post the same report on their website. The report would include data with respect to funding for coaches, referees, athletic directors, equipment, uniforms, and transportation. The bill would also require reporting on student demographic information, athletic team requests, and athletic facilities used for after school athletics.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as DOE already has the resources in place to provide this data.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Chelsea Baytemur, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
 Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 242 on January 31, 2018 and referred to the Committee on Education. The legislation was subsequently amended and the amended

legislation, Proposed Intro. No. 242-A, was introduced to the Council on December 3, 2018. A hearing was held by the Committee on Education on December 3, 2018 on the amended legislation after which, the legislation was laid over. The legislation was once again amended and the amended legislation Proposed Intro. No. 242-B will be considered by the Committee on Education on May 28, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 242-B will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: MAY 23, 2019.

(For text of Int. Nos. 1294-A and 1298-A and their Fiscal Impact Statements, please see the Reports of the Committee on Education for Int. Nos. 1294-A and 1298-A, respectively, printed in these Minutes; for text of Res. Nos. 85-B and 811, please see the Reports on the Committee on Education for Res. Nos. 85-B and 811, respectively, printed in the voice-voice Resolutions Calendar section of these Minutes; for text of Int. No. 242-B, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 242-B, 1294-A, 1298-A and Res. Nos. 85-B and 811.

(The following is the text of Int. No. 242-B:)

Int. No. 242-B

By Council Members Reynoso, Brannan, Richards, Lander, Torres, Gibson, Holden, Treyger, Cumbo, Ampry-Samuel, Rose, Cohen, Levin, Cabrera, Menchaca, Rivera, Adams, Rosenthal, King, Cornegy, Eugene, Salamanca, Lancman, Powers, Ayala, Kallos, Moya, Constantinides, Barron, Rodriguez and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on funding for after school athletics

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 27 to read as follows:

Chapter 27. After School Athletic Funding

§ 21-998 After school athletic funding. a. For the purposes of this section, the following terms have the following meanings:

Athletic facility. The term "athletic facility" means an indoor or outdoor facility used by high schools for athletics.

Athletics. The term "athletics" means after school interscholastic athletic competition for students.

High school. The term "high school" means a school of the city school district of the city of New York that contains any combination of grades from and including grade nine through grade 12.

Student. The term "student" means any pupil under the age of 21 as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a high school.

b. No later than December 1, 2019, and annually thereafter, the department shall submit to the speaker of the council and post on the department's website an athletics report for the preceding academic year, which shall include, but not be limited to, the following:

1. For each high school, the total amount of funding provided by the department for athletics and the amount of such funding allocated for each of the following categories: (i) coaches and athletic directors, and (ii) other than personal service related to the public schools athletic league;

2. For each high school, the total number of students participating in athletics and the number and percentage of such students disaggregated by:

(a) Race or ethnicity;

(b) Gender;

(c) Special education status;

(d) English language learner status; and

(e) Calendar year of entry to grade nine;

3. A list of all criteria used by the department when making decisions about new team requests including any changes in the criteria from the preceding academic year;

4. A list of all new team requests received by the department, including the high school that submitted such request, whether each request was approved or denied by the department and the reason for such approval or denial; and

5. A list of all athletic facilities used by high schools in the prior academic year, including athletic facilities under the jurisdiction of the department of parks and recreation.

c. The report required pursuant to this section shall provide citywide data, as well as data disaggregated by borough and community school district, except that paragraph 5 of subdivision b of this section shall be disaggregated solely by borough.

d. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interest of law enforcement. If a category contains between one and five students, or allows another category to be narrowed to between one and five students, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon the issuance of the report due on December 1, 2026 as required by section one of this local law.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 28, 2019.

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. 1294-A

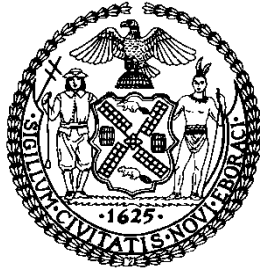
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education on physical education.

The Committee on Education, to which the annexed proposed amended local law was referred on December 11, 2018 (Minutes, page 4844), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 242-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1294-A:



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1294-A

COMMITTEE: Committee on Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting by the Department of Education on adaptive physical education

SPONSOR(S): Council Members Rosenthal, King, Cornegy, Eugene, Reynoso, Levine, Richards and Rose

SUMMARY OF LEGISLATION: This bill would amend Local Law 102 of 2015 that requires additional reporting on whether students with disabilities are provided with adaptive physical education including the number of students receiving each of these options per individual school. The proposed bill would also require a summary of key findings in the report issued by the department of education and whether the department is in compliance with state physical education requirements.

EFFECTIVE DATE: This local law takes effect 180 days after a local law amending the administrative code of the city of New York takes effect.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2020

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOE already has the resources in place to provide this data.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Chelsea Baytemur, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No.1294 on December 11, 2018 and referred to the Committee on Education. A hearing was held by the Committee on Education on December 3, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1294-A, will be considered by the Committee on Education on May 28, 2019.

Upon a successful vote by the Committee, Proposed Intro. No. 1294-A will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: MAY 23, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1294-A:)

Int. No. 1294-A

By Council Members Rosenthal, King, Cornegy, Eugene, Reynoso, Levine, Richards, Rose, Kallos, Barron, Rodriguez, Lander, Holden, Ayala, Rivera and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to reporting by the department of education on physical education

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-960 of the administrative code of New York is amended by adding a new paragraph 11 to read as follows:

11. Whether students with disabilities whose individualized education program recommends adaptive physical education are provided adaptive physical education and the number of students with disabilities whose individualized education program recommends adaptive physical education who receive adaptive physical education.

§ 2. Paragraph 4 of subdivision b of section 21-960 of the administrative code of New York, as amended by a local law to amend the administrative code of the city of New York, relating to requiring the department of education to report on physical education curricula in New York city schools, as proposed in introduction number 1298-A for the year 2018, is amended to read as follows:

4. The number and percentage of students who have an individualized education program that recommends adaptive physical education, *disaggregated by classification of disability;*

§ 3. Section 21-960 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The report required pursuant to this section shall also include:

1. A summary of key findings; and

2. If the department is not in full compliance with physical education requirements pursuant to the New York state education department regulations, steps the department will take to achieve full compliance.

§ 4. This local law takes effect 180 days after a local law amending the administrative code of the city of New York, relating to requiring the department of education to report on physical education curricula in New York city schools, as proposed in introduction number 1298-A for the year 2018, takes effect.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 28, 2019.

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. 1298-A

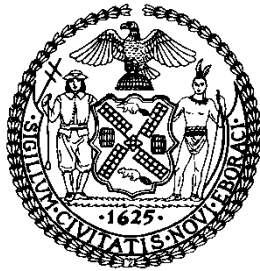
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on physical education curricula in New York city public schools.

The Committee on Education, to which the annexed proposed amended local law was referred on December 11, 2018 (Minutes, page 4847), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 242-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1298-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION**
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1298-A
COMMITTEE: Committee on Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Education to report on physical education curricula in New York city schools

SPONSOR(S): Council Members Treyger, Kallos, King, Cornegy, Eugene, Gibson, Reynoso, Levine, Richards and Rose

SUMMARY OF LEGISLATION: This bill would amend Local Law 102 of 2015 that requires the New York City Department of Education to report on physical education curricula in New York City schools, including average physical education class size, a description of the department’s physical education scope and sequence, including the topics covered by such physical education scope and sequence. The proposed bill would additionally require reporting on professional development received by certified physical education instructors.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2020

FISCAL IMPACT STATEMENT:

	Effective FY19	FY Succeeding Effective FY20	Full Fiscal Impact FY20
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DOE already has the resources in place to provide this data.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Chelsea Baytemur, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No.1298 on December 11, 2018 and referred to the Committee on Education. A hearing was held by the Committee on Education on December 3, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1298-A, will be considered by the Committee on Education on May 28, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1298-A will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: MAY 23, 2019.

Accordingly, this Committee recommends its adoption, as amended

(The following is the text of Int. No. 1298-A:)

Int. No. 1298-A

By Council Members Treyger, Kallos, King, Cornegy, Eugene, Gibson, Reynoso, Levine, Richards, Rose, Barron, Rodriguez, Lander, Holden, Rosenthal, Ayala, Rivera and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on physical education curricula in New York city public schools

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-960 of the administrative code of the city of New York, as added by local law number 102 for the year 2015, is amended to read as follows:

b. Not later than August 31, 2016, and annually thereafter on or before August 31, the department shall submit to the council and post conspicuously on the department's website[, in a manner searchable by individual school, school district, and borough,] a *physical education* report for the preceding academic year which shall include, but not be limited to the following *information on a citywide basis*:

1. *The total number of students and average physical education class size;*

2. *The average frequency and average total minutes per week of physical education instruction provided to students [in each grade level in each school.];*

[2]3. [For each grade level in each school, data specifying the frequency and total minutes per week of physical education instruction received by students in that grade, including (i) the] *The number and percentage of students who are receiving the required amount of physical education instruction; [(ii) the number and percentage of students who are receiving less physical education than required; and (iii)]*

4. [the] *The number and percentage of students who have an individualized education program that recommends adaptive physical education[. This data shall be disaggregated by (i) race and ethnicity; (ii) gender; (iii) special education status; and (iv) English language learner status];*

[3]5. *The number of designated full-time and part-time certified instructors providing physical education instruction [at the school]; [and] the ratio of [full time] certified instructors to students [at the school], including*

whether such instructor is a full-time certified instructor, part-time certified instructor, or uncertified instructor; the number of certified instructors who have received professional development concerning physical education instruction provided by the department in the preceding two school years; and the total number of certified instructors who attended multiple sessions of professional development concerning physical education instruction provided by the department in the preceding two school years, disaggregated by the number of trainings attended;

[4]6. Information on all designated indoor and outdoor facilities used by the school for physical education instruction including, but not limited to:

(a) Information on all designated physical education instruction spaces inside or attached to the school including (i) the size of the space in square feet; (ii) whether the space is used for any purpose other than physical education instruction; and (iii) whether the space is used by any other schools including co-located schools in the same building *and the names of such schools;*

(b) Information regarding all off-site indoor and outdoor spaces that are used by the school for the purpose of physical education instruction, including but not limited to (i) the name and the location of the off-site space or facility; and (ii) whether the space is being used by any other schools including co-located schools in the same building *and the names of such schools;*

[5]7. Information regarding the department's supplemental physical education program, including but not limited to, "Move to Improve";

[6]8. [Information regarding the] *The number of students who were permitted a substitution by the department; [and]*

[7]9. *A cross-referenced list of schools, including co-located schools, that share certified instructors with at least one other school[,] and the number of certified instructors that are shared;*

10. A description of the department's physical education scope and sequence, including the topics covered by such physical education scope and sequence; whether the department's physical education scope and sequence satisfies the requirements for physical education instruction pursuant to the New York state education department regulations; and the date of the last assessment and update of the physical education scope and sequence; and

§ 2. Subdivision c of section 21-960 of the administrative code of the city of New York, as added by local law number 102 for the year 2015, is amended to read as follows:

c. [No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 0 and 5 students, or contains an amount that would allow the amount of another category that is five or less to be deduced, the number shall be replaced with a symbol] *Disaggregation of data. 1. The data required pursuant to this section shall be disaggregated by borough, community school district, district 75, and individual school.*

2. The data required pursuant to paragraphs 2, 3, 4, and 8 of subdivision b of this section shall be disaggregated by demographic information including, but not limited to, the following categories:

(a) Grade;

(b) Race or ethnicity;

(c) Gender;

(d) Special education status; and

(e) English language learner status.

§ 3. Section 21-960 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between one and five students, or allows another category to be narrowed to between one and five students, the number shall be replaced with a symbol. A category that contains zero shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

§ 4. This local law takes effect immediately.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 28, 2019.

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

Report of the Committee on Finance

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

Report for M-167

Report of the Committee on Finance in favor of approving a Communication from the New York City Banking Commission in regard to Transmitting recommendations of the interest rate to be charged for Fiscal Year 2020 for non-payment of taxes on real estate and for the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2020, pursuant to the City Charter.

The Committee on Finance, to which the annexed preconsidered communication was referred on May 29, 2019, respectfully

REPORTS:

(For text of related reports, please see, respectively, the Reports of the Committee on Finance for Res. Nos. 889, 890, and 891 printed below in these Minutes).

Accordingly, this Committee recommends its adoption.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 889

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 7 percent per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 29, 2019, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York requires the New York City Banking Commission (the “Banking Commission”) to send a written recommendation to the City Council of proposed interest rates to be charged for non payment of taxes on real property no later than the 13th day of May each year. In making such recommendation, the Banking Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”). Pursuant to such section, for real property with an assessed value of \$250,000 or less, or \$250,000 or less per residential unit for cooperative apartments, the Banking Commission shall propose a rate at least equal to the prevailing Prime Rate.

The Banking Commission forwarded, by letter dated May 10, 2019, a recommendation to the Council to establish an interest rate of 7% per annum for Fiscal Year 2020 to be charged for non payment of taxes of real property where the assessed value on a parcel is \$250,000 or less, or \$250,000 or less per residential unit for cooperative apartments.

As required by Local Law 30 of 2015, the Banking Commission included with its recommendation a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2020 recommendation, the Banking Commission considered penalty rates used by other property tax collectors, and the interest rates charged for mortgages and home equity lines of credit.

The Council has considered the recommendation of the Banking Commission and has reviewed the report detailing the factors considered when making the recommendation. After its review, and pursuant to §11-224.1 of the Administrative Code, the Council determines that the interest rate be established at 7% per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

The interest rate the Council established for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments is the same as it was for Fiscal Year 2019.

Accordingly, this Committee recommends its adoption.

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS; Committee on Finance, May 29, 2019.

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. 890

Report of the Committee on Finance in favor of approving a Resolution to establish that the interest rate be 18 percent per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 29, 2019, respectfully

REPORTS:

Section 11-224.1 of the Administrative Code of the City of New York requires the New York City Banking Commission (the “Banking Commission”) to send a written recommendation to the City Council of proposed interest rates to be charged for non payment of taxes on real property no later than the 13th day of May each year. In making such recommendation, the Banking Commission shall consider the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”). For real property with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments, the Banking Commission shall propose an interest rate of at least 6% per annum greater than the prevailing Prime Rate.

By letter dated May 10, 2019, the Banking Commission recommended to the Council an interest rate of 18% per annum for Fiscal Year 2020 to be charged for non payment of taxes of real property where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

As required by Local Law 30 of 2015, the Banking Commission included with its recommendation a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2020 recommendation, the Banking Commission considered the penalty rates used by other property tax collectors, and the interest rates charged for mortgages and home equity lines of credit.

Pursuant to section 11-224.1 of the Administrative Code, the Council adopts the Banking Commission’s recommendation, and establishes that the interest rate be 18% per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

The interest rate the Council established for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments is the same as it was for Fiscal Year 2019.

Accordingly, this Committee recommends its adoption.

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 891

Report of the Committee on Finance in favor of approving a Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2020.

The Committee on Finance, to which the annexed preconsidered resolution was referred on May 29, 2019, respectfully

REPORTS:

Under current law, the City provides a discount for property owners who pay their property tax bills early.

To receive a discount on the *entire* tax bill, both semi-annual and quarterly taxpayers have to pay the entire tax bill prior to the date the July 1st installment could be paid without interest. For quarterly taxpayers, if the taxpayer does not pay the entire tax bill upfront, but instead pays the last three quarters in full on or before October 15th, the discount is calculated at a rate of two-thirds of the discount percentage. If the last two quarters (due in January and April) are paid in full on or before January 15th, the taxpayer receives a discount equal to one-third of the discount percentage. A tax installment paid after the January 15th due date is not eligible for a discount.

The New York City Council is charged with the responsibility of setting the discount percentages for the early payment of real estate taxes prior to the dates on which such taxes become due and payable. Specifically, §1519-a(7)(b) of the New York City Charter provides that not later than the 13th day of May in each year, the New York City Banking Commission (the “Banking Commission”) shall send a written recommendation to the Council of a proposed discount percentage for the ensuing fiscal year.

Further, §1519-a(7)(c) of the New York City Charter provides that the New York City Council may adopt a discount percentage by resolution no earlier than the 14th day of May.

If the Council does not set a discount rate, the default discount rate, which is set by §1519-a(7)(d) of the New York City Charter will apply. The default discount rate is a formula equaling the annualized interest rate on six-month United States treasury bills, as reported by the Board of Governors for the Federal Reserve System plus seventy-five basis points, the sum of which is divided by four for the last business day of April preceding the ensuing fiscal year.

The Banking Commission forwarded to the Council, by letter dated May 10, 2019, its recommendation that the discount percentage for early payment of real estate taxes for Fiscal Year 2020 be set at one-half of one percent (0.5%) per annum.

As required by Local Law 30 of 2015, the Banking Commission included with its recommendations a report detailing the factors considered when determining the recommendation. For the Fiscal Year 2020 recommendation, the Banking Commission considered the City’s cash balances, the estimated savings from fewer issuances of property tax statements, current interest rates, and discount rates offered by other municipalities.

Pursuant to Charter §1519-a(7)(c), the Council adopts the Banking Commission’s recommendation and establishes that the discount percentage for early payment of real estate taxes shall be set at one-half of one percent (0.5%) per annum for Fiscal Year 2020.

The discount percentage the Council established for early payment of Fiscal Year 2020 real estate taxes is the same as it was for Fiscal Year 2019.

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 428

Report of the Committee on Finance in favor of a Resolution approving Fairstead - 48th Street, Block 1057, Lot 141; Manhattan, Community District No. 4, Council District No. 3.

The Committee on Finance, to which the annexed Land Use item was referred on May 29, 2019 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:)

May 29, 2019

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 May 29, 2019 – Resolution approving a tax exemption for eight Land Use items (Council Districts 3, 7, 8, 9, 10, 16, and 17)

Item 1: Fairstead-48th Street

The Fairstead-48th Street project is comprised of 54 units in seven buildings on a single tax lot at 414-424 West 48th Street in Manhattan. It consists of 19 one-bedroom apartments (inclusive of one superintendent unit, 20 two-bedroom apartments, 14 three-bedroom apartments and one four-bedroom apartment).

In 1978, the City conveyed the property to 414-24 West 48th Street Redevelopment Company, L.P. (Owner), an Article V redevelopment company, and approved a Shelter Rent tax exemption that will expire in 2020. The property is also under a Housing Assistance Payments (HAP) Section 8 contract, under which tenants pay only 30% of their income in rent and the U.S. Department of Housing and Urban Development (HUD) makes payments to the landlord.

The Department of Housing Preservation and Development (HPD) is requesting that the Council approve the dissolution of the Article V, the termination of the Article V property tax exemption, and the grant of a 40-year partial Article XI property tax exemption, with annual taxes of \$290,838 plus 25% of any appreciation in the HUD-authorized rent roll. HP W48 Housing Development Fund Company, Inc. (HDFC) would acquire the exemption area and 414 West 48th Owner LLC (LLC) would be the beneficial owner and operate the exemption area. HPD, HDFC and LLC would enter into a 40-year regulatory agreement that would require that the units be leased only to households with incomes of 50% of the Area Median Income (AMI).

Summary:

- Borough – Manhattan
- Block 1057, Lot 141
- Council District – 3
- Council Member – Speaker
- Council Member approval – Yes
- Number of buildings – 7
- Number of units – 54
- Type of exemption – Article XI, partial, 40 years
- Population – affordable Section 8 rental housing

- Sponsor – 414 West 48th Owner LLC, HP W48 HDFC, Fairstead
- Purpose – preservation
- Cost to the City – \$3.2 million
- Housing Code Violations
 - Class A – 7
 - Class B – 26
- AMI targets – 50% of AMI

Item 2: Fairstead-53rd Street

The Fairstead-53rd Street project is comprised of 51 units in two buildings on a single tax lot at 238-336 West 53rd Street in Manhattan. It consists of eight one-bedroom apartments, 21 two-bedroom apartments (inclusive of one superintendent unit) and 12 three-bedroom apartments.

In 1978, the City conveyed the property to 328-36 West 53rd Street Redevelopment Company, L.P. (Owner), an Article V redevelopment company, and approved a Shelter Rent tax exemption that will expire in 2020. The property is also under a HAP Section 8 contract, under which tenants pay only 30% of their income in rent and HUD makes payments to the landlord.

HPD is requesting that the Council approve the dissolution of the Article V, the termination of the Article V property tax exemption, and the grant of a 40-year partial Article XI property tax exemption, with annual taxes of \$219,960 plus 25% of any appreciation in the HUD-authorized rent roll. HP W53 HDFC would acquire the exemption area and 382 West 53rd Owner LLC (LLC) will be the beneficial owner and operate the exemption area. HPD, HDFC and LLC would enter into a 40-year regulatory agreement that will require that the units be leased only to households with incomes of 50% of the AMI.

Summary:

- Borough – Manhattan
- Block 1043, Lot 46
- Council District – 3
- Council Member – Speaker
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 51
- Type of exemption – Article XI, partial, 40 years
- Population – affordable Section 8 rental housing
- Sponsor – 328 West 53rd Owner LLC, HP W53 HDFC, Fairstead
- Purpose – preservation
- Cost to the City – \$2.5 million
- Housing Code Violations
 - Class A – 4
 - Class B – 2
 - Class C – 2
- AMI targets – 50% of AMI

Item 3: Jennings Terrace Gardens

The Jennings Terrace Gardens project is comprised of 41 cooperative units in three buildings at 749, 759, and 763 Jennings Street in the Bronx. It consists of five one-bedroom apartments, 24 two-bedroom apartments, 12 three-bedroom apartments, and one community room.

The buildings were built in 1904. From 1993 to 2008 they were owned by the New York City Housing Authority (NYCHA) and were operated as scattered-site public housing. Since 2008 they have been owned by Jennings Terrace Gardens HDFC and have been operated under a regulatory agreement between the HDFC and NYCHA that expires in 2028. Two of the three buildings benefit from Division of Alternative Management (DAMP) property tax exemptions that began in 1989 and which are set to expire in 2029. The HDFC is now seeking to finance moderate rehabilitation to the three buildings, including roof replacement, window replacement, façade improvements, and energy and water efficiency measures, through HPD's Green Housing Preservation Program (GHPP).

HPD is requesting that the Council approve a 32-year full Article XI property tax exemption. The DAMP exemptions would expire. Incomes would continue to be capped at 80% AMI, and upon conversion maximum resale prices would be set at \$21,296 for one-bedroom apartments, \$27,478 for two-bedroom apartments, and \$32,974 for two-bedroom apartments.

Summary:

- Borough – Bronx
- Block 2962, Lots 52, 54, and 60
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 3
- Number of units –41
- Type of exemption – Article XI, full, 30 years
- Population – affordably limited-equity cooperative apartments
- Sponsor – Jennings Terrace Gardens HDFC, Midas Management NYC, and the Urban Homesteading Assistance Board (UHAB)
- Purpose – preservation
- Cost to the City – \$1.8 million
- Housing Code Violations – N/A
- AMI targets – 80% of AMI

Item 4: Walton Avenue Senior Housing (Fannie Lou Hammer Apartments)

The Walton Avenue Senior Housing project, also known as Fannie Lou Hammier Apartments, is comprised of 75 units of Section 8 housing. It consists of 18 studio apartments, 56 one-bedroom apartments, and one superintendent studio apartment.

In 1991, the City conveyed the property to Walton Ave Senior HDFC and approved a partial tax exemption for 40 years which will expire when the mortgage is refinanced. The property is also under a HAP Section 8 contract, under which tenants pay only 30% of their income in rent and HUD makes payments to the landlord.

So that the HDFC may refinance its mortgage with a HUD 223f loan without losing its property tax benefits, HPD is requesting that the Council approve a 40-year partial Article XI property tax exemption with taxes due

equaling 10% of the gross rent. HPD and HDFC would enter into a 40-year regulatory agreement that will require that the units continue to be leased only to households with incomes of 50% of the AMI, and the HDFC would be required to renew the HAP.

Summary:

- Borough – Bronx
- Block 2479, Lot 29
- Council District – 16
- Council Member – Gibson
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 75
- Type of exemption – Article XI, partial, 40 years
- Population – affordable Section 8 senior rental housing
- Sponsor – Walton Ave Senior HDFC, Mid-Bronx Senior Citizen Council, Inc.
- Purpose – preservation
- Cost to the City – \$2.4 million
- Housing Code Violations
 - Class A – 1
 - Class B – 5
 - Class C – 1
- AMI targets – 50% of AMI

Item 5: Black Spruce – Central Harlem

The Black Spruce-Central Harlem portfolio consist of 21 mixed-use buildings comprised of 224 residential units and 30 commercial spaces located across seventeen individual lots in Central Harlem. The 224 residential units consist of eight studio units, 52 one-bedroom units, 119 two-bedroom units (inclusive of three superintendent units), 43 three-bedroom units, and two four-bedroom units. Of the current 221 non-super units, 61 are market-rate, 158 are rent-stabilized, and two are rent-controlled.

Built in approximately 1910, the buildings in the portfolio require varying levels of rehabilitation. The work is already in progress and is expected to be completed in three months.

HPD is requesting that the Council approve a 30-year, partial Article XI property tax exemption for the portfolio. Currently, seven of the properties have J-51 exemptions. Upon approval of the new exemption, the J-51 exemptions would continue until they phased out by 2029. HPD and the HDFC would enter into a regulatory agreement for the project that would require that 36 units be made available to households earning up to 50% of AMI, 21 units be made available to households earning up to 60% of AMI, 22 units be made available to households earning up to 70% of AMI, 15 units be made available to households earning up to 105% of AMI, 22 units be made available to households earning up to 120% of AMI, 80 units be made available to households earning up to 135% of AMI, and 25 units be made available to households earning up to 160% of AMI.

Summary:

- Borough – Manhattan
- Block 1917, Lots 2, 4, and 64, Block 1937, Lot 36, Block 1938, Lots 33, 34, 35, 36, 39, and 41, Block 1941, Lots 29, 30, 31, 32, 33, and 34, Block 2030, Lot 31
- Council District – 9
- Council Member – Perkins

- Council Member approval – Yes
- Number of buildings – 21
- Number of units – 224
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsor – HP ACP HDFC
- Purpose – preservation
- Cost to the city – \$17.6 million
- Housing Code Violations – N/A
- AMI Targets – 36 units at 50% of AMI, 21 at 60% of AMI, 22 units at 70% of AMI, 15 units at 105% of AMI, 22 units at 120% of AMI, 80 units at 135% of AMI, and 25 units at 160% of AMI.

Item 6: Black Spruce – Washington Heights

The Black Spruce-Washington Heights portfolio consist of nine mixed-use buildings comprised of 420 residential units and 50 commercial spaces located in the Washington Heights, Hudson Heights, and Fort George neighborhoods of upper Manhattan. The portfolio was bundled together between 1985 and 1994 by the Iskander family's Intervest Development Corp. and subsequently sold in 2016. Only one building, 1083 St. Nicholas Ave, has previously been held by the City through In-Rem Tax foreclosure and was sold at public auction in 1993.

HPD is requesting that the Council approve a 40-year, partial Article XI property tax exemption for the portfolio. HPD and the HDFC would enter into a regulatory agreement for the project that would require that 124 units be made available to households earning up to 55% of AMI, 61 units be made available to households earning up to 65% of AMI, 69 units be made available to households earning up to 75% of AMI, 63 units be made available to households earning up to 90% of AMI, 60 units be made available to households earning up to 120% of AMI, and 37 units be made available to households earning up to 165% of AMI.

Summary:

- Borough – Manhattan
- Block 2122, Lots 84 and 88; Block 2128, Lot 8; Block 2133, Lot 30; Block 2141, Lot 48; Block 2143, Lot 9; Block 2169, Lots 29 and 34; Block 2176, Lot 54
- Council District – 7 and 10
- Council Members – Levine and Rodriguez
- Council Member approval – Yes
- Number of buildings – 9
- Number of units – 420
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – HP Washington Heights Portfolio HDFC
- Purpose – preservation
- Cost to the city – \$41 million
- Housing Code Violations –
 - Class A – 339
 - Class B – 979
 - Class C – 185
- AMI targets – 124 units at 55% AMI, 61 units at 65% AMI, 69 units at 75% AMI, 63 units at 90% AMI, 60 units at 120% AMI, 37 units at 165% AMI

Item 7: 5 Tellers HDFC

The 5 Tellers HDFC portfolio comprises of two adjacent and contiguous five-story walk-up rental buildings with 42 residential units located in the Concourse Village neighborhood of the South Bronx. The project contains two one-bedroom units (inclusive of one superintendent unit), 22 two-bedroom units, and 18 three-bedroom units.

Under the proposed project, 5 Tellers HDFC would acquire the property and 5 Tellers Associates, L.P. (Partnership) would be the beneficial owner and would operate the project. The HDFC and the Partnership (collectively, Owner) will finance the rehabilitation of the Exemption Area with loans from HPD and Community Preservation Corporation. The purpose of the proposed project is to finance the moderate rehabilitation and energy and water efficiency needs of the properties, including the renovation and legalization of two basement units.

Currently, the property receives J-51 tax benefits. In order to ensure the continued affordability of the property, HPD is requesting an Article XI exemption that would be reduced by an amount equal to any concurrent J-51 benefits. The J-51 benefits are set to expire in 2030. HPD is requesting that the Council approve a 40-year, partial Article XI property tax exemption for the portfolio. HPD and the HDFC would enter into a regulatory agreement for the project that would require that all units shall be made available to households earning up to 60% AMI.

Summary:

- Borough – Bronx
- Block 2421, Lots 22 and 24
- Council District – 17
- Council Member – Salamanca
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 42
- Type of exemption – Article XI, partial, 40 years
- Population – affordable rental housing
- Sponsor – 5 Tellers HDFC
- Purpose – preservation
- Cost to the city – \$2.2 million
- Housing Code Violations
 - Class A – 22
 - Class B – 44
 - Class C – 11
- AMI targets – 60% AMI

Item 8: Lexington Courts

Lexington Courts consists of nine buildings and 229 units in East Harlem. The portfolio consists of one studio apartment, 43 one-bedroom apartments, 114 two-bedroom apartments, 40 three-bedroom apartments, 22 four-bedroom apartments, and nine superintendent units.

East Harlem Lexington HDFC acquired the property in 2009. East Harlem Lexington Partners, L.P. (Partnership) is the beneficial owner and operates the property. The HDFC and the Partnership (collectively, Owner) entered into a regulatory agreement dated December 17, 2009 with the New York City Housing Development Corporation (HDC) providing that all units must be rented to families whose incomes do not exceed 60% of AMI. The Owner and HPD will enter into a second regulatory agreement for a 30-year term restricting the units in

accordance with a HAP contract, and limiting legal rents at 200% of the HAP contract which is to be effective at closing.

HPD is requesting that the Council approve a 30-year, partial Article XI property tax exemption for the portfolio. Upon execution of the regulatory agreement, all units will continue to be rented to families who incomes do not exceed 60% of AMI.

Summary:

- Borough – Manhattan
- Block 1767, Lots 11, 22, 47, and 52; Block 1768, Lots 9 and 11; Block 1771, Lots 14 and 56; Block 1783, Lot 41
- Council Districts – 8 and 9
- Council Members – Ayala and Perkins
- Council Member approval – Yes
- Number of buildings – 9
- Number of units – 229
- Type of exemption – Article XI, partial, 30 years
- Population – affordable rental housing
- Sponsors – East Harlem Lexington HDFC; East Harlem Lexington Partners, L.P.
- Purpose – preservation
- Cost to the city – \$14.2 million
- AMI Targets – 60% AMI

(For text of the coupled resolution for L.U. No 428, please see below; for text of the remaining coupled resolutions, please see the Reports of the Committee on Finance for L.U. Nos. 429, 430, 431, 432, 433, 434, and 435, respectively, printed in these Minutes;)

Accordingly, this Committee recommends the adoption of L.U. Nos. 428, 429, 430, 431, 432, 433, 434, and 435.

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

Res. No. 903

Resolution approving a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125, and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at (Block 1057, Lot 141) Manhattan (Preconsidered L.U. No. 428).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 22, 2019 that the Council take the following action regarding a housing project located at (Block 1057, Lot 141) Manhattan, (“Exemption Area”):

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the “Termination”);

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section 123(4) (the “Dissolution”);

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

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

RESOLVED:

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (1) “Company” shall mean 414 West 48th Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- (2) “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.
- (3) “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.
- (4) “Contract Rent Differential Tax” shall mean the sum of (i) \$290,838, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the New 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.
- (5) “Current Owner” shall mean 414-24 West 48th Street Redevelopment Company, L.P.
- (6) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
- (7) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1057, Lot 141 on the Tax Map of the City of New York.
- (8) “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.
- (9) “HDFC” shall mean HP W48 Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- (10) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (11) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
- (12) “New Owner” shall mean, collectively, the HDFC and the Company.
- (13) “PHFL” shall mean the Private Housing Finance Law.
- (14) “Prior Exemption” shall mean any exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law or the General Municipal Law that was in effect prior to the Effective Date.
- (15) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) 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.
- d. Notwithstanding any provision hereof to the contrary:
- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the

noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date
 - (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.
2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
 3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
 4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 429

Report of the Committee on Finance in favor of a Resolution approving Fairstead - 53rd Street, Block 1043, Lot 46; Manhattan, Community District No. 4, Council District No. 3.

The Committee on Finance, to which the annexed Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 904

Resolution approving a new exemption from real property taxes pursuant to Section 577 of the Private Housing Finance Law (PHFL), the termination of a prior exemption pursuant to PHFL Section 125, and consent to the voluntary dissolution of the prior owner pursuant to PHFL Section 123(4) for property located at (Block 1043, Lot 46) Manhattan (Preconsidered L.U. No. 429).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 22, 2019 that the Council take the following action regarding a housing project located at (Block 1043, Lot 46) Manhattan, (“Exemption Area”):

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

Approve the termination of a prior tax exemption for the Exemption Area pursuant to PHFL Section 125 (the “Termination”);

Consent to the voluntary dissolution of the current owner pursuant to PHFL Section 123(4) (the “Dissolution”);

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

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

RESOLVED:

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

1. Approve the exemption from real property taxation pursuant to Section 577 of the Private Housing Finance Law as follows:

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

- (1) “Company” shall mean 328 West 53rd Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- (2) “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.

- (3) “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.
 - (4) “Contract Rent Differential Tax” shall mean the sum of (i) \$219,960, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the New 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.
 - (5) “Current Owner” shall mean 328-36 West 53rd Street Redevelopment Company, L.P.
 - (6) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - (7) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1043, Lot 46 on the Tax Map of the City of New York.
 - (8) “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.
 - (9) “HDFC” shall mean HP W53 Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (10) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (11) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (12) “New Owner” shall mean, collectively, the HDFC and the Company.
 - (13) “PHFL” shall mean the Private Housing Finance Law.
 - (14) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the Board of Estimate on April 20, 1978 (Cal. No. 4).
 - (15) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New 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. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the

New Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the New Owner shall not at any time exceed the lesser of either (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) 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.

d. Notwithstanding any provision hereof to the contrary:

- (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the New Owner and all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
- (2) The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date
- (3) Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

2. Approve, pursuant to Section 125 of the PHFL, the termination of the Prior Exemption, which termination shall become effective one day preceding the conveyance of the Exemption Area from the Current Owner to the New Owner.
3. Consent, pursuant to Section 123(4) of the PHFL, to the voluntary dissolution of the Current Owner.
4. If the conveyance of the Exemption Area from the Current Owner to the New Owner does not occur either (i) within one day following the termination of the Prior Exemption, or (ii) on the same day as the voluntary dissolution of the Current Owner, then all of the approvals and consents set forth above shall be null and void, the dissolution of the Current Owner shall be rescinded, and both the obligations of the Current Owner to remain an Article V redevelopment company and the Prior Exemption shall be reinstated as though they had never been terminated or interrupted.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK,

ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 430

Report of the Committee on Finance in favor of a Resolution approving Jennings Terrace Gardens, Block 2962, Lots 52, 54, and 60; Bronx, Community District No. 3, Council District No. 16.

The Committee on Finance, to which the annexed Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 905

Resolution approving an exemption from real property taxes for property located at (Block 2962, Lots 52, 54, and 60) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 430).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 22, 2019 that the Council take the following action regarding a housing project located at (Block 2962, Lots 52, 54, and 60) Bronx, (“Exemption Area”):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the “Sponsor”) 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:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - (2) “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2962, Lots 52, 54, and 60 on the Tax Map of the City of New York.
 - (3) “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.
 - (4) “HDFC” shall mean Jennings Terrace Gardens Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (5) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (6) “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - (7) “Owner” shall mean the HDFC.
 - (8) “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law or the General Municipal Law that was in effect prior to the Effective Date.
 - (9) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
- b. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
- c. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- d. Notwithstanding any provision hereof to the contrary:
 - (1) The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple

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

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

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 431

Report of the Committee on Finance in favor of a Resolution approving Walton Avenue, Block 2479, Lot 29; Bronx, Community District No. 4, Council District No. 16.

The Committee on Finance, to which the annexed Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 906

Resolution approving an exemption from real property taxes for property located at (Block 2479, Lot 29) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 431).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 22, 2019 that the Council take the following action regarding a housing project located at (Block 2479, Lot 29) Bronx, (“Exemption Area”):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the “Sponsor”) 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 to occur of (i) the date that HPD and the Owner enter into the Regulatory Agreement, or (ii) the date of repayment or refinancing of the HUD Mortgage.
 - b. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 2479, Lot 29 on the Tax Map of the City of New York.
 - c. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - d. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - e. “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.
 - f. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) 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.

- g. “HDFC” shall mean Walton Avenue Senior Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - i. “HUD” shall mean the Department of Housing and Urban Development of the United States of America.
 - j. “HUD Mortgage” shall mean the original loan made by HUD to the HDFC, which loan was secured by a mortgage on the Exemption Area.
 - k. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - l. “Owner” shall mean the HDFC.
 - m. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on September 19, 1991 (Resolution No. 1257).
 - n. “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 New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. 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.
 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, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest

in the Exemption Area, 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*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 432

Report of the Committee on Finance in favor of a Resolution approving Black Spruce - Central Harlem, Block 1917, Lots 2, 4, and 64, Block 1937, Lot 36, Block 1938, Lots 33, 34, 35, 36, 39, and 41, Block 1941, Lots 29, 30, 31, 32, 33, and 34, Block 2030, Lot 31; Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 907

Resolution approving an exemption from real property taxes for property located at (Block 1917, Lots 2, 4, and 64; Block 1937, Lot 36; Block 1938, Lots 33, 34, 35, 36, 39, and 41; Block 1941, Lots 29, 30, 31, 32, 33, and 34; Block 2030, Lot 31) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 432).

By Council Member Dromm.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 30, 2019 that the Council take the following action regarding a housing project located at (Block 1917, Lots 2, 4, and 64; Block 1937, Lot 36; Block 1938, Lots 33, 34, 35, 36, 39, and 41; Block 1941, Lots 29, 30, 31, 32, 33, and 34; Block 2030, Lot 31) 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 “Sponsor”) 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 BSP 2247-2253 ACP LLC, BSP 2247-2253 ACP 2 LLC, BSP 2252-2256 ACP LLC, BSP 2252-2256 ACP 2 LLC, BSP 2232-2240 ACP LLC, BSP 2232-2240 ACP 2 LLC, BSP 204-206 W135 LLC, BSP 204-206 W135 2 LLC, BSP 2300-2310 ACP LLC, BSP 2300-2310 ACP 2 LLC, BSP 2484 ACP LLC, BSP 2484 ACP 2 LLC or any other entities that acquire all or a portion the beneficial interests in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1917, Lots 2, 4, and 64, Block 1937, Lot 36, Block 1938, Lots 33, 34, 35, 36, 39, and 41, Block 1941, Lots 29, 30, 31, 32, 33, and 34, and Block 2030, Lot 31 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is thirty (30) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on

the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to two and one-half percent (2.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean HP ACP Housing Development Fund Company, Inc. 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. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - l. “Owner” shall mean, collectively, the HDFC and the Company.
 - m. “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, and, where there has been an unauthorized conveyance or transfer of any interest in the

Exemption Area, to the new owner of such interest in the Exemption Area, 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, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 433

Report of the Committee on Finance in favor of a Resolution approving Black Spruce - Washington Heights, Block 2122, Lots 84 and 88, Block 2128, Lot 8, Block 2133, Lot 30, Block 2141, Lot 48, Block 2143, Lot 9, Block 2169, Lots 29 and 34, Block 2176, Lot 54; Manhattan, Community District No. 7 and 10, Council District No. 12.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 908

Resolution approving an exemption from real property taxes for property located at (Block 2122, Lots 84 and 88; Block 2128, Lot 8; Block 2133, Lot 30; Block 2141, Lot 48; Block 2143, Lot 9; Block 2169, Lots 29 and 34; Block 2176, Lot 54) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 433).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 30, 2019 that the Council take the following action regarding a housing project located at (Block 2122, Lots 84 and 88; Block 2128, Lot 8; Block 2133, Lot 30; Block 2141, Lot 48; Block 2143, Lot 9; Block 2169, Lots 29 and 34; Block 2176, Lot 54) 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 “Sponsor”) 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 1083 St. Nicholas Ave Owner LLC, 1091 St. Nicholas Ave Owner LLC, 1228 St. Nicholas Ave Owner LLC, 1245 St. Nicholas Ave Owner LLC, 610 West 174 St. Owner LLC, 1320 St. Nicholas Ave Owner LLC, 4221 Broadway Owner LLC, 1621 St. Nicholas Ave Owner LLC, and 1631 St. Nicholas Ave Owner LLC or any other entities that acquire all or a portion of the beneficial interests in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2122, Lots 84 and 88, Block 2128, Lot 8, Block 2133, Lot 30, Block 2141, Lot 48, Block 2143, Lot 9, Block 2169, Lots 29 and 34, and Block 2176, Lot 54 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential and commercial units on

the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.

- g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to one and one-half percent (1.5%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean HP Washington Heights Portfolio 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. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - l. “Owner” shall mean, collectively, the HDFC and the Company.
 - m. “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, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the

Exemption Area, to the new owner of such interest in the Exemption Area, 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, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 434

Report of the Committee on Finance in favor of a Resolution approving 5 Teller HDFC, Block 2421, Lots 22 and 24; Bronx, Community District No. 4, Council District No. 17.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 909

Resolution approving an exemption from real property taxes for property located at (Block 2421, Lots 22 and 24) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 434).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 3, 2019 that the Council take the following action regarding a housing project located at (Block 2421, Lots 22 and 24) Bronx, (“Exemption Area”):

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

WHEREAS, the project description that HPD provided to the Council states that the purchaser of the Project (the “Sponsor”) 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 the Bronx, City and State of New York, identified as Block 2421, Lots 22 and 24 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean 5 Tellers Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - h. “Nominal Tax” shall mean the amount of one hundred dollars (\$100).

- i. "Owner" shall mean, collectively, the HDFC and the Partnership.
 - j. "Partnership" shall mean 5 Tellers Associates, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - k. "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 Nominal 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, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

DANIEL DROMM, *Chairperson*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 435

Report of the Committee on Finance in favor of a Resolution approving Lexington Courts, Block 1767, Lots 11, 22, 47, and 52, Block 1768, Lots 9 and 11, Block 1771, Lots 14 and 56, Block 1783, Lot 41; Manhattan, Community District No. 11, Council District No. 8 and 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 29, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 428 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 910

Resolution approving an exemption from real property taxes for property located at (Block 1767, Lots 11, 22, 47, and 52; Block 1768, Lots 9 and 11; Block 1771, Lots 14 and 56; Block 1783, Lot 41) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 435).

By Council Member Dromm

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated April 22, 2019 that the Council take the following action regarding a housing project located at (Block 1767, Lots 11, 22, 47, and 52; Block 1768, Lots 9 and 11; Block 1771, Lots 14 and 56; Block 1783, Lot 41) 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 “Sponsor”) 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:

- a. For the purposes hereof, the following terms shall have the following meanings:
 - (1) “Effective Date” shall mean the later of (i) the date that HPD and the Owner enter into the Regulatory Agreement, or (ii) the HDC Regulatory Agreement Amendment Date.
 - (2) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (3) “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1767, Lots 11, 22, 47, and 52, Block 1768, Lots 9 and 11, Block 1771, Lots 14 and 56, and Block 1783, Lot 41 on the Tax Map of the City of New York.
 - (4) “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (5) “Gross Rent” shall mean the gross potential rents from all residential and commercial units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - (6) “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.
 - (7) “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to ten percent (10%) 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.
 - (8) “HDC” shall mean the New York City Housing Development Corporation.
 - (9) “HDC Regulatory Agreement” shall mean the regulatory agreement between HDC and the Owner dated December 17, 2009 providing that, for a term of 30 years, all dwelling units in the Exemption Area, must, upon vacancy, be rented to families whose incomes do not exceed 60% of area median income.
 - (10) “HDC Regulatory Agreement Amendment Date” shall mean the date upon which Section 3.3 of the HDC Regulatory Agreement is amended to authorize the Exemption Area’s receipt of Real Property Tax Benefits as defined in Section 1 of such agreement.
 - (11) “HDFC” shall mean East Harlem Lexington Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- (12)“HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- (13)“Owner” shall mean, collectively, the HDFC and the Partnership.
- (14)“Partnership” shall mean East Harlem Lexington Partners, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- (15)“Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. 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.
- d. Notwithstanding any provision hereof to the contrary:
- (1) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, 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 exist on the Effective Date.
 - (3) Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- e. 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*; JAMES VAN BRAMER, ANDREW COHEN, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, KEITH POWERS, STEVEN MATTEO; Committee on Finance, May 29, 2019.

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. 342-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 and the building code of the city of New York, in relation to requirements for portable ramps in prior code buildings where such portable ramps are permissible and signage relating thereto.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 519), respectfully

REPORTS:

Introduction

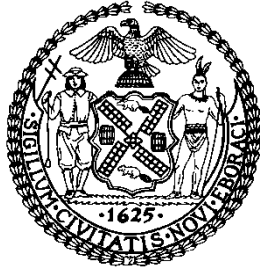
On May 28, 2019, the Committee on Housing and Buildings, chaired by Council Member Robert E. Cornegy, Jr., will hold a hearing on Proposed Int. No. 342-A. [This bill was first heard by the Committee on October 16, 2018. More information about Proposed Int. No. 342-A](#), along with the materials for that hearing, can be found at <https://on.nyc.gov/2Wht9f9>.

Proposed Int. No 342-A

Proposed Int. No. 342-A would require that building owners post signs at inaccessible building entrances indicating whether a portable ramp is available for access to the building and the phone number to request that the portable ramp be provided. This bill would also clarify that the portable ramps must meet certain requirements.

This local law would take effect on January 1, 2020, except that prior to such effective date: (i) the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, and (ii) owners may apply for and the commissioner of buildings may grant waivers of the portable ramp requirements.

(The following is the text of the Fiscal Impact Statement for Int. No. 342-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 342-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code and the building code of the city of New York, in relation to requirements for portable ramps in prior code buildings where such portable ramps are permissible and signage relating thereto.

SPONSORS: Council Members Rose, Ayala, King, Chin, Rosenthal and Adams.

SUMMARY OF LEGISLATION: The proposed legislation would require owners of buildings erected prior to the latest enacted building code to follow the current code and post signage informing the public of the availability of portable ramps at all inaccessible building entrances so long as ramps are available and comply with current building code. The proposed legislation sets a mandatory compliance date of March 1, 2020.

EFFECTIVE DATE: This local law takes effect on January 1, 2020, except that prior to such effective date: (i) the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, and (ii) owners may apply for and the commissioner of buildings may grant waivers pursuant to sections 28-313.3.1 and 28-313.3.2 of the administrative code as added by this local law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	De minimis	De minimis	De minimis
Net	De minimis	De minimis	De minimis

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

IMPACT ON EXPENDITURES: The estimated impact on expenditures in relation to bringing all City-owned buildings into compliance would be minimal. While there could be some expense related to acquiring the signs, the labor of installing the signs would be performed by the Department using existing resources.

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: Luke Zangerle, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 31, 2018 as Intro. No. 342 and was referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on October 16, 2018, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 342-A, will be considered by the Committee on May 28, 2019. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: May 24, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 342-A:)

Int. No. 342-A

By Council Members Rose, Ayala, King, Chin, Rosenthal, Adams and Rivera.

A Local Law to amend the administrative code and the building code of the city of New York, in relation to requirements for portable ramps in prior code buildings where such portable ramps are permissible and signage relating thereto

Be it enacted by the Council as follows:

Section 1. Item 1 of section 28-201.2.3 of the administrative code of the city of New York, as added by local law number 47 for the year 2012, is amended to read as follows:

1. A violation of item 5 of section 1110.1, [or] of section 1110.2, *or of item 7 of section 1110.3* of the New York city building code, or a violation of section 28-313.1, [or] 28-313.2 *or 28-313.3* of the administrative code of the city of New York.

§ 2. Article 313 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding new sections 28-313.3, 28-313.3.1, 28-313.3.2 and 28-313.3.3 to read as follows:

§ 28-313.3 Retroactive requirement for signage and safety requirements for portable ramps at inaccessible building entrances where such ramps are permissible. *The provisions of item 7 of section 1110.3 of the New York city building code requiring that signage stating a portable ramp is available, if provided by the building, and the phone number to request such ramp, be posted at inaccessible building entrances shall apply retroactively to all prior code buildings that have such portable ramps where use of such a ramp is permissible. The use of a portable ramp by any building must comply with all applicable laws, and must comply with Section 405 (Ramps) of ICC A117.1 except to the extent the commissioner has waived a requirement pursuant to section 28-313.3.1. All signage posted pursuant to this section shall comply with Section 1110 of the New York city building code and be maintained in good condition. Nothing in this section shall be construed to authorize the provision of a portable ramp where such provision would not otherwise be lawful.*

§ 28-313.3.1 Waiver of requirements related to portable ramps at inaccessible building entrances where such ramps are permissible. *The commissioner may waive the requirement of section 28-313.3 that all portable ramps used by prior code buildings must comply with Section 405 (Ramps) of ICC A117.1, provided, however, that such waiver would not significantly adversely affect safety and that equally safe and proper alternatives are prescribed and, further, that such waiver is based upon a specific finding by the commissioner that strict compliance with the requirement:*

1. *Would create an undue economic burden;*
2. *Would not achieve its intended objective;*
3. *Would be physically or legally impossible;*
4. *Would be unnecessary in light of alternatives which ensure the achievement of the intended objective or which, without a loss in the level of safety, achieve the intended objective more efficiently, effectively or economically; or*
5. *Would entail a change so slight as to produce a negligible additional benefit.*

§ 28-313.3.2 Waiver application process. *Each application for a waiver under section 28-313.3.1 shall be made to the commissioner in writing, setting forth each requirement of Section 405 (Ramps) of ICC A117.1 sought to be waived and the specific reason or reasons therefore. The commissioner shall determine, under all of the circumstances presented by such application, which of such requirements may appropriately be waived. The commissioner shall render such determination in a writing, which shall set forth in detail the commissioner's findings and conclusions with respect to each requirement sought to be waived. A copy of such written determination shall be forwarded to the applicant. Such written determination shall be filed with the department and shall be available for public inspection.*

§ 28-313.3.3 Waiver recommendation. *The mayor's office for people with disabilities, or its successor agency shall be consulted by and shall advise the commissioner concerning each application for a waiver under section 28-313.3.1.*

§ 3. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-315.6.3 to read as follows:

§ 28-315.6.3 Signage for portable ramps at inaccessible building entrances where such ramps are permissible. *The posting of signage for portable ramps at inaccessible building entrances where such a ramp is permissible in accordance with the requirements of item 7 of 1110.3 of the New York city building code shall be completed on or before March 1, 2020.*

§ 4. Section 1110.3 of the New York city building code is amended by adding a new item 7 to read as follows:

7. At prior code buildings with one or more inaccessible entrances, signage stating that a portable ramp is available, if provided by the building, shall be provided at each inaccessible building entrance and shall contain the phone number to request such ramp. The use of a portable ramp by any building must comply with all applicable laws and any such ramp shall comply with Section 405 (Ramps) of ICC A117.1, except to the extent the commissioner has waived a requirement pursuant to section 28-313.3.1. All signage posted pursuant to this section shall comply with Section 1110 and be maintained in good condition. Nothing in this section shall be construed to authorize the provision of a portable ramp where such provision would not otherwise be lawful.

§ 5. This local law takes effect on January 1, 2020, except that prior to such effective date: (i) the commissioner of buildings may take all actions necessary for its implementation, including the promulgation of rules, and (ii) owners may apply for and the commissioner of buildings may grant waivers pursuant to sections 28-313.3.1 and 28-313.3.2 of the administrative code as added by this local law.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; RAFAEL L. ESPINAL, Jr., HELEN K. ROSENTHAL, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA; Committee on Housing and Buildings, May 28, 2019.

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).

Reports of the Committee on Land Use

Report for L.U. No. 397

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190230 ZRY (Residential Tower Mechanical Voids) submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Article II, Chapter 3 and related provisions of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1546), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 397 & Res. No. 916 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 403

Report of the Committee on Land Use in favor of approving Application No. N 180529 ZRQ (47-15 34th Ave Rezoning) submitted by Ashley Young LLC and John Young Associates LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1548) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**QUEENS CB-1 – TWO APPLICATIONS RELATED TO 47-15 34TH AVENUE
REZONING**

C 180530 ZMQ (L.U. No. 404)

City Planning Commission decision approving with modifications an application submitted by Ashley Young LLC and John Young Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b:

1. changing from an R5 District to an R6B District property bounded by a line 150 northeasterly of 34th Avenue, 47th Street, a line 140 feet northeasterly of 34th Avenue, and a line midway between 46th Street and 47th Street;
2. changing from a C8-1 District to an R6B District property bounded by a line 140 feet northeasterly of 34th Avenue, 47th Street, 34th Avenue a line 50 feet northwesterly of 47th Street, a line 100 feet northeasterly of 34th Avenue, and a line midway between 46th Street and 47th Street;
3. changing from an R5 District to an R7X District property bounded by a line 150 feet northeasterly of 34th Avenue, 48th Street, a line 140 feet northeasterly of 34th Avenue, and 47th Street;
4. changing from a C8-1 District to an R7X District property bounded by a line 140 feet northeasterly of 34th Avenue, 48th Street, 34th Avenue, and 47th Street;
5. establishing within existing and proposed R6B Districts a C2-4 district bounded by a line 150 feet northeasterly of 34th Avenue, 47th Street, 34th Avenue, and a line midway between 46th Street and 47th Street; and,
6. establishing within a proposed R7X District a C2-4 District bounded by a line 150 feet northeasterly of 34th Avenue, 48th Street, 34th Avenue, and 47th Street;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018, modified by the City Planning Commission on April 10, 2019, and subject to the conditions of CEQR Declaration E-509 in Community District 1, Borough of Queens.

N 180529 ZRQ (L.U. No. 403)

City Planning Commission decision approving an application submitted by Ashley Young LLC and John Young Associates 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 amendments to the Zoning Map and Text of the Zoning Resolution in order to change the project area from C8-1, R6B, and R5 zoning districts to R7X/C2-4 and R6B/C2-4 zoning districts; and establish a Mandatory Inclusionary Housing (MIH) area utilizing Option 2, to facilitate the development of a 14-story mixed-use building with a total of approximately 183,442 square feet of floor area, 8,630 square feet of commercial floor area, 4,800 square feet of community facility floor area on the ground floor, approximately 170,012 square feet of residential floor area use with approximately 201 dwelling units, including approximately 61 permanently affordable units pursuant to the MIH program on development site Block 723, Lots 1 and 8 located at 47-15 34th Avenue in the Astoria neighborhood of Queens, Community District 1

PUBLIC HEARING

DATE: May 2, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 16, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission (“CPC”) on L.U. No. 403 and the decision of the CPC on L.U. No. 404.

In Favor:

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: May 16, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Constantinides, Deutsch, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

Barron

Abstain:

None.

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

Res. No. 911

Resolution approving the decision of the City Planning Commission on Application No. N 180529 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 403).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 12, 2019 its decision dated April 10, 2019 (the "Decision"), on the application submitted by Ashley Young, LLC, and John Young Associates, LLC, 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 utilizing Option 2 in Queens, Community District 1 (Application No. N 180529 ZRQ), (the "Application");

WHEREAS, the Application is related to application C 180530 ZMQ (L.U. No. 404), a zoning map amendment to change from C8-1, R6B, and R5 zoning districts to R7X/C2-4 and R6B/C2-4;

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 May 2, 2019;

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 Revised Negative Declaration issued April 10th, 2019, which supersedes the Negative Declaration issued November 13th, 2018, and Revised Environmental Assessment Statement issued April 5th, 2019 (CEQR No. 19DCP003Q) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-509));

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-509) and Revised 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 180529 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

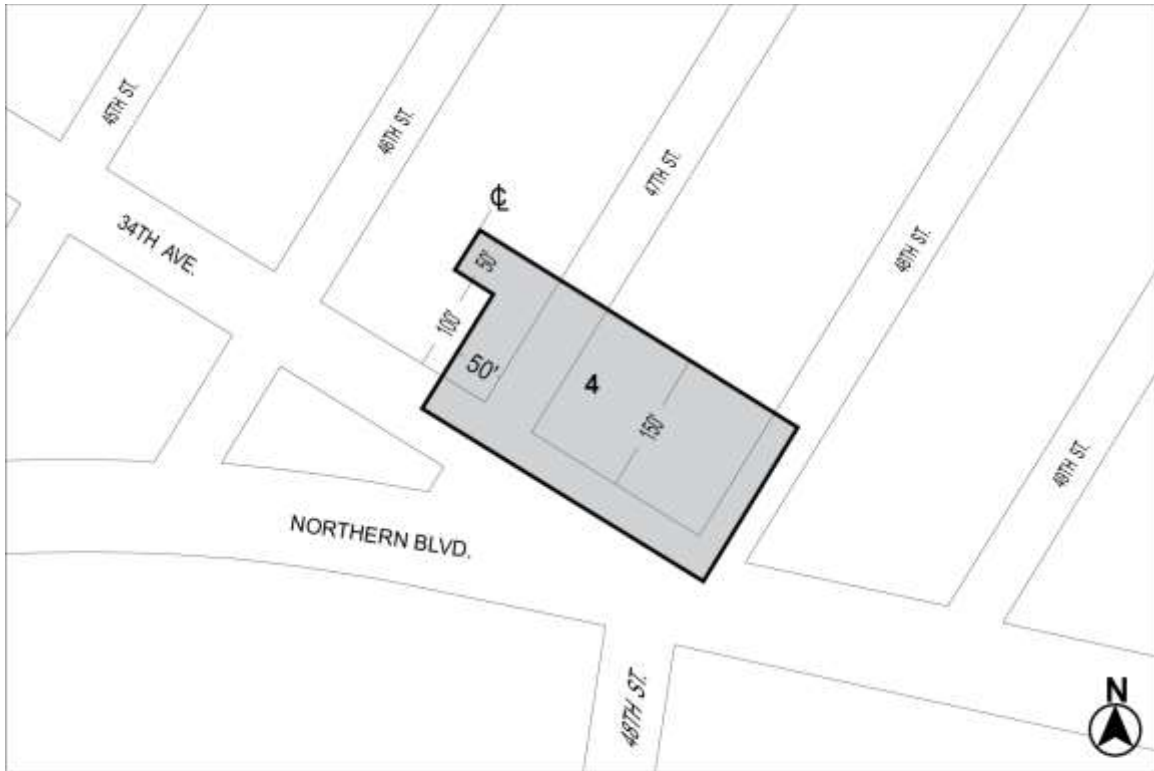
* * *


Queens Community District 1

* * *

Map 5 - [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
Area 4 — [date of adoption] — MIH Program Option 2

Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 404

Report of the Committee on Land Use in favor of approving Application No. C 180530 ZMQ (47-15 34th Ave Rezoning) submitted by Ashley Young LLC and John Young Associates LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b changing from C8-1, and R5 Districts to R7X and R6B Districts and establishing within the proposed R7X District a C2-4 District and establishing within the existing and proposed R6B District a C2-4 District, for property located at Block 723, Lots 1 and 8 and Block 722, Lots 1, 3, 4, p/o Lot 5, and 70, Borough of Queens, Council District 26, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1548) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 403 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 912

Resolution approving the decision of the City Planning Commission on ULURP No. C 180530 ZMQ, a Zoning Map amendment (L.U. No. 404).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, Ashley Young, LLC, and John Young Associates, 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. 9b, changing from an R5 District to an R6B District, changing from a C8-1 District to an R6B District, changing from an R5 District to an R7X District, changing from a C8-1 District to an R7X District, establishing within existing and proposed R6B Districts, and establishing within a proposed R7X District a C2-4 District, in Queens, Community District 1 (ULURP No. C 180530 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on April 12, 2019, its decision dated April 10, 2019 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 180529 ZRQ (L.U. No. 403), 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 May 2, 2019;

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 Revised Negative Declaration issued April 10th, 2019, which supersedes the Negative Declaration issued November 13th, 2018, and Revised Environmental Assessment Statement issued April 5th, 2019 (CEQR No. 19DCP003Q) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the “E” Designation (E-509));

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-509) and Revised 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 180530 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. 9b:

1. changing from an R5 District to an R6B District property bounded by a line 150 northeasterly of 34th Avenue, 47th Street, a line 140 feet northeasterly of 34th Avenue, and a line midway between 46th Street and 47th Street;
2. changing from a C8-1 District to an R6B District property bounded by a line 140 feet northeasterly of 34th Avenue, 47th Street, 34th Avenue, a line 50 feet northwesterly of 47th Street, a line 100 feet northeasterly of 34th Avenue, and a line midway between 46th Street and 47th Street;
3. changing from an R5 District to an R7D District property bounded by a line 150 feet northeasterly of 34th Avenue, 48th Street, a line 140 feet northeasterly of 34th Avenue, and 47th Street;
4. changing from a C8-1 District to an R7D District property bounded by a line 140 feet northeasterly of 34th Avenue, 48th Street, 34th Avenue, and 47th Street;
5. establishing within existing and proposed R6B Districts a C2-4 district bounded by a line 150 feet northeasterly of 34th Avenue, 47th Street, 34th Avenue, and a line midway between 46th Street and 47th Street; and,
6. establishing within a proposed R7D District a C2-4 District bounded by a line 150 feet northeasterly of 34th Avenue, 48th Street, 34th Avenue, and 47th Street;

as shown on a diagram (for illustrative purposes only) dated November 13, 2018, modified by the City Planning Commission on April 10, 2019, and subject to the conditions of CEQR Declaration E-509, Community District 1, Borough of Queens.

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 411

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 180518 ZRQ (Mana Products Text Amendments) submitted by 27-11 49th Avenue Realty, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to expand the qualifications for enlargement in Article IV, Chapter 3 (Manufacturing District Regulations – Bulk Regulations), for property located in the Borough of Queens, Council District 26, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1749), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 411 & Res. No. 917 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 412

Report of the Committee on Land Use in favor of approving Application No. N 190205 ZRM (66 Hudson Yards Streetscape Text Amendment) submitted by 509 West 34th, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying lobby and street tree provisions in Four Corners Subarea A2, for property located in the Borough of Manhattan, Council District 3, Community District 4.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1749) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 4****N 190205 ZRM**

City Planning Commission decision approving an application submitted by 509 West 34, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying lobby and street tree provisions in Four Corners Subarea A2.

INTENT

To approve the amendment of Article IX, Chapter 3 of the Zoning Resolution (Special Hudson Yards District-Four Corners Subarea A2 of the Large Scale Plan Subdistrict A) to modify Section 93-14 (Ground Floor Level Requirements) and Section 93-62 (Street Tree Planting) in order to expand the required lobby width from 40-feet to 70-feet for a development having two million square feet or more of floor area to accommodate the expected number of people using those entrances, and to clarify that the special district text requirement for a row of double trees should only be on 34th Street in Manhattan Community District 4.

PUBLIC HEARING

DATE: May 2, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 16, 2019

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

In Favor:

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: May 16, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Constantinides, Deutsch, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 913

Resolution approving the decision of the City Planning Commission on Application No. N 190205 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 412).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 26, 2019 its decision dated April 10, 2019 (the "Decision"), on the application submitted by 509 West 34, L.L.C., 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, amending Article IX, Chapter 3 (Special Hudson Yards District) for the purpose of modifying lobby and street tree provisions in Four Corners Subarea A2, to expand the required lobby width from 40-feet to 70-feet for a development having two million square feet or more of floor area to accommodate the expected number of people using those entrances, clarifying that the special district text requirement for a row of double trees should only be on 34th Street, in Manhattan Community District 4, (Application No. N 190205 ZRM), (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2019;

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 Proposed No. 7 Subway Extension-Hudson Yards Rezoning and Development Program Final Generic Environmental Impact Statement (FGEIS) for which a Notice of Completion was issued on November 8, 2004 (CEQR No. 03DCP031M), and the Technical Memorandum to the FGEIS (TM010) dated December 13th, 2018 which concluded that the proposed action would not result in any new or different significant adverse impacts or require any new or different mitigation measures than those identified in the 2004 FGEIS (the "Technical Memorandum").

RESOLVED:

Having considered the FGEIS and the Technical Memorandum, with respect to the Application, 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 190205 ZRM, 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 IX - SPECIAL PURPOSE DISTRICTS

**Chapter 3
Special Hudson Yards District**

**93-10
USE REGULATIONS**

* * *

93-14**Ground Floor Level Requirements**

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

(a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's street# frontage, as indicated on Map 2.

#Uses# within #stories# that have a floor level within five feet of #curb level# shall be limited to #commercial uses# permitted by the underlying district, not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

- (1) for #building# walls facing the outdoor plaza described in Section 93-71, paragraph (b): the through block connection described in Section 93-71, paragraph (d), and the connection to the public plaza described in Section 93-71, paragraph (e);
- (2) for #building# walls facing the through block connection described in Section 93-71, paragraph (d): the outdoor plaza described in Section 93-71, paragraph (b);
- (3) for #building# walls facing the connection to the #public plaza# described in Section 93-71, paragraph (e): the outdoor plaza described in Section 93-71, paragraph (b) and the public plaza described in Section 93-71, paragraph (c); or
- (4) a combination of retail #uses# and public access areas so as to satisfy such depth requirement for retail continuity.

The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except ~~that~~ within the Eastern Rail Yard Subarea A1, where the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less, and within the Four Corners Subarea A2 of the Large-Scale Plan Subdistrict A, for a #development# occupying a full #block# with frontage on Hudson Boulevard East and Tenth Avenue and having two million square feet or more of #floor area#, the width of lobbies located on the Hudson Boulevard East #street# frontage or the

Tenth Avenue #street# frontage may occupy up to 70 feet of the #building# wall width of the #building# located on each such frontage.

* * *

**93-60
MANDATORY IMPROVEMENTS**

* * *

**93-62
Street Tree Planting**

In addition to the applicable underlying #street# tree planting requirements, in the Four Corners Subarea A2 of the Large-Scale Subdistrict A, trees shall also be planted along the #street# edge of the mandatory sidewalk widenings along West 34th Street. All such trees shall be provided for the entire length of the #street# frontage of the #zoning lot#, at maximum intervals of 25 feet. Trees shall be planted in gratings flush to grade in at least 200 cubic feet of soil per tree with a depth of soil at least three feet, six inches. Species shall be selected and installed in accordance with specifications established by the Department of Parks and Recreation. The provisions of this Section shall not apply where the Department of Parks and Recreation determines that such tree planting would be infeasible.

* * *

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 413

Report of the Committee on Land Use in favor of approving Application No. C 190235 ZMM (East Harlem Neighborhood Rezoning) submitted by NYC Department of City Planning pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b by eliminating a Special East Harlem Corridors District (EHC) bounded by a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue in the Borough of Manhattan, Council Districts 9 and 11, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1749) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB-11 – TWO APPLICATIONS RELATED TO EAST HARLEM NEIGHBORHOOD REZONING

C 190235 ZMM (Pre. L.U. No. 413)

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 6b, by eliminating a Special East Harlem Corridors District (EHC) bounded by a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated December 17, 2018.

N 190236 ZRM (Pre. L.U. No. 414)

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III, Chapter 7 (Special Urban Design Regulations) and modifying the Special East Harlem Corridors District (Article XIII, Chapter 8).

INTENT

These proposed follow-up actions to the East Harlem Neighborhood Rezoning would amend the Zoning Map and Text of the Zoning Resolution to remove the special district designation from an existing R7B district and to establish and reduce maximum allowed building heights in the C6-4, R8A, and R7D districts mapped along Park Avenue in the East Harlem Corridors Special District, and to require any development at the intersection of Lexington and East 116 to relocate a subway entrance from the street onto the zoning lot.

PUBLIC HEARING

DATE: May 2, 2019

Witnesses in Favor: One

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: May 16, 2019

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission of the CPC on Pre. L.U. Nos. 413 and 414.

In Favor:

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** May 16, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Constantinides, Deutsch, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 914

Resolution approving the decision of the City Planning Commission on ULURP No. C 190235 ZMM, a Zoning Map amendment (Preconsidered L.U. No. 413).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 26, 2019 its decision dated April 24, 2019 (the "Decision"), on the application submitted by the 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 No. 6b, by eliminating a Special East Harlem Corridors District (EHC) bounded by a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue, which in conjunction with the related action, is a follow-up action to the East Harlem Neighborhood Rezoning, to respond to concerns related to pedestrian circulation and the maximum allowable building heights along portions of Park Avenue and to correct an error in the East Harlem Corridors Special District, Borough of Manhattan, Community District 11, (ULURP No. C 190235 ZMM) (the "Application");

WHEREAS, the Application is related to application no. N 190236 ZRM (Pre. L.U. No. 414), a zoning text amendment to establish and reduce the allowable maximum building heights in the C6-4, R8A, and R7D districts mapped along portions of Park Avenue;

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 May 2, 2019;

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 East Harlem Neighborhood Rezoning Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memorandum to the East Harlem Neighborhood Rezoning FEIS (TM 004), dated December 14, 2018, which concluded that the proposed actions would not have any new or different significant adverse impacts not already identified in the FEIS (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and the Technical Memorandum dated December 14, 2018, with respect to the Application, the Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 201 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 190235 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission to amend the Zoning Map, Section No. 6b, by eliminating a Special East Harlem Corridors District (EHC) bounded by a line midway between East 115th Street and East 116th Street-Luis Munoz Marin Boulevard, a line 100 feet westerly of Lexington Avenue, East 115th Street, and a line 100 feet easterly of Park Avenue, Borough of Manhattan, Community District 11, as shown on a diagram (for illustrative purposes only) dated December 17, 2018.

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 414

Report of the Committee on Land Use in favor of approving Application No. N 190236 ZRM (East Harlem Neighborhood Rezoning) submitted by the NYC Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III, Chapter 7 (Special Urban Design Regulations) and modifying the Special East Harlem Corridors District (Article XIII, Chapter 8), for the property located in the Borough of Manhattan, Council Districts 9 and 11, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1749) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 403 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res No. 915

Resolution approving the decision of the City Planning Commission on Application No. N 190236 ZRM, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 414).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 26, 2019 its decision dated April 24, 2019 (the "Decision"), on the application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article III, Chapter 7 (Special Urban Design Regulations) and modifying the Special East Harlem Corridors District (Article XIII, Chapter 8), in conjunction with the related action, as a follow-up action to the East Harlem Neighborhood Rezoning, to reduce the maximum allowable building heights along Park Avenue in the East Harlem Corridors Special District, Borough of Manhattan, Community District 11, (Application No. N 190236 ZRM), (the "Application");

WHEREAS, the Application is related to application no. C 190235 ZMM (Pre. L.U. No. 413), a zoning map amendment to remove the Special East Harlem Corridor District designation from an existing R7B 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 May 2, 2019;

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 East Harlem Neighborhood Rezoning Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on September 19, 2017 (CEQR No. 17DCP048M), and the Technical Memorandum to the East Harlem Neighborhood Rezoning FEIS (TM 004), dated December 14, 2018, which concluded that the proposed actions would not have any new or different significant adverse impacts not already identified in the FEIS (the "Technical Memorandum").

RESOLVED:

Having considered the FEIS and the Technical Memorandum dated December 14, 2018, with respect to the Application, 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 190236 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission to amend the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently modified, as follows:

Matter underlined is new, to be added;

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

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

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

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

Chapter 7

Special Urban Design Regulations

* * *

37-40

OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

* * *

**ARTICLE XIII
SPECIAL PURPOSE DISTRICTS**

**Chapter 8
Special East Harlem Corridors District**

* * *

**138-20
SPECIAL BULK REGULATIONS**

* * *

**138-21
Floor Area Regulations**

Within the #Special East Harlem Corridors District#, the underlying #floor area# regulations shall apply as modified in this Section, inclusive.

**138-211
Special floor area regulations**

(a) In certain #Commercial Districts# and in #Manufacturing Districts# paired with a #Residence District#, as shown on Map 2 of the Appendix to this Chapter, for any #zoning lot# containing #residential floor area#, the maximum #residential floor area ratio# shall be modified as follows:

(1) for #zoning lots# complying with the applicable provisions of paragraph (d)(3) of Section 23-154 (Inclusionary Housing) or, for #affordable independent residences for seniors#, the maximum #residential floor area ratio# set forth on Map 2 shall apply;

(2) for #zoning lots# utilizing the provisions of paragraphs (d)(4)(i) or (d)(4)(iii) of Section 23-154, the maximum #residential floor area ratio# shall apply as modified in the table below:

Maximum #residential floor area ratio# shown on Map 2	Modified maximum #residential floor area ratio#
8.5	7.52
9.0	7.52
10.0	9.0

(3) except in C2 Districts subject to the provisions of paragraph (b) of this Section, the maximum #floor area ratio# for any combination of #uses# shall be the maximum #floor area ratio# specified in paragraphs (a)(1) or (a)(2) of this Section, whichever is applicable; and

(4) in C4-6 Districts and in C2 Districts mapped within an R9 or R10 District, the #floor area# provisions of Sections 33-13 (Floor Area Bonus for a Public Plaza) or 33-14 (Floor Area Bonus for Arcades) shall not apply.

(b) In C2 Districts mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #community facility floor area ratio# shall be 6.5, except that the applicable provisions of paragraph (d) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations) shall apply to #zoning lots# containing philanthropic or non-profit institutions with sleeping accommodations or #long-term care facilities#.

(c) Any floor space occupied by a subway entrance provided pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair) shall not count as #floor area#.

* * *

**138-23
Height and Setback Regulations in Commercial Districts**

In #Commercial Districts#, the underlying height and setback provisions are modified as follows:

(a) Basic Height and Setback Regulations

In #Commercial Districts#, the maximum height of #buildings or other structures# shall be as set forth in Sections 35-652 (Maximum height of buildings and setback regulations) or 35-654 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), as applicable, except that:

(1) the minimum base heights shall be modified by the provisions of Section 138-22 (Street Wall Regulations);

(2) in C2 Districts mapped within an R9 District that is also located within 100 feet of Third Avenue, the maximum #building height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet and the maximum number of #stories# in permitted pursuant to such Section shall ~~not apply be 21;~~

(3) in C4-6 Districts whose maximum #residential floor area ratio# is 9.0, as set forth on Map 2 of the Appendix to this Chapter, the applicable provisions of Sections 35-652 or 35-654 for R9 Districts shall apply, except that the minimum base height as set forth in Section 138-22 shall apply, ~~and~~ the maximum #building height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 215 feet and the maximum number of #stories# in permitted pursuant to Section 35-654 shall ~~not apply be 21; and~~

(4) in a C2 District mapped within an R7D District that is also located within 100 feet of Park Avenue, the maximum #building height# for #buildings# utilizing the provisions of Section 35-654 shall be modified to 125 feet and the maximum number of stories permitted pursuant to such Section shall be 12; and

~~(4)~~(5) where applicable, in lieu of the provisions of this paragraph, the provisions of paragraph (b) of this Section may be applied.

The regulations of paragraph (b)(2) of Section 35-652 relating to requirements for #qualifying ground floors#, where otherwise applicable, shall not apply. In lieu thereof, the provisions of Section 138-30 (STREETSCAPE REQUIREMENTS), inclusive, shall apply.

(b) Alternate Height and Setback Regulations in Certain Districts

In C2 Districts mapped within an R9 or R10 District, or in C4-6 or C6-4 Districts, ~~or in C2 Districts mapped within an R7D or R8A District that are also located within 100 feet of Park Avenue,~~ as an alternative to the provisions of paragraph (a) of this Section, the provisions of this paragraph may be applied to #zoning lots# meeting the applicable criteria set forth in paragraph (a) of Section 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residences for seniors), or to #zoning lots# where 50 percent or more of the #floor area# is occupied by non-#residential uses#.

(1) Setbacks

At a height not lower than the minimum base height specified in Section 138-22 (Street Wall Regulations), nor higher than a maximum base height of 85 feet, a setback shall be provided in accordance with paragraph (c) of Section 23-662 (Maximum height of buildings and setback regulations). Above such required setback, any portion of such #building# shall be considered a “tower.”

(2) #Lot coverage# requirements for towers

Each #story# of a tower containing #residential floor area# shall not exceed a maximum #lot coverage# of 40 percent, except that, for #zoning lots# of less than 20,000 square feet, such #lot coverage# may be increased in accordance with the table in Section 23-65 (Tower Regulations). Each #story# of a tower containing exclusively non-#residential floor area# shall not exceed a maximum #lot coverage# of 50 percent. However, where dormers are provided within the required setback, such portions of #buildings# shall not count toward the maximum allowable tower #lot coverage# set forth in this paragraph.

(3) Maximum tower height

(i) The maximum tower height shall be set forth on Map 3 of the Appendix to this Chapter.

(ii) In C2 Districts mapped within R9 Districts that are also located within the #Special Transit Land Use District#, for #zoning lots# which include a transit easement in accordance with the applicable provisions of Article IX, Chapter 5 (Special Transit Land Use District), the maximum tower height shall be:

(a) 325 feet for #zoning lots# which include ancillary facilities with emergency egress and/or ventilation structures as specified in Section 95-032 (Determination of transit easement at other stations); and

(b) 215 feet for #zoning lots# which include only transit facilities specified in Section 95-032 other than ancillary facilities with emergency egress and/or ventilation structures.

~~(iii) In C6-4 Districts, no height limit shall apply to towers.~~

**138-30
STREETSCAPE REQUIREMENTS**

The provisions of this Section, inclusive, shall apply to #developments# or #ground floor level enlargements# in all districts. In #Commercial Districts# mapped within R7D Districts, the underlying provisions of Section 32-434 (Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts) shall not apply. Any portion of a #ground floor level# that is within a transit easement required pursuant to the provisions of Article IX, Chapter 5, or any portion of a #ground floor level# that contains a subway entrance required pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair), need not comply with the streetscape requirements of this Section, inclusive.

* * *

**138-32
Special Streetscape Provisions for Blank Walls**

* * *

**138-33
Off-street Relocation or Renovation of a Subway Stair**

Where a #development# or #enlargement# is constructed on a #zoning lot# of at least 5,000 square feet that fronts on a portion of sidewalk containing a stairway entrance or entrances into the 116th Street Station of the Lexington Avenue subway line, such #development# or #enlargement# shall be subject to the regulations of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR).

**138-40
OFF-STREET PARKING AND LOADING REGULATIONS**

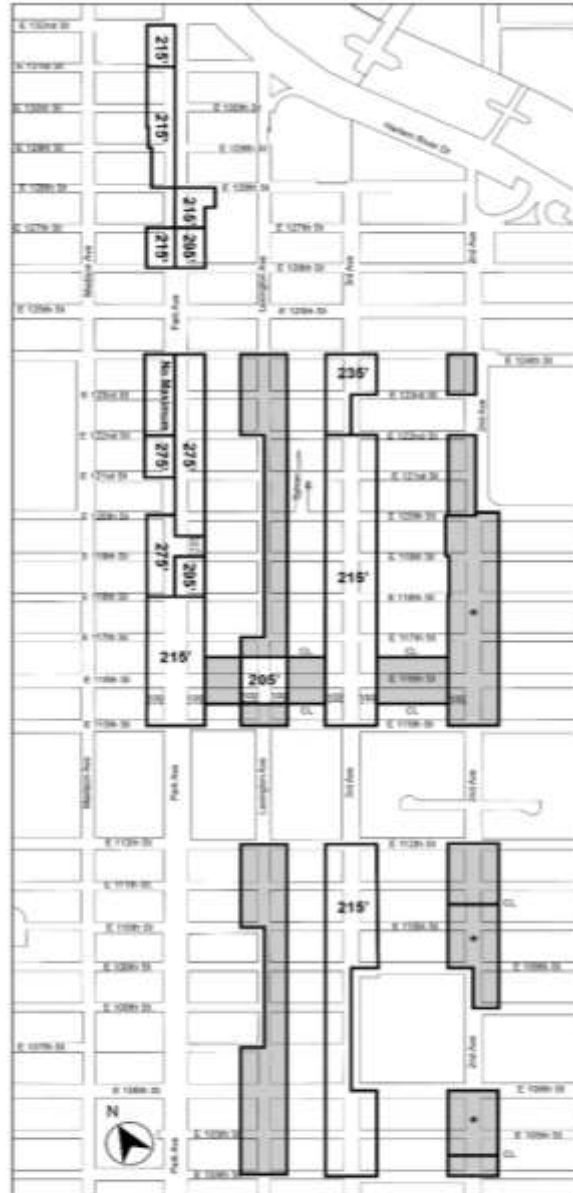
* * *

**APPENDIX
Special East Harlem Corridors District Plan**

* * *

Map 3: Maximum Height

[EXISTING MAP]



EAST HARLEM DISTRICT PLAN

MAP 3. MAXIMUM HEIGHT

• Subject to 136-23(b)(3)(v)

■ Underlying Maximum Height Applies

[PROPOSED MAP]



EAST HARLEM DISTRICT PLAN

MAP 3. MAXIMUM HEIGHT

• Subject to 138-23(b)(2)(ii)

Underlying Maximum Height Applies

* * *

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 322-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 a street design checklist.

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 498), respectfully

REPORTS:

INTRODUCTION

On May 28, 2019, the Committee on Transportation chaired by Council Member Ydanis Rodriguez will hold a hearing on Proposed Int. No. 322-A, a Local Law to amend the administrative code of the city of New York, in relation to a street design checklist, and Proposed Int. No. 1163-A, a Local Law to amend the administrative code of the city of New York, in relation to temporary bicycle lanes. This is the second hearing that the committee has held on both items. The first hearing on Int. No. 322 was held on August 15, 2018, and the first hearing on Int. No. 1163 was held on January 23, 2019. At both hearings the committee heard testimony from the Department of Transportation (DOT) and various other stakeholders.

BACKGROUND

Street Design

Traditionally, streets were designed with the primary goal of creating efficiency for vehicles. However, there are a variety of street design elements that New York City incorporates into the arrangement of our streets that safeguard pedestrians and cyclists.

ADA Accessibility

Utilizing sidewalks that are ADA accessible provides safer streets for pedestrians with disabilities. Some examples include:



ADA accessible crosswalk on Claremont Parkway & Crotona Avenue, Bronx



ADA accessible crosswalk in Columbus Circle, Manhattan

Public Amenities

Public amenities such as wayfinding, benches, bus stops and shelters, make the streets more pedestrian-friendly and help promote public transportation over single-occupancy vehicles. Greenery and bioswales help manage flooding by absorbing rainwater that the City's sewer system cannot handle. Some examples of public amenities include:



Willoughby Pedestrian Plaza, Brooklyn



Bus shelter at Avenue A & 11th Street, Manhattan



Bioswale on Dean Street, Brooklyn



Wayfinding on Canal Street, Manhattan

Protected Bicycle Lanes

Protected bicycle lanes are paths for cyclists that are separated from the roadway by an open space or physical barrier. Some physical barriers include a line of parked cars or a line of poles. Examples include:



Pole barriers in Chelsea, Manhattan



Parked cars as barrier on Prospect Park West, Brooklyn



Unprotected bicycle lane on Fifth Avenue, Manhattan

Dedicated Mass Transit Facilities

Dedicated mass transit facilities prioritize mass transit and encourage the public to use more efficient transit options than single-occupancy vehicles. Dedicated bus lanes are lanes in which only buses are permitted to drive during certain specified hours of the day. This helps buses move more efficiently through traffic. Bus bulbs are widened sidewalks to meet an offset bus lane. Bus bulbs allow buses to travel straight into and out of the bus stop without pulling over. These stops also have a high curb wherever possible making it easier and faster for all passengers to get on and off the bus. Example of a bus bulb:



Bus bulb in New York City

Dedicated Unloading Zones

Dedicated unloading zones reduce double-parking. Double-parking reduces visibility and stalls traffic.

Narrow Vehicle Lanes

Narrowing the width of each traffic lane to 10 feet causes vehicles to slow down. Here is an example of narrowed vehicle lanes on Columbus Avenue in Manhattan:



Pedestrian Safety Islands

A pedestrian safety island is a raised area located at a crosswalk that serves as pedestrian refuge separating traffic lanes or directions. These devices allow pedestrians to safely wait for the light to change before proceeding to cross the street. Here are some examples of pedestrian safety islands:



Avenue C and 18th Street, Manhattan



Queens Boulevard, Queens



Ocean Avenue and Church Street, Brooklyn

Signal-Protected Pedestrian Crossing

A signal-protected pedestrian crossing gives pedestrians the ability to cross the street when no vehicles have the right of way. This allows pedestrians to safely cross, as well as reduce vehicles attempting fast turns before pedestrians enter the cross walk. Some examples include:



New Dorp Lane and Clawson Street, Staten Island



West 4th Street and 7th Avenue, Manhattan

Signal Retiming

Signal retiming is the coordination of traffic signals to ensure that vehicles are not driving above the speed limit, as well as aid in reducing traffic congestion.

Wide Sidewalk

Wide sidewalks are sidewalks that are at least eight feet wide. Wide sidewalks promote walking and reduce speeding by narrowing traffic lanes. Some examples of wide sidewalks include:



Lou Gehrig Plaza, Bronx



46th Street, Queens

Proposed Int. No. 322-A would require DOT to develop a standard checklist of safety-enhancing street design elements that the department must consider for all major transportation projects and to post such standard checklist on its website.

Bike Infrastructure and Bike Safety

The popularity of cycling has increased in New York City. From 2006 to 2015, annual bicycle trips rose from 66 million trips to 164 million trips, an increase of approximately 150%.¹ The most recent available data shows that about 825,000 New Yorkers regularly ride a bike several times a month, with 86,000 adults commuting to either work or school.² Contributing to the rise in cycling has been the introduction of bike sharing programs like Citi Bike. Launched in May 2013, Citi Bike was a joint venture between DOT and Motivate International (now Lyft). As of December 2018, Citi Bike had more than 147,000 annual memberships and their users logged more than 41,000 trips per day totaling 1.8 million traveled miles.

Over the last several years, the city has made efforts to accommodate the growth in cycling by increasing bicycle safety. Currently, there are more than 1,200 miles of bike lanes in the city, the most of any major city in the nation.³ Since 2013 alone, the city has added 330 bicycle miles including 68 miles of protected bike lanes.⁴ Protected bicycle lanes are paths for cyclists that are separated from the roadway by an open space or physical barrier. Some physical barriers include a line of parked cars or a line of poles. Currently, there are 119.5 miles of protected bike lanes⁵ and the city's goal is to continue to add at least ten miles of protected lanes each year.⁶

On-Street Protected Bike Lane Miles, 2007-2018

Year	Protected Bicycle Lane Miles
2007	.8
2008	3.1
2009	9.1
2010	8.0
2011	4.2
2012	4.5
2013	6.7
2014	5.4
2015	13.3
2016	18.6
2017	24.9
2018	20.9
Total	119.5

Source: Office of the Mayor

¹ *Safer Cycling: Bicycle Ridership and Safety in New York City*, 2017, available for download at <http://www.nyc.gov/html/dot/downloads/pdf/bike-safety-study-fullreport2017.pdf>

² *Cycling in the City, Cycling Trends in NYC 2018*, available for download at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

³ Press Release, Office the Mayor, *Vision Zero: Mayor de Blasio Announces New York City Added Over Twenty Miles of Protected Bicycle Lanes in 2018*, December 19, 2018, available at <https://www1.nyc.gov/office-of-the-mayor/news/604-18/vision-zero-mayor-de-blasio-new-york-city-added-twenty-miles-protected-bicycle>

⁴ *Cycling in the City, Cycling Trends in NYC 2018*, available for download at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

⁵ Press Release, Office the Mayor, *Vision Zero: Mayor de Blasio Announces New York City Added Over Twenty Miles of Protected Bicycle Lanes in 2018*, December 19, 2018, available at <https://www1.nyc.gov/office-of-the-mayor/news/604-18/vision-zero-mayor-de-blasio-new-york-city-added-twenty-miles-protected-bicycle>

⁶ See *Safer Cycling: Bicycle Ridership and Safety in New York City*, 2017, p.9.

It appears as though the city's effort to increase safety for cyclists has been effective. In 2017, there were 4,397 cyclists injured with 24 of those injuries resulting in death.⁷ The latest initial figures released by DOT indicate that there were only 10 cyclist deaths in 2018, a record low that bested the previous low of 12 cyclist deaths, achieved in 2009 and 2013.⁸ However, if the city wants to maintain these low numbers, additional steps must be taken to ensure that both cyclists and pedestrians are kept safe. It is important to note that the Center for Disease Control reported that in 2015 more than 33,000 people in the United States died from motor vehicle crashes.⁹

Proposed Int. No. 1163-A would require temporary bikes lanes to be available regardless of any street work taking place.

ANALYSIS OF PROPOSED INT. NO. 322-A

Proposed Int. No. 322-A would amend subchapter 3 of chapter 1 of title 19 of the Administrative Code by adding a new section 19-182.2. Subdivision a of the new section defines several terms used in the bill. "ADA accessibility" is defined as compliance with part 36 of title 28 of the code of federal regulations implementing the Americans with disabilities act of 1990. "Daylighting" is defined to mean street design elements for enhancing visibility of cross traffic and pedestrians for motorists approaching an intersection. "Major transportation project" is defined as having the same meaning as in section 19-101.2 of the Administrative Code, which defines the term as any project that after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane or full time removal of a parking lane or the addition of a vehicular travel lane. "Narrow vehicle lane" is defined as a vehicular lane that is not greater than 10 feet wide. "Pedestrian safety island" is defined as an area located at a crosswalk that serves as a pedestrian refuge separating traffic lanes or directions, particularly on wide roadways. And, it also defines "wide sidewalk" as a sidewalk that is at least eight feet wide.

Subdivision b of section 19-182.2 would require that the Department of Transportation ("DOT") develop a standard checklist of safety-enhancing design elements for all major transportation projects. The checklist would be required to include as elements: ADA accessibility, protected bicycle lanes, dedicated mass transit facilities such as bus lanes and bus bulbs, dedicated vehicle loading and unloading zones, narrow vehicle lanes, pedestrian safety islands, signal-protected pedestrian crossings, signal retiming, wide sidewalks and daylighting. Subdivision b would also allow DOT to amend the checklist by rule to promote vehicular, pedestrian and bicycle safety.

Subdivision c of section 19-182.2 would require that DOT post the standard checklist on its website. Subdivision c would also require that for each major transportation project to be implemented after November 1, 2019, DOT must post a completed checklist on its website, including an explanation if any elements from the checklist were not included as part of the project's street design.

Subdivision d would require other agencies that implement major transportation projects to consider, in consultation with DOT, whether design elements such as those listed on the checklist should be included in any project.

Proposed Int. 322-A would take effect immediately.

ANALYSIS OF PROPOSED INT. NO. 1163-A

Proposed Int. 1163-A would amend subchapter 1 of chapter 1 of title 19 of the Administrative Code to add a new section 19-159.3. Subdivision a of section 19-159.3 would define "bicycle lane" to mean a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles, and "temporary

⁷ Bicycle Crash Data Report 2017, New York City Department of Transportation, available for download at <http://www.nyc.gov/html/dot/downloads/pdf/bicycle-crash-data-report-2017.pdf>

⁸ Press Release, Office the Mayor, *Vision Zero: Mayor de Blasio Announces New York City Added Over Twenty Miles of Protected Bicycle Lanes in 2018*.

⁹ See Key Injury and Violence Data, Center for Disease Control, available at https://www.cdc.gov/injury/wisqars/overview/key_data.html

bicycle lane” to mean a bicycle lane intended to be used for a limited period of time during which construction or other work prevents or otherwise affects use of a bicycle lane on a roadway, street segment or intersection.

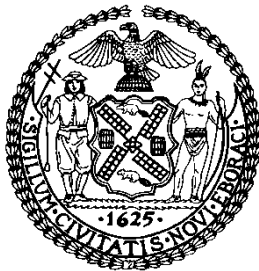
Subdivision b of section 19-159.3 would require that any permit issued by the Department of Transportation for work affecting a street segment or intersection with a bicycle lane include a stipulation that the permit holder maintain a temporary bicycle lane, and specify the specific manner in which the lane is to be maintained. Subdivision b would allow the commissioner to make a determination that a temporary bicycle lane is not feasible on a street segment or intersection, and would require that any such permit issued upon this determination stipulate other measures the permit holder must take to protect the safety of persons riding bicycles.

Subdivision c of section 19-159.3 would require that the Department of Transportation provide electronic notice to the affected Council Member, Community Board and Borough President upon the approval of any permit authorizing work affecting a street segment or intersection with a bicycle lane.

Subdivision d would provide that the commissioner of the Department of Transportation may revoke or refuse to renew a permit in the event of a violation of any stipulation required by subdivision b of this section.

Proposed Int. 1163-A would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 322-A:)



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

**PROPOSED INTRO. NO: 322-A
COMMITTEE: Transportation**

TITLE: A local law to amend the administrative code of the city of New York, in relation to a street design checklist.

SPONSORS: Council Members Rodriguez, Constantinides, The Speaker (Council Member Johnson), Cornegy, Levine, Rivera, Powers, Rose, Ayala, Koo, The Public Advocate (Mr. Williams), Dromm, Cabrera, Torres, Richards, Lancman, Van Bramer, Kallos, Cohen, Reynoso, Vallone, Rosenthal, Moya, Koslowitz, Deutsch, Treyger, Perkins, Espinal, Lander, Ampy-Samuel, Eugene, Adams, Levin, Chin, Menchaca, Gjonaj, King, Grodenchik, Maisel, Barron, Cumbo, Salamanca, Brannan, and Ulrich.

SUMMARY OF LEGISLATION: Proposed Intro. 322-A would require the Department of Transportation (“DOT” or Department) to develop a standard checklist of safety-enhancing street design elements that the Department must consider for all major transportation projects. DOT would be required to post such standard checklist on its website, and could amend the standard checklist by rule only to promote vehicular, pedestrian, and bicycle safety. For each major transportation project to be implemented on or after November 1, 2019, DOT would be required to complete a checklist stating which street design elements have been applied, and if an element has not been applied, the reason for not applying such element. The legislation would also require that DOT post each completed checklist on the Department’s website prior to the implementation of the applicable project.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures.

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, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No 322 on January 31, 2018 and was referred to the Committee on Transportation ("Committee"). The Committee held a hearing on August 15, 2018 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 322-A, will be considered by the Committee on May 28, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 322-A will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: May 24, 2019.

(For text of Int. Nos. 1163-A and its Fiscal Impact Statements, please see the Report of the Committee on Transportation for Int. No. 1163-A printed in these Minutes; for text of Int. No. 322-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 322-A and 1163-A.

(The following is the text of Int. No. 322-A:)

Int. No. 322-A

By Council Members Rodriguez, Constantinides, The Speaker (Council Member Johnson), Cornegy, Levine, Rivera, Powers, Rose, Ayala, Koo, the Public Advocate (Mr. Williams), Dromm, Cabrera, Torres, Richards, Lancman, Van Bramer, Kallos, Cohen, Reynoso, Vallone, Rosenthal, Moya, Koslowitz, Deutsch, Treyger, Perkins, Espinal, Lander, Ampry-Samuel, Eugene, Adams, Levin, Chin, Menchaca, Gjonaj, King, Grodenchik, Maisel, Barron, Cumbo, Salamanca, Brannan, Diaz, Holden and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to a street design checklist

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-182.2 to read as follows:

§ 19-182.2 *Street design checklist. a. As used in this section, the following terms have the following meanings:*

ADA accessibility. The term “ADA accessibility” means compliance with part 36 of title 28 of the code of federal regulations implementing the Americans with disabilities act of 1990.

Daylighting. The term “daylighting” means street design elements for enhancing visibility of cross traffic and pedestrians for motorists approaching an intersection.

Major transportation project. The term “major transportation project” has the same meaning as such term is defined in section 19-101.2.

Narrow vehicle lane. The term “narrow vehicle lane” means a vehicular lane that is not greater than 10 feet wide.

Pedestrian safety island. The term “pedestrian safety island” means an area located at a crosswalk that serves as pedestrian refuge separating traffic lanes or directions, particularly on wide roadways.

Protected bicycle lane. The term “protected bicycle lane” means a portion of a street or intersection intended for the preferential or exclusive use of bicycles separated from motorized vehicle traffic by vertical delineation or physical barriers in accordance with department design standards.

Wide sidewalk. The term “wide sidewalk” means a sidewalk that is at least eight feet wide.

b. Notwithstanding any inconsistent provision of law or rule, the department shall develop a standard checklist of safety-enhancing street design elements for all major transportation projects. Such checklist shall include but need not be limited to the following elements: (i) ADA accessibility; (ii) protected bicycle lanes; (iii) dedicated mass transit facilities such as bus lanes and bus bulbs; (iv) dedicated vehicle loading and unloading zones; (v) narrow vehicle lanes; (vi) pedestrian safety islands; (vii) signal-protected pedestrian crossings; (viii) signal retiming; (ix) wide sidewalks; and (x) daylighting. The department may amend the standard checklist by rule to promote vehicular, pedestrian, and bicycle safety.

c. The department shall post the standard checklist required by subdivision b of this section on its website. For each major transportation project to be implemented on or after November 1, 2019, the department shall post on its website, prior to implementation, a checklist for such project and, if any element on such checklist has not been included in the project, an explanation why such element was not applicable or otherwise not included.

d. If an agency other than the department implements a major transportation project, such agency shall consider, in consultation with the department, if safety-enhancing street design elements, including those on the checklist, should be included in such project.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, MARK D. LEVINE, CARLOS MENCHACA, RUBEN DIAZ, Sr.; Committee on Transportation, May 28, 2019.

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. 1163-A

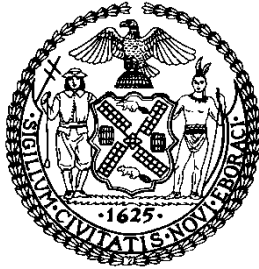
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to temporary bicycle lanes.

The Committee on Transportation, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3892), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 322-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1163-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1163-A
COMMITTEE: Transportation

TITLE: A local law to amend the administrative code of the city of New York, in relation to temporary bicycle lanes.

SPONSORS: Council Members Rivera, Lander, Rosenthal, Adams, Reynoso, Levin, Menchaca, Kallos, Ayala, Powers, Van Bramer, Richards, Levine and Chin.

SUMMARY OF LEGISLATION: Proposed Intro. 1163-A would require that permits issued by the Department of Transportation (“DOT”) for work affecting a street segment or intersection with a bicycle lane require that the permit holder maintain a temporary bicycle lane, unless the Commissioner determines that maintenance of a temporary bicycle lane is not feasible. This legislation would also require that DOT provide notice of any permit authorizing work affecting a bicycle lane to the affected borough president, council member, and community board.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures.

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, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 1163 on October 17, 2018 and was referred to the Committee on Transportation ("Committee"). The Committee held a hearing on January 23, 2019 and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1163-A, will be considered by the Committee on May 28, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1163-A will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: May 24, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1163-A:)

Int. No. 1163-A

By Council Members Rivera, Lander, Rosenthal, Adams, Reynoso, Levin, Menchaca, Kallos, Ayala, Powers, Van Bramer, Richards, Levine, Chin, Rodriguez, Deutsch, Rose and Diaz.

A Local Law to amend the administrative code of the city of New York, in relation to temporary bicycle lanes

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.3 to read as follows:

§ 19-159.3 Temporary bicycle lanes. a. Definitions. As used in this section, the following terms have the following meanings:

Bicycle lane. The term "bicycle lane" means a portion of the roadway that has been marked off or separated for the preferential or exclusive use of bicycles.

Temporary bicycle lane. The term "temporary bicycle lane" means a bicycle lane intended to be used for a limited period of time during which construction or other work prevents or otherwise affects use of a bicycle lane on a roadway, street segment or intersection.

b. Requirements. Any permit issued by the commissioner authorizing work affecting a street segment or intersection that has a bicycle lane shall include a stipulation requiring that the applicant maintain a temporary bicycle lane, and shall specify the particular manner in which the applicant shall maintain the temporary bicycle lane for such street segment or intersection. Notwithstanding the foregoing, in the event the commissioner determines that maintenance of a temporary bicycle lane is not feasible on such street segment or intersection, such determination shall not prohibit issuance of the permit, provided however that the permit shall set forth

such other measures the applicant must take to protect public safety, including persons utilizing bicycles on such street segment or intersection.

c. Notice requirement for work affecting a street segment or intersection that has a bicycle lane. Upon approving an application for a permit authorizing work affecting a street segment or intersection that has a bicycle lane, the department shall provide notice, through electronic means, to the affected borough president, the council member of the affected council district and the district manager of the affected community board. Such notice shall include the following information:

1. The name and contact information of the applicant;
2. The anticipated start and end dates of the work;
3. The location, nature and extent of the work to be performed;
4. The permit type;
5. Any permit stipulations related to the maintenance of a temporary bicycle lane; and
6. Contact information for a department office where questions may be directed.

d. In the event a permittee violates any stipulation required by subdivision b of this section, the commissioner may revoke or refuse to renew such permit pursuant to subdivision e of section 19-103 or take any other action authorized by law.

§ 2. This local law takes effect immediately.

YDANIS A. RODRIGUEZ, Chairperson; FERNANDO CABRERA, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, MARK D. LEVINE, CARLOS MENCHACA, RUBEN DIAZ, Sr.; Committee on Transportation, May 28, 2019.

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. 1047-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 providing veterans with outreach and engagement on issues related to higher education.

The Committee on Veterans, to which the annexed proposed amended local law was referred on July 18, 2018 (Minutes, page 2895), respectfully

REPORTS:

INTRODUCTION

On May 28, 2019, the Committee on Veterans, chaired by Council Member Chaim Deutsch, held a hearing to vote on two pieces of legislation: Int. No. 1047-A and Res. No. 844. Int. No. 1047-A, sponsored by Council Member Deutsch, would require the Department of Veteran’s Services (DVS) to provide veterans with outreach and education on issues related to higher education. A hearing on the bill was previously held on December 13, 2018 during an oversight hearing on “Veterans and Access to Higher Education.” Additionally, the Committee

voted on Res. No. 844, sponsored by Council Member Fernando Cabrera, which would recognize the 75th anniversary of D-Day. This resolution was previously heard on May 21, 2019, along with two other pieces of legislation. For both previous hearings on Int. No. 1047-A and Res. No. 844, the Committee heard from representatives from DVS, service providers, and veteran advocates.

On May 28, 2019, the Committee passed Int. No. 1047-A and Res. No. 844 by a vote of five in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Currently, approximately 20 million veterans live in the United States.¹ In New York City itself, there are approximately 200,000 veterans: 55,899 in Brooklyn; 34,687 in the Bronx; 37,065 in Manhattan; 50,999 in Queens; and 20,148 in Staten Island.² New York City's veteran population represents 22.2 percent of New York State's total veteran population of 900,000.³

Veterans and Higher Education

For decades, educational benefits following the completion of military service have been a significant incentive for those who choose to serve. The Serviceman's Readjustment Act of 1944 (better known as the GI Bill), which provided stipends and living expenses for veterans attending college or trade schools, allowed 7.8 million of the 16 million returning World War II Veterans to participate in an education or training program.⁴ The GI Bill has undergone several revisions since its original enactment. The Veterans Adjustment Act of 1952 extended benefits to veterans of the Korean War, and the Veterans Readjustment Benefits Act of 1966 allowed those who had served during times of both war and peace to access them.⁵ The Montgomery GI Bill, enacted in 1984, entitles enrolled active duty service members who pay \$100 per month for a 12 month period to receive a monthly education benefit pending completion of a minimum service obligation.⁶

In 2008, President George W. Bush signed the Post-9/11 Veterans Educational Assistance Act of 2008, best known as the Post-9/11 GI Bill. This legislation enhances the educational benefits for individuals who served on active duty in the Armed Forces on or after September 11, 2001. Qualifying service members can receive as much as 100 percent of tuition equivalent to the cost of the most expensive public school in the state, as well as 15 years of eligibility for benefits and a housing stipend.⁷ As veterans have returned from the conflicts in Iraq and Afghanistan, many have chosen higher education as their next professional step. Since the implementation of the Post-9/11 GI Bill in 2009, the VA has provided education benefits to more than 770,000 veterans and their families, amounting to more than \$20 billion in benefits.⁸

The most recent change to the GI Bill occurred in August 2018, when the VA implemented 15 more provisions of the Harry W. Colmery Educational Assistance Act of 2017, known as the Forever GI Bill. This bill expanded educational benefits to veterans through various means, such as allowing recipients of a Purple Heart awarded after September 11, 2001 to be eligible for full Post-9/11 GI Bill benefits for up to 36 months, allowing military and veteran families who have lost a family member to reallocate transferred Post-9/11 GI Bill benefits, allowing additional Guard and Reserve service to count toward Post-9/11 GI Bill eligibility, and allowing Post-9/11 GI Bill students to receive monthly housing allowance for any days they are not on active duty.⁹

¹ *Supporting United States Veterans: A Review of Veteran-Focused Needs Assessments from 2008-2017*, Penn State Clearinghouse for Military Family Readiness, <http://www.hjfc3.org/site/assets/files/1521/supportusveterans2017nov.pdf>.

² *State Support For New York's Veterans*, Office of the New York State Comptroller, Nov. 2015, from http://www.osc.state.ny.us/reports/other/veterans_11_2015.pdf.

³ *Id.*

⁴ Military.com, "History of the GI Bill," <http://www.military.com/education/gi-bill/va-marks-4-years-of-post-911-gi-bill.html>

⁵ *Id.*

⁶ *Id.*

⁷ Military.com, "Post-9/11 GI Bill Overview," <http://www.military.com/education/gi-bill/new-post-911-gi-bill-overview.html>

⁸ *VA and the Post 9/11 GI Bill*, available at

<http://www2.cuny.edu/about/university-resources/veterans-affairs/>

⁹ U.S. Department of Veterans Affairs, "Forever GI Bill expands VA educational benefits," (Aug. 2, 2018), available at <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5089>.

Forever GI Bill

On August 16, 2017, President Donald Trump signed H.R. 3218, also known as the Forever GI Bill – Harry W. Colmery Veterans Educational Assistance Act of 2017, to amend the U.S. Code “to make certain improvements in the laws administered by the Secretary of Veterans Affairs...”¹⁰ It made a number of changes to veterans’ education benefits, including the lifting of a 15-year time limit after service for utilization.¹¹ Other provisions included an alteration of how housing payments to student veterans were calculated, and a cap on the total amount paid, aligning it with what is allotted to active-duty military.¹²

However, that summer, the U.S. Department of Veterans Affairs’ (VA) benefit-processing system experienced a glitch that has resulted in a number of issues, including delayed and miscalculated benefit payments to student veterans in need of that money for housing.¹³ As a result “potentially tens of thousands on the GI Bill” waited weeks or months to be paid, forcing some to go into debt and struggling to overcome financial straits due to an antiquated computer system.¹⁴

In October 2018, over one year later, the VA emailed affected student veterans and, in a post on their website, admitted that many of their Post-9/11 GI Bill students were still experiencing “longer than typical wait times to receive monthly housing payments” and that, at the time, the VA was averaging over 35 days to process first-time applications and 23 days for re-enrollments.¹⁵ As of October, the VA was showing over 228,000 pending education claims, compared to October 2017, when they showed a backlog of 135,000 claims.¹⁶

On November 15, 2018, VA officials testified before the House Committee on Veterans Affairs that they cannot determine when their information technology system will be fixed and to address the issues preventing veterans from receiving their GI Bill benefit payments on time, if at all.¹⁷ Since then, VA Secretary Robert Wilkie released a statement saying that each beneficiary will receive the money they’re owed under the new scheme once it is implemented.¹⁸ In effect, Congress is passing laws requiring the VA to come into compliance, yet the VA is incapable of doing so.

Importantly, New York State Education Law requires that CUNY tuition, fees and charges, less other amounts payable by scholarships or other financial assistance, be deferred for a student at his or her request until the receipt of veterans’ educational benefits provided that the student is both eligible and has filed a claim for such benefits.¹⁹ While this may provide some relief to CUNY student veterans impacted by delayed payments, the extent to which students are aware this policy and its impact on housing is unclear.

Veterans at Private/Selective Institutions of Higher Education

While many state universities and community colleges, including CUNY schools, boast large veteran student populations, veterans comprise less than one percent of undergraduates at most more selective colleges.²⁰

¹⁰ Harry W. Colmery Veterans Educational Assistance Act of 2017, Pub. L. No. 115-48, *available at* <https://www.congress.gov/115/bills/hr3218/BILLS-115hr3218rh.pdf>.

¹¹ *Id.*

¹² *Id.*

¹³ Spencer Platt, “VA owes veterans housing allowances under the GI Bill, forcing some into debt” NBC News (Oct. 7, 2018), *available at* <https://www.nbcnews.com/news/us-news/va-owes-veterans-housing-allowances-under-gi-bill-forcing-some-n917286>.

¹⁴ Alex Horton, “Veterans aren’t getting their GI Bill payments — because VA’s 50-year-old computer system broke” The Washington Post (Nov. 15, 2018), *available at* https://www.washingtonpost.com/national-security/2018/11/15/veterans-arent-getting-their-gi-bill-payments-because-vas-year-old-computer-system-broke/?utm_term=.acb16333cdaa.

¹⁵ Jim Absher, “VA Acknowledges Delays in GI Bill Payments,” Military.com, Oct. 10, 2018, *available at* <https://www.military.com/paycheck-chronicles/2018/10/10/va-acknowledges-delays-gi-bill-payments.html>.

¹⁶ *Id.*

¹⁷ Phil McCausland, “VA unwilling to estimate when GI Bill benefit payment issues will be fixed” NBC News (Nov. 15, 2018), *available at* <https://www.nbcnews.com/news/us-news/va-unwilling-estimate-when-gi-bill-benefit-payment-issues-will-n936986>.

¹⁸ U.S. Department of Veterans Affairs, “Statement by Secretary Robert Wilkie on Forever GI Bill Housing Benefit Payments” Office of Public and Intergovernmental Affairs, News Release (Nov. 29, 2018), *available at* <https://www.va.gov/opa/pressrel/pressrelease.cfm?id=5154>.

¹⁹ New York Education Law § 6223

²⁰ Brian Mockenhaupt, “They served their country. Why aren’t elite colleges serving them better?” The Washington Post (Nov. 25, 2018), *available at* https://www.washingtonpost.com/local/education/they-served-their-country-why-arent-elite-colleges-serving-them-better/2018/11/25/d3ac3558-ef40-11e8-8679-934a2b33be52_story.html?utm_term=.98e32641f9df.

According to the VA, that is out of approximately one million veterans and their family members enrolled in higher education under the GI Bill.²¹ This discrepancy is a result of the VA not promoting more selective schools as an option, not believing that veterans could get in. Likewise, many selective colleges did not know how to handle veterans' applications or consider whether they were a desirable student population.²²

However, veterans' advocates argued for veterans to have the opportunity to attend elite institutions and add to the diversity on campus.²³ Now, more selective schools have begun to look into increasing its veteran student population, and how to serve them upon enrollment.²⁴ In 2018, there was an estimated 844 veterans enrolled at 36 of the country's most selective colleges, 443 of whom were enrolled at Columbia University, in NYC.²⁵

Functions of DVS

DVS has four main Program Areas: Central Administration, Community Outreach, Homelessness Prevention, and Mental Health.²⁶ Within these four areas, the Department's primary activities include expanding education and career opportunities through a network of public, private, and non-profit partners, ensuring that veterans can access benefits resources and services they need throughout the City, cultivating an integrative health model to ensure the physical, mental, and spiritual wellbeing of veterans and their families, and connecting homeless veterans with permanent housing and support services.

DVS has also identified three main lines of action: Whole Health and Community Resilience (WHCR), Housing and Support Service (HSS), and City Employment, Education, Entrepreneurship Events, and Engagement (CE5).²⁷ Community Outreach Specialists also connect veterans and their families to City, State, and Federal resources.

Between March 2016 and May 2017, DVS held more than 300 community outreach events and provided one-on-one assistance to more than 2,300 veterans and family members between March 2016 and May 2017, as they applied for benefits such as the GI Bill and veteran property tax exemptions.²⁸ The Department's mandate and responsibilities continue to include outreach and education efforts among the veteran population, including, importantly, connecting veterans to resources, programs, and information that helps them access services they need to continue their civilian lives.

INT. NO. 1047-A

Int. No. 1047-A would require DVS to consult with the Department of Consumer Affairs (DCA) to create and engage in outreach and education efforts to inform veterans about issues relating to higher education, such as financial issues, the risks of for-profit or fraudulent colleges, and lower-cost alternatives to for-profit higher education. The bill would require any materials developed for this campaign to be made available on DVS's website. This law would take effect immediately.

Since introduction, the language of Int. No. 1047-A was amended to allow DVS to "engage" on as opposed to "educate" on issues related to higher education. The bill also now would require DVS to provide any materials developed for such outreach and engagement to be made available at each veterans' resource center.

²¹ U.S. Department of Veterans Affairs, "VA and the Post 9/11 GI Bill" Office of Public and Intergovernmental Affairs (N.D.), available at https://www.va.gov/opa/issues/post_911_gibill.asp.

²² Brian Mockenhaupt, "They served their country. Why aren't elite colleges serving them better?" The Washington Post (Nov. 25, 2018), available at https://www.washingtonpost.com/local/education/they-served-their-country-why-arent-elite-colleges-serving-them-better/2018/11/25/d3ac3558-ef40-11e8-8679-934a2b33be52_story.html?utm_term=.98e32641f9df.

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ *About DVS*, NYC Department of Veterans Services, retrieved May 30, 2018, from <https://www1.nyc.gov/site/veterans/about/about.page>.

²⁷ *Id.*

²⁸ *Id.*

RES. NO. 844

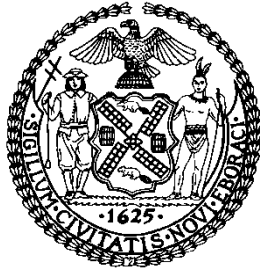
On June 6, 1944, more than 156,000 American, British, and Canadian soldiers landed on five beaches in Normandy, France in an effort that began the liberation of Western Europe from Nazi control during World War II.²⁹ According to the United States National D-Day Memorial Foundation, at least 4,400 Allied personnel were killed on that day alone. Despite these casualties, the invasion was a major success because it enabled the Allies to establish five beachheads in Normandy and marked the beginning of the final phase of World War II.³⁰

In that spirit, Res. No. 844 was heard on Tuesday, May 21, 2019, and voted on and passed on May 28, 2019, in order to recognize the 75th anniversary of D-Day and honor those who served and the fallen.

UPDATE

On May 28, 2019, the Committee passed Int. No. 1047-A and Res. No. 844 by a vote of five in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1047-A:)



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

PROPOSED INTRO. NO. 1047-A

COMMITTEE: Veterans

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to providing veterans with outreach and engagement on issues related to higher education.

SPONSORS: Council Members Deutsch, Ulrich, Vallone, Eugene, Gjonaj, Barron, Holden, Kallos and Ampry-Samuel.

SUMMARY OF LEGISLATION: Proposed Int. No. 1047-A would require the Department of Veterans' Services ("Department") to provide outreach and education to veterans about issues related to higher education, including government programs and other resources available to veterans, how to minimize student debt, student loan repayment options, the risks of for-profit or fraudulent colleges and trade schools, and lower-cost alternatives to for-profit higher education. The Department would also make the educational materials available on its website, at each Veterans Resource Centers, and in printed form upon request.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

²⁹ *D-Day*, History.com, <https://www.history.com/topics/world-war-ii/d-day>.

³⁰ *Id.*

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
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. DVS would use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Andrew Wilber, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1047 on July 18, 2018 and referred to the Committee on Veterans and the Committee on Higher Education. The Committee on Veterans and the Committee on Education jointly heard the legislation on December 13, 2018 and it was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1047-A, will be considered by the Committee on Veterans on May 28, 2019. Upon a successful vote by the Committee on Veterans, Proposed Intro. No. 1047-A will be submitted to the full Council for a vote on May 29, 2019.

DATE PREPARED: May 23, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1047-A:)

Int. No. 1047-A

By Council Members Deutsch, Ulrich, Vallone, Eugene, Gjonaj, Barron, Holden, Kallos, Ampry-Samuel, Lander, Ayala, Rivera and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to providing veterans with outreach and engagement on issues related to higher education

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 31 of the administrative code of the city of New York is amended by adding a new section 31-110 to read as follows:

§ 31-110 Outreach and engagement on issues related to higher education. a. The commissioner, in consultation with the department of consumer affairs and any other agencies identified by the mayor, shall establish and coordinate outreach and engagement efforts to inform veterans about financial issues and

resources related to higher education, including, but not limited to: government programs and other resources available to veterans, resources on how to minimize student debt, student loan repayment options and programs for veterans, the risks of for-profit or fraudulent colleges and trade schools, how to identify predatory for-profit institutions and lower-cost alternatives to for-profit higher education.

b. The materials developed pursuant to subdivision a of this section shall be made available on the department's website, at each veterans resource centers established pursuant to section 31-106 and in printed form upon request.

§ 2. This local law takes effect immediately.

CHAIM M. DEUTSCH, *Chairperson*; ALICKA AMPRY-SAMUEL, MATHIEU EUGENE, ALAN N. MAISEL, PAUL A. VALLONE; Committee on Veterans, May 28, 2019.

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. 397 & Res. No. 916

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 190230 ZRY (Residential Tower Mechanical Voids) submitted by the Department of City Planning pursuant to Section 201 of the New York City Charter for an amendment of Article II, Chapter 3 and related provisions of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on April 18, 2019 (Minutes, page 1546) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

CITYWIDE

N 190230 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 Article II, Chapter 3 and related provisions of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area.

INTENT

To approve the amendment of Article II, Chapter 3 and related provisions of the text of the Zoning Resolution, to modify the residential tower regulations of ZR Section 23-10 (Open Space and Floor Area Regulations), ZR Section 23-10 (Open Space and Floor Area Regulations), ZR Section 23-16(a) (Special Floor

Area and Lot Coverage Provisions for Certain Areas), ZR Section 24-112 (Special floor area ratio provisions for certain areas), ZR Section 35-352 (Special floor area regulations for certain districts), ZR Section 96-21 (Special Regulations for 42nd Street Perimeter Area), and ZR Section 98-22 (Maximum Floor Area Ratio and Lot Coverage in Subareas), to discourage the use of excessively tall mechanical floors that elevate upper-story residential units above the surrounding context in residential towers in non-contextual R9 and R10 Residential Districts and their equivalent Commercial Districts.

PUBLIC HEARING

DATE: April 16, 2019

Witnesses in Favor: Fourteen

Witnesses Against: Six

SUBCOMMITTEE RECOMMENDATION

DATE: May 16, 2019

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

In Favor:

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 16, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Constantinides, Deutsch, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated May 20, 2019, with the Council on May 24, 2019, 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. 916

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190230 ZRY, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 397).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 12, 2019 its decision dated April 10, 2019 (the "Decision"), on the application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of Article II, Chapter 3 and related provisions of the text of the Zoning Resolution of the City of New York, modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area, in order to discourage the use of excessively tall mechanical floors in residential towers in non-contextual R9 and R10 Residential Districts and their equivalent Commercial Districts, Citywide, (Application No. N 190230 ZRY), (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on April 16, 2019;

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 Revised Negative Declaration issued April 9th, 2019, which supersedes the Negative Declaration issued January 28th, 2019 and Revised Environmental Assessment Statement issued April 9th, 2019 (CEQR No. 19DCP110Y), concludes that the proposed CPC modifications would not result in any new or different significant adverse environmental impacts and would not alter the conclusions of the EAS (the "Revised Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Revised 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 190230 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;

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

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

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

ARTICLE I

GENERAL PROVISIONS

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-34

Additional provisions for extension of period to complete construction

11-341

Building applications filed before July 8, 2017

If, before July 8, 2017, an application has been filed with the Department of Buildings for a #development# on a #corner lot# with a #lot area# of less than 5,000 square feet, located in a C5-2 District in Community District 5 of the Borough of Manhattan, the provisions established in N 190230 ZRY pertaining to calculating #floor area# in a tower containing #residences# shall not apply in the portion of such #building# below a height of 130 feet above the #base plane#, provided that the aggregate height of any floor space on #stories# occupied predominantly by mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, does not exceed 80 feet.

* * *

ARTICLE II

RESIDENCE DISTRICT REGULATIONS

Chapter 3

Residential Bulk Regulations in Residence Districts

* * *

23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

Special #open space# and #floor area# provisions are set forth in Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for standard tower and tower-on-a-base #buildings# in R9 and R10 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for Which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

* * *

23-16

Special Floor Area and Lot Coverage Provisions for Certain Areas

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 Through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 Through R10 Districts), inclusive, shall be modified for certain areas, as follows:

(a) For standard tower and tower-on-a-base #buildings# in R9 and R10 Districts

(1) In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.

(2) In R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, any floor space used for mechanical equipment provided pursuant to paragraph (8) of the definition of #floor area# in Section 12-10 (DEFINITIONS), and any floor space that is or becomes unused or inaccessible within a #building#, pursuant to paragraph (k) of the definition of #floor area# in Section 12-10, shall be considered #floor area# and calculated in accordance with the provisions of this Section, provided that such floor space:

- (i) occupies the predominant portion of a #story#;
- (ii) is located above the #base plane# or #curb level#, as applicable, and below the highest #story# containing #residential floor area#; and
- (iii) exceeds an aggregate height of ~~30~~ 25 feet in #stories# located within 75 vertical feet of one another within a #building#.

For the purpose of applying this provision, the height of such floor space shall be measured from the top of a structural floor to the bottom of a structural floor directly above such space. In addition, the number of #stories# of #floor area# such space constitutes within the #building# shall be determined by aggregating the total height of such floor spaces, dividing by ~~30~~ 25 feet, and rounding to the nearest whole integer.

* * *

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

* * *

**24-10
FLOOR AREA AND LOT COVERAGE REGULATIONS**

* * *

**24-112
Special floor area ratio provisions for certain areas**

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas as follows:

(a) in R8B Districts within Community District 8, in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall be 5.10; ~~and~~

- (b) in R10 Districts, except R10A or R10X Districts, within Community District 7, in the Borough of Manhattan, all #zoning lots# shall be limited to a maximum #floor area ratio# of 10.0-; and
- (c) in R9 and R10 Districts, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 23-65 (Tower Regulations), inclusive, the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:
 - (1) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
 - (2) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

**ARTICLE III
COMMERCIAL DISTRICT REGULATIONS**

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

* * *

**35-35
Special Floor Area Ratio Provisions for Certain Areas**

* * *

**35-352
Special floor area regulations for certain districts**

In C1 or C2 Districts mapped within R9 and R10 Districts, or in #Commercial Districts# with a residential equivalent of an R9 or R10 District, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

* * *

**Chapter 6
Special Clinton District**

* * *

**96-20
PERIMETER AREA**

* * *

**96-21
Special Regulations for 42nd Street Perimeter Area**

* * *

(b) #Floor area# regulations

* * *

(2) #Floor area# regulations in Subarea 2

* * *

(3) Additional regulations for Subareas 1 and 2

In Subareas 1 and 2, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 35-64 (Special Tower Regulations for Mixed Buildings), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (i) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (ii) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

**Chapter 8
Special West Chelsea District**

* * *

**98-20
FLOOR AREA AND LOT COVERAGE REGULATIONS**

* * *

**98-22
Maximum Floor Area Ratio and Lot Coverage in Subareas**

* * *

**98-221
Additional regulations for Subdistrict A**

In Subdistrict A, for #zoning lots# containing a #building# that is #developed# or #enlarged# pursuant to the applicable tower regulations of Section 98-423 (Special Street wall location, minimum and maximum base heights and maximum building heights), the provisions of paragraph (a)(2) of Section 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) shall apply:

- (a) to only the #residential# portion of a #building# where less than 75 percent of the total #floor area# of such #building# is allocated to #residential use#; and
- (b) to the entire #building# where 75 percent or more of the total #floor area# of such #building# is allocated to #residential use#.

* * *

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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. 411 & Res. No. 917

in favor of approving, as modified, Application No. N 180518 ZRQ (Mana Products Text Amendments) submitted by 27-11 49th Avenue Realty, LLC pursuant to Sections 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to expand the qualifications for enlargement in Article IV, Chapter 3 (Manufacturing District Regulations – Bulk Regulations), for property located in the Borough of Queens, Council District 26, Community District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on May 8, 2019 (Minutes, page 1749) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

N 180518 ZRQ

City Planning Commission decision approving with modifications an application submitted by 27-11 49th Avenue Realty, LLC, pursuant to Sections 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to expand the qualifications for enlargement in Article IV, Chapter 3 (Manufacturing District Regulations – Bulk Regulations).

INTENT

To approve the amendment to the text of the Zoning Resolution to allow buildings located on a zoning lot larger than two acres in an M3-2 district in the Long Island City Designated Area (as set forth in Appendix J of the Zoning Resolution) developed for a manufacturing use prior to December 31, 1965, to be expanded for a manufacturing use up to 150 percent of the floor area existing on the site as of that date to a maximum of 150 percent of the site's base FAR. This amendment would facilitate the enlargement of the building located at 27-11 49th Avenue (Block 115, Lot 1) in the Long Island City neighborhood of Queens, Community District 2, to support the consolidation of business operations for Mana Products. This would eliminate manufacturing and warehousing inefficiencies, allow for modernization of equipment for longer and more efficient manufacturing lines.

PUBLIC HEARING

DATE: May 2, 2019

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: May 16, 2019

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

In Favor:

Moya, Constantinides, Lancman, Reynoso, Richards, Rivera, Torres, Grodenchik.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: May 16, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Constantinides, Deutsch, King, Koo, Lancman, Reynoso, Richards, Torres, Treyger, Grodenchik, Adams, Moya, Rivera.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated May 20, 2019, with the Council on May 24, 2019, 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. 917

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180518 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 411).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on April 26, 2019 its decision dated April 24, 2019 (the "Decision"), on the application submitted by 27-11 49th Avenue Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, to expand the qualifications for enlargement in Article IV, Chapter 3 (Manufacturing District Regulations – Bulk Regulations), to enlarge an existing manufacturing building at 27-11 49th Avenue (Block 115, Lot 1) in the Long Island City neighborhood of Queens, Community District 2, (Application No. N 180518 ZRQ), (the "Application");

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d(b)(1) of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on May 2, 2019;

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 January 28th, 2019 (CEQR No. 18DCP189Q), (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180518 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

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

Matter ~~double struck out~~ is old, deleted by the City Council;
Matter double-underlined is new, added by the City Council
* * * indicates where unchanged text appears in the Zoning Resolution.

**ARTICLE IV
MANUFACTURING DISTRICT REGULATIONS**

**Chapter 3
Bulk Regulations**

**43-00
FLOOR AREA REGULATIONS**

* * *

**43-12
Maximum Floor Area Ratio**

* * *

**43-121
Expansion of existing manufacturing buildings**

M1 M2 M3

In all districts, as indicated, where a #building or other structure# used for a conforming #manufacturing use# was in existence prior to December 15, 1961, such #building or other structure# may be expanded for a #manufacturing use#. Such expansion may consist of an #enlargement#, or additional #development#, on the same #zoning lot#, provided that:

- (a) the resulting total #floor area# shall not be greater than:
 - (1) 150 percent of the #floor area# existing on December 15, 1961; or
 - (2) 110 percent of the maximum #floor area# otherwise permitted under the provisions of Section 43-12 (Maximum Floor Area Ratio).
- (b) the resulting #floor area ratio# shall not exceed the highest of:
 - (1) 150 percent of the maximum #floor area ratio# otherwise permitted under the provisions of Section 43-12;
 - (2) 110 percent of the #floor area ratio# existing on December 15, 1961; or
 - (3) a #floor area ratio# of 2.4, provided that in the event this paragraph, (b)(3), is utilized, the City Planning Commission shall administratively certify and the City Council approve, that such expansion will not adversely affect the surrounding area.

In an M3-2 Districts in the portion of Queens Community District 2 located within the Long Island City a Subarea 2 Designated Area (as set forth in APPENDIX J of this Resolution), the provisions of this Section shall also apply to where a #building or other structure# on a #zoning lot# larger than two acres, used for a conforming #manufacturing use#, that was in existence prior to December 31, 1965.

The parking reduction provisions of Section 44-27 (Special Provisions for Expansion of Existing Manufacturing Buildings) shall apply to such expansion.

* * *

RAFAEL SALAMANCA, Jr., Chairperson; PETER A. KOO, ANDY L. KING, DONOVAN J. RICHARDS, INEZ D. BARRON, COSTA G. CONSTANTINIDES, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, RITCHIE J. TORRES, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, May 16, 2019.

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>
Sebastian Gabriel Saavedra Irrarrazabal	543 W 49th Street, Apt 54 New York, New York 10019	3
Theodore Phillips	870 UN Plaza #31E New York, New York 10017	4
Jendelis Quinones	701 W 189th Street #6N New York, New York 10040	10
Brenda Palacios	2790 Schley Ave #3C Bronx, New York 10465	13
Lynn Sanchez	1505 Walton Ave #3J Bronx, New York 10452	14
Francisco Cardozo	2612 Hoyt Ave S #3R Queens, New York 11102	22
Justin Olivero	88-09 30th Ave Queens, New York 11369	22
Brenda Alvarez	76-18 69th Place #2nd Fl Queens, New York 11385	30
Jenny Friedman	22 Jefferson Street Brooklyn, New York 11206	34
Alison Chang	593 E 17th Street, Apt 3F Brooklyn, New York 11226	40
Alexander Kochubey	9040 Fort Hamilton Pkwy Brooklyn, New York 11209	43
Yuliya Kalynovska	2006 Benson Ave #1A Brooklyn, New York 11214	43
Freda Giler	2911 Brighton 5th Street #3C Brooklyn, New York 11235	48

Yeneque Harris	122 Arnold Street Staten Island, New York 10301	49
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Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Jason Morales	65-75 Pike Street #10A New York, New York 10002	1
Natainya Curry	485 1st Avenue #4N New York, New York 10016	2
Julia Garcia	55 LaSalle Street #11D New York, New York 10027	7
Natalie O. Spence	3301 Palmer Avenue Bronx, New York 10475	12
Deborah L. May	1430 Thieriot Avenue #6L Bronx, New York 10460	18
Margaret S. Devlin	125-09 9th Avenue College Point, New York 11356	19
Walter Gottschalk	38-20 47 Avenue Long Island City, New York 11101	26
Dwayne Morgan	115-93 Springfield Blvd #1A Cambria Heights, New York 11411	27
Pamela Robinson	104-10 191st Street Hollis, New York 11412	27
Anthony B. Hart	115-44 147th Street Queens, New York 11436	28
Christina Schneider	77-57 76th Street Queens, New York 11385	30
Jonathan Addison	8100 Shorefront Pkway #11J Queens, New York 11693	32
Barbara Webber	54 Boerum Street #2J Brooklyn, New York 11206	34
Debbie Williams	217 Washington Avenue Brooklyn, New York 11205	35
John M. Frederick II	1400 Bergen Street #8H Brooklyn, New York 11213	36

LaSalle S. Miller	22 Halsey Street #3A Brooklyn, New York 11216	36
Tamara Montalvan	59 Weldon Street #1st Floor Brooklyn, New York 11208	37
Melanie Angelica Luna	675 Lincoln Avenue #16L Brooklyn, New York 11208	42
Joseph R. Aievoli, Jr.	1054 83rd Street Brooklyn, New York 11228	43
Kathoria S. Sparkman	1414 Brooklyn Avenue #4G Brooklyn, New York 11210	45
Andrea J. Thompson	1123 East 53rd Street Brooklyn, New York 11234	46
Lissette Peralta	53 Bush Avenue Staten Island, New York 10303	49
Nickcole Darnelle Rivera	185 St. Marks Place #12B Staten Island, New York 10301	49
Jody A. Schembari	172 Hickory Avenue Staten Island, New York 10305	50
Angela Abbriano	20 Carlyle Green Staten Island, New York 10312	51
Nichole Grant	182 Sneden Ave Staten Island, New York 10312	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-167 - | Transmitting recommendations of the interest rate to be charged for Fiscal Year 2020. |
| (2) | Int 242-B - | Department of Education to report on funding for after school athletics. |
| (3) | Int 322-A - | Street design checklist. |
| (4) | Int 342-A - | Requirements for portable ramps in prior code buildings. |
| (5) | Int 1047-A - | Providing veterans with outreach and engagement on issues related to higher education. |
| (6) | Int 1163-A - | Temporary bicycle lanes |
| (7) | Int 1180-A - | Mental health training for senior center caseworkers. |
| (8) | Int 1294-A - | Department of Education on physical education. |
| (9) | Int 1298-A - | Department of Education to report on physical education curricula in New York city public schools. |
| (10) | Res 889 - | Establish that the interest rate be 7 percent per annum for Fiscal Year 2020. |
| (11) | Res 890 - | Establish that the interest rate be 18 percent per annum for Fiscal Year 2020. |
| (12) | Res 891 - | Discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2020. |
| (13) | L.U. 397 & Res 916 - | App. N 190230 ZRY (Residential Tower Mechanical Voids)
Modifying residential tower regulations to require certain mechanical spaces to be calculated as residential floor area, Citywide. |

- (14) **L.U. 403 & Res 911 -** App. N **180529 ZRQ (47-15 34th Ave Rezoning)** Borough of Queens, Council District 26, Community District 1.
- (15) **L.U. 404 & Res 912 -** App. C **180530 ZMQ (47-15 34th Ave Rezoning)** Borough of Queens, Council District 26, Community District 1.
- (16) **L.U. 411 & Res 917 -** App. N **180518 ZRQ (Mana Products Text Amendments)** Borough of Queens, Council District 26, Community District 2.
- (17) **L.U. 412 & Res 913 -** App. N **190205 ZRM (66 Hudson Yards Streetscape Text Amendment)** Borough of Manhattan, Council District 3, Community District 4.
- (18) **L.U. 413 & Res 914 -** App. C **190235 ZMM (East Harlem Neighborhood Rezoning)** Borough of Manhattan, Council Districts 9 and 11, Community District 11.
- (19) **L.U. 414 & Res 915 -** App. N **190236 ZRM (East Harlem Neighborhood Rezoning)** Borough of Manhattan, Council Districts 9 and 11, Community District 11.
- (20) **L.U. 428 & Res 903 -** Fairstead - 48th Street, Manhattan, Community District No. 4, Council District No. 3.
- (21) **L.U. 429 & Res 904 -** Fairstead - 53rd Street, Manhattan, Community District No. 4, Council District No. 3.
- (22) **L.U. 430 & Res 905 -** Jennings Terrace Gardens, Bronx, Community District No. 3, Council District No. 16.
- (23) **L.U. 431 & Res 906 -** Walton Avenue, Bronx, Community District No. 4, Council District No. 16.
- (24) **L.U. 432 & Res 907 -** Black Spruce - Central Harlem, Manhattan, Community District No. 10, Council District No. 9.

- (25) **L.U. 433 & Res 908 -** Black Spruce - Washington Heights, Manhattan, Community District No. 7 and 10, Council District No. 12.
- (26) **L.U. 434 & Res 909 -** 5 Teller HDFC, Bronx, Community District No. 4, Council District No. 17.
- (27) **L.U. 435 & Res 910 -** Lexington Courts, Manhattan, Community District No. 11, Council District No. 8 and 9.
- (28) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Miller, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

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

The following was the vote recorded for **Int. No. 322-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

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

Abstention – Miller – **1**.

The following was the vote recorded for **L.U. No. 397 & Res. No. 916; L.U. No. 403 & Res. No 911; and L.U. No. 404 & Res. No. 912:**

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

Negative – Barron - **1**.

The following was the vote recorded for **Preconsidered Res. No. 889**:

Affirmative – Adams, Ampy-Samuel, Ayala, Cabrera, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **35**.

Negative – Barron, Borelli, Brannan, Deutsch, Diaz, Gjonaj, Holden, King, Miller, Ulrich, Vallone, Yeger, and the Minority Leader (Council Member Matteo) – **13**.

The following was the vote recorded for **Preconsidered Res. No. 890**:

Affirmative – Adams, Ampy-Samuel, Ayala, Borelli, Cabrera, Chin, Cohen, Constantinides, Cornegy, Dromm, Espinal, Eugene, Gibson, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levine, Maisel, Menchaca, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **37**.

Negative – Barron, Brannan, Deutsch, Diaz, Gjonaj, Holden, King, Miller, Ulrich, Vallone, and Yeger – **11**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 242-B, 322-A, 342-A, 1047-A, 1163-A, 1180-A, 1294-A, and 1298-A.*

RESOLUTIONS

presented for voice-vote

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

Report for voice-vote item Res No 85-B

Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York City Department of Education (DOE) to ensure that all students have equitable access to after-school athletic activities and associated funding.

The Committee on Education, to which the annexed amended resolution was referred on January 31, 2018 (Minutes, page 449), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 242-B printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 85-B:)

Res. No. 85-B

Resolution calling upon the New York City Department of Education (DOE) to ensure that all students have equitable access to after-school athletic activities and associated funding.

By Council Members Reynoso, Salamanca, Rosenthal, King, Cornegy, Eugene, Rivera, Kallos, Barron, Rodriguez, Rose, Lander, Ayala and Levin.

Whereas, In June 2018, a class action lawsuit was filed on behalf of student-led organization Integrate NYC and Black and Latino students, charging that the DOE's Public Schools Athletic League (PSAL), racially discriminated against Black and Latino students by denying them equal access to high school sports; and

Whereas, According to the lawsuit, high schools with the highest percentage of Black and Latino students have the fewest number of sports teams; and

Whereas, As noted in the lawsuit, students in high schools with a 0-10% Black and Latino student population have, on average, 42 PSAL teams available to them, while students in high schools with a 90-100% Black and Latino student population have on average ten PSAL teams available to them; and

Whereas, The lawsuit alleges that more than 17,000 Black and Latino New York City high school students attend schools without a PSAL team, and Black and Latino students are twice as likely than their peers to attend schools that don't have a sports team; and

Whereas, The lawsuit also charges that PSAL approves applications for new teams at lower rates for schools with more Black and Latino student enrollment; and

Whereas, From 2012 to 2017, PSAL granted schools with a 0-10% Black and Latino student population 91% of the teams the schools applied for, but granted schools with a 90-100% Black and Latino student population just 55% of the teams the schools applied for; and

Whereas, As reported by the New York Times, Miranda Barbot, DOE's Spokesperson, referred to participating in sports as "a transformative experience that strengthens school communities"; and

Whereas, The importance of extracurricular athletics for students is widely accepted to benefit academic performance; enhance interpersonal skills, social skills, mental wellness, and a defined sense of community; and to decrease juvenile arrests, teen births, school dropouts, drug use, depression, and suicide; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to ensure that all students have equitable access to after-school athletic activities and associated funding.

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, May 28, 2019.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 143-A

Report of the Committee on Criminal Justice in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.

The Committee on Criminal Justice, to which the annexed amended resolution was referred on February 14, 2018 (Minutes, page 689), respectfully

REPORTS:

I. INTRODUCTION:

On May 23, 2019 the Committee on Criminal Justice, chaired by Council Member Keith Powers, will vote on Proposed Resolution No. 143-A and Res No. 829. The Committee previously held a hearing on these resolutions on May 1, 2019 and received testimony from representatives of the Department of Correction (DOC), as well as advocates and other interested members of the public.

II. BACKGROUND

The pieces of legislation at issue serve to improve the conditions of individuals who are justice-involved, both while they are incarcerated and when they are released on community supervision. Proposed Resolution No. 143-A is in support of the Humane Alternatives to Long-Term (HALT) Solitary Confinement, which eliminates long-term solitary confinement, while Resolution No. 829 is in support of the Less is More Act, which restricts the use of incarceration for technical violations of parole.

III. PROPOSED RESOLUTION NO. 143-A: The HALT Solitary Confinement Act (A2500/S1623)

Solitary confinement has harmful psychological consequences¹ and is prohibited under the United Nations Standard Minimum Rules for the Treatment of Prisoners.² Proposed Resolution No. 143-A calls on the New York Legislature to pass, and the Governor to sign, the HALT Solitary Confinement Act (A2500/S1623). This act would create more humane and effective alternatives to isolated confinement, including Residential Rehabilitation Units (RRU), which would provide programs, therapy, and support to address underlying needs and causes of behavior. In addition, it would end isolated confinement for more than 15 consecutive days, ban special populations from isolated confinement such as those over the age of 55 or under 21, create mechanisms for release, and allow access to legal representation by pro bono attorneys, law students, or approved paralegals at hearings that could result in isolated confinement. This law would apply to both local and state correctional facilities.

IV. AMENDMENTS TO RESOLUTION 143

This resolution has been amended from the previous version to reflect updated bill numbers in Assembly and State.

V. RESOLUTION NO. 829: The Less is More Act (S.1343B/A.5493)

New York State incarcerates more people for technical parole violations than any state other than Illinois.³ As of April 2019, 709 people were incarcerated for technical parole violations in city facilities.⁴ Resolution No. 829 calls on the New York Legislature to pass, and the Governor to sign, the Less is More Act (S.1343B/A.5493). This act would restrict the use of incarceration for technical violations and provide 30-day earned-time credits. It would also increase due process by affording people under community supervision with a recognizance hearing in local criminal court before detention and by providing speedy hearings. Furthermore, the act would require the parole board to ensure the presence of non-profit organizations at revocation hearings to help those who are on parole avoid future supervision.

(For text of Res. Nos. 829, please see the Report of the Committee on Aging for Res. No. 829 printed below in this voice-vote Resolutions Calendar section of these Minutes; for text of Res. No. 143-A, please see below)

Accordingly, this Committee recommends the adoption of Res. Nos. 143-A and 829.

(The following is the text of Res. No. 143-A:)

Res. No. 143-A

Resolution calling on the New York State Legislature to pass and the Governor to sign the Humane Alternatives to Long-Term Solitary Confinement Act.

By Council Members Dromm, Ampry-Samuel, Rivera, Rosenthal, Lander, Ayala and Levin.

¹ Haney, Craig; Lynch, Mona (1997). "Regulating Prisons of the Future: A Psychological Analysis of Supermax and Solitary Confinement". NYU Rev. Law & Social Change.

² United Nations Standard Minimum Rules for the Treatment of Prisoners, *available at* http://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf

³ U.S. Department of Justice Office of Justice Programs Bureau of Justice Statistics, Probation and Parole in the United States, 2016, *available at* <https://www.bjs.gov/content/pub/pdf/ppus16.pdf>

⁴ Department of Criminal Justice Services, Jail Population in New York State, Average Daily Census by Month, *available at* https://www.criminaljustice.ny.gov/crimnet/ojsa/jail_population.pdf, 2.

Whereas, Solitary confinement typically constitutes a special form of imprisonment by segregating an incarcerated person for 23 hours a day and disallowing any contact with the outside world; and

Whereas, According to various sources, an increasing number of jurists throughout the world have concluded that solitary confinement constitutes cruel and unusual punishment and view solitary confinement as a form torture; and

Whereas, Thousands of incarcerated individuals are housed in solitary confinement each day in New York prisons and jails, according to various source; and

Whereas, Incarcerated people in solitary confinement are generally deprived of all meaningful human interaction or mental stimulation, confined to small barren cells; and

Whereas, New York State must take a more proactive approach to not only properly protect incarcerated people in New York prisons and jails, but must adopt better standards that reaffirm the State's commitment to respect inmates' human dignity; and

Whereas, A.2500, sponsored by Assembly Member Jeffrion L. Aubry and currently pending in the New York State Assembly, and companion bill S.1623, sponsored by State Senator Luis R. Sepulveda and pending in the New York State Senate, seek to amend the New York State Correction Law by restricting the use of segregated confinement and creating alternative therapeutic and rehabilitative confinement options; and

Whereas, A.2500/S.1623 is also known as the Humane Alternatives to Long-Term Solitary Confinement Act or "HALT Solitary Confinement Act"; and

Whereas, The HALT Solitary Confinement Act would amend the New York State Correction Law by limiting the time an incarcerated individual spends in segregated confinement to a maximum of 15 consecutive days and a total of 20 days during a 60-day period; and

Whereas, The HALT Solitary Confinement Act would end the segregated confinement of vulnerable people, including, but not limited to, individuals with physical or mental disabilities; and

Whereas, Furthermore, the HALT Solitary Confinement Act would create alternatives to isolated confinement by providing a new Residential Rehabilitation Unit for meaningful human contact and therapeutic services and rehabilitative programs aimed at addressing underlying causes of behavior; and

Whereas, New York State should establish parameters on who can and cannot be placed in solitary confinement and provide appropriate therapeutic services to individuals who are in need; 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 the Humane Alternatives to Long-Term Solitary Confinement Act.

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, May 28, 2019. *Other Council Members Attending: Council Member Dromm.*

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 2 Council Members formally noted their intention to vote negative on this item:
Council Member Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 714-A

Report of the Committee on Aging in favor of approving, as amended, a Resolution calling upon the United States Congress to pass and the President to sign S. 485 and H.R. 1230, the Protecting Older Workers Against Discrimination Act.

The Committee on Aging, to which the annexed amended resolution was referred on January 9, 2019 (Minutes, page 66), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 1180-A printed in these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 714-A:)

Res. No. 714-A

Resolution calling upon the United States Congress to pass and the President to sign S. 485 and H.R. 1230, the Protecting Older Workers Against Discrimination Act.

By Council Members Chin, Rosenthal, Vallone, Lander, Eugene, Rose, Diaz, Ayala, Rivera and Levin.

Whereas, The Age Discrimination in Employment Act of 1967 (ADEA), enforced by the United States (U.S.) Equal Employment Opportunity Commission (EEOC), protects individuals aged 40 and older from age discrimination in the workforce, including discrimination involving promotion, hiring, compensation, discharge, and privileges of employment; and

Whereas, Advocates argue that protections put forth by ADEA were weakened by the 2009 U.S. Supreme Court's decision in *Gross v. FBL Financial Services, Inc.*, which requires that plaintiffs seeking to prove age discrimination in the workforce prove that age was the only motivating factor for the employer's action; and

Whereas, In 2019, U.S. Senator Robert P. Casey Jr. and Congressman Robert C. Scott introduced S.485 and H.R. 1230, respectively, also known as the Protecting Older Workers Against Discrimination Act (POWADA); and

Whereas, POWADA would reverse the Supreme Court's decision in *Gross v. FBL Financial Services Inc.*, by reinstating the "mixed-motive" claim, which permitted employees to only prove that age was one of the factors of an employer's actions; and

Whereas, The American Association of Retired Persons reported that 78 percent of older voters support legislation that protect older adults from age discrimination; and

Whereas, In Fiscal Year 2017, age discrimination accounted for 21.8 percent of complaints made to the U.S. EEOC, with more than 18,000 complaints filed; and

Whereas, While recent research on age discrimination in New York City (NYC) is limited, advocates argue that age discrimination is largely prevalent in NYC; and

Whereas, As reported by the NYC Commission on Human Rights (CCHR), of the 193 queries CCHR received about age discrimination in 2017, 119 of them were related to age discrimination in employment; and

Whereas, According to the U.S Senate's Special Committee on Aging, remaining in the workforce is beneficial for many aging adults, and studies show that working improves emotional, physical and cognitive health, financial stability and security, and quality of life; and

Whereas, Advocates argue that the government should make discrimination laws stronger, not weaker; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to pass and the President to sign S. 485 and H.R. 1230, the Protecting Older Workers Against Discrimination Act.

MARGARET S. CHIN, *Chairperson*; MATHIEU EUGENE, DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., DEBORAH L. ROSE, MARK TREYGER, PAUL A. VALLONE; Committee on Aging, May 28, 2019.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 811

Report of the Committee on Education in favor of approving a Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation to require inclusion of Employee Protection Provisions (EPPs) in all current and future school bus contracts in New York City.

The Committee on Education, to which the annexed resolution was referred on March 28, 2019 (Minutes, page 1235), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 242-B printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 811:)

Res. No. 811

Resolution calling upon the New York State Legislature to pass and the Governor to sign legislation to require inclusion of Employee Protection Provisions (EPPs) in all current and future school bus contracts in New York City.

By Council Members Miller, Treyger, Dromm, Rosenthal, Chin, Lander, Kallos, Eugene, Cornegy, Barron, Ampry-Samuel, Rodriguez, Rose, Ayala and Rivera.

Whereas, The New York City Department of Education's Office of Pupil Transportation (OPT) is the largest school transportation department in the country; and

Whereas, Almost the entire transportation budget is spent on contracts with private vendors that provide busing services; and

Whereas, School-bus drivers and matrons are hired by these companies, not by the City; and

Whereas, A 1979 agreement negotiated between Local 1181 Amalgamated Transit Union and the DOE (after New York City bus drivers and escorts went on strike) produced the Employee Protection Provisions (EPPs); and

Whereas, EPPs apply to K-12 transportation and requires the DOE to maintain a seniority list of drivers, escorts and mechanics; and

Whereas, Bus companies that win bids must hire from this list in order of seniority and maintain workers' wages and pensions; and

Whereas, In 2009 the Bloomberg Administration elected to remove EPPs from Request for Bids for pupil transportation services, and subsequently new contracts issued to school bus companies in 2013 did not contain EPPs; and

Whereas, Bus drivers and matrons went on strike in early 2013 over this issue but returned to work without a settlement; and

Whereas, When contracts were awarded under the new bids a number of employees lost their jobs; and

Whereas, In December of 2013, Local 1181 voted not to accept a new scaled down contract from the City's largest school bus contractor, Atlantic Express, which then subsequently announced it was going out of business; and

Whereas, Additionally, according to Local 1181, the removal of EPPs from school busing contracts could create a deficiency in pension funds for current and retired workers due to a loss of contributions; and

Whereas, After years of costly litigation failed to restore EPPs, in December 2018 the New York Supreme Court made clear that the New York State Legislation can easily resolve this issue by requiring EPPs in any future school bus contracts; and

Whereas, School buses transport some of the City's youngest and most vulnerable students and should have the most experienced and professional employees available; and

Whereas, Numerous parents and workers believe that those providing these transport services should be treated fairly and in accordance with established employee protections provisions; now,

Whereas, Despite an initial increase in costs for higher salaries, a comprehensive economic analysis shows that by mandating EPPs state lawmakers would save New York taxpayers more than \$288 million over five years; and

Whereas, The New York State Assembly and the New York State Senate each included language in their respective one house budget resolutions mandating the inclusion of EPPs in all New York City school bus contracts; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign legislation to require include inclusion of the Employee Protection Provisions (EPPs) in all current and future school bus contracts in New York City.

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, JOSEPH C. BORELLI; Committee on Education, May 28, 2019.

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 Council Member formally noted his intention to vote negative on this item:
The Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 829

Report of the Committee on Criminal Justice in favor of approving a Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1343B/A.5493, which would reform revocation presumptive release, parole, conditional release, and post-release supervision.

The Committee on Criminal Justice, to which the annexed resolution was referred on April 9, 2019 (Minutes, page 1371), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Res. No. 143-A printed above in this voice-vote Resolutions Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 829:)

Res. No. 829

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.1343B/A.5493, which would reform revocation presumptive release, parole, conditional release, and post-release supervision.

By Council Members Powers, Ampry-Samuel, Rivera, Rosenthal, Lander, Ayala and Levin.

Whereas, In 2017, about sixteen percent of New York City's jail population were parole violators, according to the Mayor's Office of Criminal Justice; and

Whereas, In 2016, about sixty-five percent of parole violators in New York State were incarcerated for technical violations, meaning the person broke conditions of their release, such as missing curfew or a parole appointment, or testing positive for marijuana; and

Whereas, In New York City, the number of people detained on technical parole violations has grown significantly since 2014, accounting for forty-eight percent of the incarcerated parole population in 2017, according to Columbia Justice Lab report; and

Whereas, Of people on parole whom New York officials sent back to prison in 2016, over 6,300, or 65%, were re-incarcerated for technical parole violations, as opposed to new crimes; and

Whereas, According to Criminal Justice Lab, black people are detained in New York City's jails for technical parole violations at more than 12 times the rate of white people, making parole reform a racial justice issue; and

Whereas, In a recent *New York Daily News* opinion piece, New York and Kings County District Attorneys acknowledged that parole is a significant contributor to mass incarceration and must be reformed to be less punitive and more rehabilitative; and

Whereas, Governor Cuomo has stated, "New York jails and prisons should not be filled with people who may have violated the conditions of their parole, but present no danger to our communities;" and

Whereas, This has occurred while the number of people released from state prison into city homeless shelters nearly doubled from 2014 to 2018; and

Whereas, the increasing number of persons detained for state parole violations in New York City's jails not only overuses incarceration for crimeless, technical violations but is also slowing the closure of the city's jails on Rikers Island and increasing the estimated size of replacement, borough-based facilities; and

Whereas, S.1343B, introduced by State Senator Brian Benjamin, and companion bill A.5493, introduced by State Assembly member Walter Mosely, would reform parole: conditional release, revocation presumptive release, and post-release supervision to reduce the number of people held in jails and prisons in New York State; and

Whereas, S.1343B/A5493 grant "earned time credits" to parolees to encourage positive behavior and accelerate discharge from supervision and ensures parolees who are alleged to have violated the terms of their release receive a hearing in a local criminal court to ascertain whether they should be detained in jail pending adjudication of the alleged violation; and

Whereas, S.1343B/A5493 also shortens the timeframe for adjudicatory hearings and limits technical violation terms and jail time for such terms to ensure people on parole are not needlessly re-incarcerated; and

Whereas, Other states, such as Arizona, South Carolina, Utah, Arkansas, Georgia, Idaho, Louisiana, and Mississippi, have implemented similar reforms proposed in S.1343B/A5493 and, as a result, have experienced a decline in recidivism and compliance revocations; and

Whereas, New York County, Bronx County, and King County District Attorneys have expressed their support for S.1343B/A.5493, asserting that it would increase public safety and reduce unnecessary incarceration; and

Whereas, Without parole reform, the growing number of technical parole violators in New York City's jails could potentially hamstring the city's efforts to reduce the city jail population and close Rikers Island; and, now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and Governor to sign, S.1343B/A5493, which would reform revocation presumptive release, parole, conditional release, and post-release supervision

KEITH POWERS, *Chairperson*; RORY I. LANCMAN; MARK D. LEVINE, ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DONOVAN RICHARDS, CARLINA RIVERA; Committee on Criminal Justice, May 28, 2019. *Other Council Members Attending: Council Member Dromm.*

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 2 Council Members formally noted their intention to vote negative on this item:
Council Member Borelli and the Minority Leader (Council Member Matteo).

The following Council Member formally noted his intention to abstain from voting on this item:
Council Member Ulrich.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 844

Report of the Committee on Veterans in favor of approving a Resolution recognizing the 75th anniversary of D-Day.

The Committee on Veterans, to which the annexed resolution was referred on April 18, 2019 (Minutes, page 1517), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Veterans for Int. No. 1047-A printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 844:)

Res. No. 844

Resolution recognizing the 75th anniversary of D-Day.

By Council Members Cabrera, Vallone, Holden and Eugene.

Whereas, On June 6, 1944, more than 156,000 American, British, and Canadian soldiers landed on five beaches in Normandy, code-named Utah, Omaha, Gold, Juno, and Sword; and

Whereas, A report from the United States Army noted that more than 5,000 ships and 13,000 aircraft supported the invasion; and

Whereas, According to a White House factsheet published on the 70th anniversary of D-Day, air cover was a significant component of the offensive, as more than 2,200 allied bombers attacked enemy targets both along the coast and inland; and

Whereas, The Allies had been planning this invasion, code-named Operation Overlord, since the summer of 1943; and

Whereas, To assist the Normandy landing, the U.S. and Great Britain cooperated on Operation Bodyguard, in which they fed false information to double agents, fabricated radio chatter, and used dummy tanks to mislead Germany about the likely location of the attack; and

Whereas, The US National D-Day Memorial Foundation has found that at least 4,400 Allied personnel were killed that day; and

Whereas, Despite these casualties, the invasion was a major success because it enabled the Allies to establish five beachheads in Normandy; and

Whereas, D-Day marked the beginning of the final phase of World War II, in which the Allies drove the Nazis out of Western Europe before accepting their surrender on May 8th, 1945; and

Whereas, D-Day memorials exist in both the U.S. and the U.K., and more than 9,300 American soldiers are buried at a military cemetery in Normandy; and

Whereas, New York has a proud military tradition; and

Whereas, It is not only the home of the United States Military Academy at West Point, but also the location of the battle of Saratoga, which was a major turning point in the Revolutionary War; and

Whereas, New York has produced a long line of distinguished military officers, from Alexander Hamilton to Rufus King and Colin Powell, and more than 900,000 New Yorkers served in the Second World War; and

Whereas, On June 6, 1944, Americans of all races and creeds, hailing from all fifty states, made heroic sacrifices in order to preserve America's highest ideals and rid the world of tyranny; and

Whereas, The planning and execution of the Normandy landing deserves the highest civic reverence and recognition, so that each successive generation of Americans remembers that freedom is never more than one generation away from extinction; now, therefore, be it

Resolved, That the Council of the City of New York recognizes the 75th anniversary of D-Day

CHAIM M. DEUTSCH, *Chairperson*; ALICKA AMPRY-SAMUEL, MATHIEU EUGENE, ALAN N. MAISEL, PAUL A. VALLONE; Committee on Veterans, May 28, 2019.

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

Adopted unanimously by the Council by voice-vote

INTRODUCTION AND READING OF BILLS

Int. No. 1557

By The Speaker (Council Member Johnson) and Council Members Rivera, Rodriguez, Levine, Reynoso, Constantinides, Rosenthal, Cumbo and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to five-year plans for city streets, sidewalks, and pedestrian spaces

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new section 19-200 to read as follows:

§ 19-200 Master plan. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Accessible pedestrian signal. The term “accessible pedestrian signal” means a device that communicates information about pedestrian signal timing in a nonvisual format.

Bicycle network. The term “bicycle network” means a contiguous network of protected bicycle lanes, designated bicycle paths on bridges, off street bicycle paths or trails, and shared streets that covers every square mile of the city. A bicycle network shall be connected by intersections with mixing zones, fully split phases, delayed turns, offset crossing designs, or similar street treatments designed to improve safety and reduce conflicts for all street users at intersections.

Bicycle network connectivity index. The term “bicycle network connectivity index” means a figure measuring the extent and completeness of the bicycle network, based on the number of choices a cyclist has for turning from one bicycle route onto another, without leaving the overall network.

Bus stop upgrades. The term “bus stop upgrades” means bus shelters or benches and real time passenger information systems.

Pedestrian plaza. The term “pedestrian plaza” means an area designated by the department as such for pedestrian circulation, use, and enjoyment on property under the jurisdiction of the city including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which may contain amenities such as tables, seating, trees, plants, lighting, bike racks, or public art.

Pedestrian space. The term “pedestrian space” means pedestrian plazas, shared streets, or other areas within the bed of a roadway that are primarily for pedestrian circulation, use, and enjoyment.

Protected bicycle lane. The term “protected bicycle lane” means a bicycle lane separated from traffic by vertical delineation or physical barriers.

Protected bus lane. The term “protected bus lane” means a bus lane that is protected by physical barriers or is monitored by a system that automatically produces evidence of improper use of such lane that is used to establish liability for a penalty.

Shared street. The term “shared street” means a street designated by the department as such that imposes speed limits of five miles per hour and allows use by motor vehicles, pedestrians and individuals using bicycles.

Transit signal priority. The term “transit signal priority” means technology capable of facilitating bus movements through intersections controlled by traffic signals.

b. Master plan. 1. The department shall issue and implement a master plan for the use of streets, sidewalks, and pedestrian spaces every five years. In developing each such plan, the department shall prioritize and promote: (i) the safety of pedestrians and individuals using bicycles; (ii) access to and use of mass transit; (iii) the reduction of traffic congestion and emissions; and (iv) improving access to streets, sidewalks, public spaces, and mass transit for individuals with reduced mobility, hearing, or visual impairments.

2. By October 1, 2019 and by October 1 of every fifth year thereafter, the department shall issue such plan for the five-year period beginning January 1 of the following year.

c. Benchmarks. 1. Each master plan issued pursuant to subdivision b of this section shall include proposals for street redesigns, protected bus lanes, protected bicycle lanes, bicycle parking, pedestrian spaces, commercial

loading zones, truck routes, and parking, including the identification of specific routes, locations, or areas of the city for such proposals. In addition, each such master plan shall include benchmarks regarding such proposals that shall be achieved no later than December 31 of the final year of such plan.

2. The master plan due by October 1, 2019, shall include the following benchmarks:

(i) install at least 150 miles of protected bus lanes, with such lanes located along a median where feasible, with at least 30 miles of such lanes installed during each year of such plan;

(ii) equip at least 1,000 intersections along bus routes with transit signal priority during each year of such plan or until every intersection where such installation is feasible along every bus route is equipped with transit signal priority;

(iii) install at least 250 miles of protected bicycle lanes, with at least 50 miles of such lanes installed during each year of such plan;

(iv) implement bus stop upgrades at all bus stops serving metropolitan transportation authority buses;

(v) assess and amend commercial loading zones, truck routes, and parking policies to prioritize and promote: (1) safety of pedestrians and individuals using bicycles; (2) access to and use of public transit; (3) reduction of traffic congestion and emissions; and (4) improving access to streets, sidewalks, public spaces, and mass transit for individuals with reduced mobility, hearing, or visual impairments.

(vi) no later than December 31, 2021, double the number of acres covered by pedestrian plazas; and

(vii) implement at least 12 shared streets.

3. The master plan due no later than October 1, 2024, shall include the following benchmarks:

(i) complete a connected bike network;

(ii) install protected bus lanes on all bus routes where such improvements can be installed;

(iii) install accessible pedestrian signals at all intersection with a pedestrian signal;

(iv) redesign all intersections with a pedestrian signal pursuant to a checklist of street design elements designed to enhance safety; and

(v) comply with the current Americans with Disabilities Act standards for accessible design at all intersection with a pedestrian signal.

d. Reporting. 1. By October 1, 2019 and by October 1 of every fifth year thereafter, the department shall submit such plan to the mayor and the speaker of the council, and post such plan on the department's website.

2. By February 1, 2021 and by each February 1 thereafter, the department shall submit to the mayor and the speaker of the council and post on the department's website an update regarding any changes to the plan from the previous year, the bicycle connectivity index for the previous year, and the status of the implementation of each benchmark identified in such plan, including, but not limited to, those listed in subdivision c.

e. Public education campaign. The department shall conduct a public education campaign regarding the benefits of each master plan, including, but not limited to, the impacts on safety, the environment, accessibility, mobility, and the city's economy.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Preconsidered Int. No. 1558

By Council Member Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to making public the mayor's office of operations' report on veterans receiving certain city services

Be it enacted by the Council as follows:

Section 1. Section 3-116 of the administrative code of the city of New York, as added by local law number 23 for the year 2015, is amended to read as follows:

§3-116 Report on veterans receiving city services. a. Definitions. For the purposes of this section, the following terms [shall] have the following meanings:

[(1)] ["]Fee-exempt mobile food vending license. ["] *The term “fee-exempt mobile food vending license”* means any license as required by section 17-307 of this code for which the annual fee is waived pursuant to subdivision e of section 17-308 of this code[;].

[(2)] ["]Food vending permit. ["] *The term “food vending permit”* means any permit as required by section 17-307 of this code[;].

[(3)] ["]General vending license. ["] *The term “general vending license”* means a license as required by section 20-453 of this code[;].

[(4)] ["]HUD-VASH voucher. ["] *The term “HUD-VASH voucher”* means any voucher funded by the United States department of housing and urban development and United States department of veterans affairs supportive housing program[;].

[(5)] ["]Mitchell-Lama housing. ["] *The term “Mitchell-Lama housing”* means any housing development organized pursuant to article two of the private housing finance law that is supervised by the department of housing preservation and development[;].

[(6)] ["]Veteran.["] *The term “veteran”* means a person who has served in the active military service of the United States and who has been released from such service otherwise than by dishonorable discharge.

b. The mayor's office of operations shall report in writing to the [director] *commissioner* of the [office of veterans' affairs] *department of veterans' services*, the veterans' advisory board, and the council the following data for the prior calendar year, to the extent practicable, disaggregated by borough: (1) the total number of Mitchell-Lama housing applications received from veterans or their surviving spouses who have identified themselves as the head of household on such applications; (2) the total number of Mitchell-Lama housing applications approved by the department of housing preservation and development for veterans or their surviving spouses who have identified themselves as the head of household on such application; (3) the total number of fee-exempt mobile food vending licenses and food vending permits issued by the department of health and mental hygiene to veterans, (4) the number of general vending licenses issued by the department of consumer affairs to veterans; (5) the total number of veterans who submitted an application to the department of consumer affairs for a general vending license; (6) the total number of veterans residing in the city who utilized a HUD-VASH voucher; and (7) the total number of civil service examination applications received by the department of citywide administrative services for which the applicant claimed a veterans credit as provided for in section 85 of the civil service law.

c. Such data may be included as part of the management report provided for in section 12 of the charter, or may be issued as an independent report of the mayor's office of operations, with such independent report being due no later than October 15th of each year.

d. The department of veterans' services shall post the report required pursuant to subdivision b to its website.
§ 2. This local law takes effect immediately.

Referred to the Committee on Veterans (preconsidered but laid over by the Committee on Veterans).

Int. No. 1559

By Council Members Ayala and Ampry-Samuel.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of an office to provide support to those in need of burial assistance

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.12 to read as follows:

§ 17-199.12 *Office of burial support. a. The department shall establish an office to provide support and assistance to survivors of deceased persons who require information about and help accessing public burial, a burial allowance or any similar program. Such office shall provide services including, without limitation, explaining the option of public burial and assistance in applying for a burial allowance.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1560

By Council Members Ayala and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an advisory board for accessibility at shelters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the City of New York is amended by adding a new section 21-142 to read as follows:

§ 21-142 Accessibility advisory board. *a. There shall be an accessibility advisory board to advise the mayor and the council on issues relating to accessibility in city shelters. The advisory board shall identify and study common issues relating to the activities, concerns and needs of disabled clients, reasonable accommodation requests and complaints, and the physical conditions of shelter facilities, and shall make recommendations, as appropriate, to the mayor and the council on ways to improve laws and policies that impact persons living with a disability in the city's shelters.*

b. The advisory board shall consist of nine members including the commissioner of the mayor's office for people with disabilities or a designee, the commissioner of the department of social services or a designee, and seven public members, four of whom shall be appointed by the mayor and three of whom shall be appointed by the speaker of the council. The public members shall include at least two individuals who live with a disability and currently reside in a homeless shelter or have previously resided in a homeless shelter, and at least two who are advocates who specialize in working with individuals living with a disability.

b. The advisory board shall hold its first meeting no later than 30 days from the appointment of all its public members and at such meeting shall elect a chairperson. The advisory board shall meet at least quarterly, keep a record of its proceedings, and determine the rules of its own proceedings with special meetings to be called by the chairperson upon his or her own initiative or upon receipt of a written request signed by at least four members of the board. Written notice of the time and place of such special meetings shall be given to each member at least two weeks before the date fixed by the notice for such special meeting.

c. No later than January 31, 2019, and annually on January 31 thereafter, the advisory committee shall submit a report to the mayor and the speaker of the council, and post on the department's website the results of its review and recommendations pursuant to this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1561

By Council Members Borelli, King and Yeger.

A Local Law in relation to requiring the fire department to implement a pilot program for the deployment of motorized scooters for the transportation of emergency medical service personnel

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purpose of this section, the following terms have the following meanings: Emergency medical services. The term “emergency medical services” means the services provided by the bureau of emergency medical services within the fire department.

Motorized scooters. The term “motorized scooters” means any wheeled device with handlebars that is designed to be stood upon by the operator and is powered by a motor.

b. The fire department shall establish a pilot program for equipping personnel delivering emergency medical services with motorized scooters to be used in locations where accessibility for traditional ambulance responses is hindered due to geographic considerations or pedestrian traffic. Such pilot shall be in effect for a minimum of three years. The fire department shall notify the Council no less than six months prior to terminating the use of such electric scooters.

c. No later than January 15, 2020, and within 15 days of the beginning of each subsequent calendar year, the fire department shall submit to the council and post public on its website information pertaining to the implementation of the motorized scooter pilot program created pursuant to subdivision b of this local law. Such report shall include, but need not be limited to, the following information:

1. The number of motorized scooters utilized by personnel delivering emergency medical services and the relevant geographic coverage areas;
2. The factors considered when determining the geographical areas to be covered by the pilot program;
3. The number of emergency responses conducted by personnel on motorized scooters; and
4. The average response time for emergency medical responses for personnel using motorized scooters, disaggregated by borough.

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

Referred to the Committee on Fire and Emergency Management.

Int. No. 1562

By Council Member Cohen.

A Local Law to amend the administrative code of the city of New York, in relation to electronic cigarette advertisements

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 7 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-703.2 to read as follows:

§ 17-703.2 Advertising of electronic cigarettes. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Child day care center. The term “child day care center” means (i) any child care arrangement, public, private or parochial child care center, school-age child care program, day nursery school, kindergarten, play school or other similar school or service operating pursuant to authorization, license or permit of the city or state, (ii) any facility that provides child care services as defined in section 410-p of the social services law, or (iii) any child day care center as defined in section 390 of the social services law. The definition of “child day care center” applies whether or not care is given for compensation but does not include child day care centers located in private dwellings and multiple dwelling units.

Covered advertisement. The term “covered advertisement” means any written word, picture, logo, symbol, motto, selling message, poster, placard, sign, photograph, device, graphic display or visual image of any kind, recognizable color or pattern of colors, or any other written indicia of product identification identical or similar to, or identifiable with, those used for any brand of electronic cigarettes, the purpose or effect of which is to promote the use or sale of electronic cigarettes, that is visible from a public area.

Covered retailer. The term “covered retailer” means any retail establishment that sells electronic cigarettes and is located within a certain distance, as determined by the commissioner pursuant to subdivision d of this section, of school buildings, child daycare centers, or youth centers.

School building. The term “school building” means any building or structure or any portion thereof, owned, occupied by, or under the custody or control of any public, private or parochial institution and lawfully used for the primary purpose of providing educational instruction to students at or below the 12th grade level.

Youth center. The term “youth center” means any building or structure or portion thereof, lawfully occupied by any person for the primary purpose of operating a trade school (including those conducting after-school, vocational, remedial, tutorial, educational assistance programs) or an indoor recreational center (including recreational, cultural, physical fitness, or sports programs) for persons under the age of 18 years.

b. The department shall conduct a study to review existing research linking advertising to youth electronic cigarette smoking rates, and to assess the estimated number of covered retailers that would be impacted by a prohibition on covered advertisements, with models using various distances from school buildings, child daycare centers, and youth centers. The study shall also examine the city-wide impact of prohibiting covered advertisements on youth smoking rates.

c. On or before April 1, 2020, the department shall submit a report to the speaker of the council detailing the findings of the study conducted pursuant to subdivision b of this section.

d. Effective September 1, 2020, covered advertisements are prohibited within a certain distance, to be determined by rule, of school buildings, child daycare centers and youth centers. Such distance shall be consistent with the findings of the study conducted pursuant to subdivision b of this section.

§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner may take such actions as are necessary to implement this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1563

By Council Member Constantinides

A Local Law to amend the administrative code of the city of New York, in relation to cooling centers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.7 to read as follows:

§ 17-199.7 Cooling centers. a. For the purposes of this section, the following terms shall mean:

1. “Air quality index” means the index established by the United States environmental protection agency for the purpose of reporting daily air quality.

2. “Cooling center” means any facility that is designated by the city to provide air-conditioned relief to the public whenever there is an occurrence or a forecast of a heat-related emergency.

3. “Heat index” means a measurement of the combined air temperature and relative humidity that attempts to determine the human-perceived equivalent temperature.

4. “Heat-related emergency” means the level at which the heat index is deemed to be unsafe or unhealthy for vulnerable populations as determined by the department by rule.

5. “Poor air quality index” means the level at which the air quality index is deemed to be unsafe or unhealthy for vulnerable populations as determined by the department by rule.

6. “Vulnerable population” means any group of persons that are sensitive to or otherwise at a greater health risk than the general population from a heat-related emergency or a poor air quality index.

b. The department, in consultation with the New York city office of emergency management, shall open, maintain and operate cooling centers when there is a heat-related emergency or a poor air quality index in the city. The department shall determine by rule the number and locations of cooling centers to be located in the

city, provided, however, that there shall be no fewer than the median number of locations that were operated on any given day that cooling centers were operated under the city's previous program during the year ending in 2017. When determining establishing the locations of such centers, the department shall take into account the areas in which vulnerable populations reside and make best efforts to locate such centers in areas where such vulnerable populations would likely use such centers when they are in operation pursuant to this section.

c. The department shall post information on its website that contains information including, but not limited to, any health alerts triggered by heat-related emergencies or a poor air quality index, and the availability, hours of operation, and locations of cooling centers. The website shall list the availability, hours of operation, and locations of such cooling centers on or by May 1 of every year.

d. The department shall conduct a public education campaign on heat-related emergencies and poor air quality indexes, and how to prevent health risks associated with such conditions. Such education shall include, but not be limited to, encouraging vulnerable populations to limit exposure and to remain inside an air conditioned building or dwelling during heat-related emergencies and to minimize being outdoors on days where there is a poor air quality index. The department shall display written educational materials in buildings designated by the department to be cooling centers and conduct outreach to communities where vulnerable populations are likely to reside.

e. On or before June 1 of 2017 and every year thereafter, the department shall conduct a citywide survey to determine public awareness of the cooling centers.

f. On or before December 31 of 2017 and each year thereafter, the department shall submit an annual report to the council and the mayor detailing the department's efforts to inform the public of the availability and value of cooling centers.

1. Such annual report shall include: (i) the median number of cooling centers made available on days that such centers are open and intended for use pursuant to subdivision b; (ii) an estimate of the number of persons seeking relief at each cooling center over the course of each year covered by such report, disaggregated by age group and community board; (iii) the results from the citywide survey conducted pursuant to subdivision e of this section; and (iv) a discussion of any measures taken by the department for the education and/or outreach to the public regarding the health hazards posed by heat-related emergencies and the presence of a poor air quality index, the need to limit exposure to such conditions, and the availability, hours of operations, and locations of cooling centers.

2. Such report shall also include (i) an evaluation of the effectiveness of the department's programs or initiatives to inform the public of the availability and value of cooling centers; (ii) recommendations for new programs and/or strategies that could be implemented by the department, non-governmental organizations or other entities to improve public outreach and the utilization of cooling centers; and an estimate of any additional funding needed for the implementation of any such recommendations.

§ 2. This local law takes effect 180 days after it becomes law, provided that the commissioner of the department of health and mental hygiene, in consultation with the commissioner of the New York city office of emergency management, shall take such actions, including the promulgation of rules, as are necessary for timely implementation of this local law, prior to such effective date.

Referred to the Committee on Health.

Int. No. 1564

By Council Member Deutsch.

A Local Law to amend the administrative code of the city of New York, in relation to the sale or use of certain expanded polystyrene items

Be it enacted by the Council as follows:

Section 1. Section 16-329 of title 16 of the administrative code of the city of New York, as added by local law number 142 for the year 2013, is amended to read as follows:

h. Notwithstanding the requirements of subdivision b of this section, a manufacturer or store may sell or offer for sale expanded polystyrene single service articles to a not-for-profit corporation or a food service establishment, mobile food commissary, or store that receives a grant of a financial hardship waiver pursuant to subdivision e of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1565

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 education to distribute traffic safety information to students and report on school safety information

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 27 to read as follows:

CHAPTER 27
DISTRIBUTION OF TRAFFIC SAFETY INFORMATION

§ 21-998 Traffic safety information. a. Definitions. As used in this section, the following terms have the following meanings:

School. The term "school" means a school of the city school district of the city of New York.

Student. The term "student" means any pupil under the age of twenty-one as of September 1 of the academic year being reported, who does not have a high school diploma and who is enrolled in a district school or charter school within the city district.

Traffic accident. The term "traffic accident" means a crash between a motor vehicle and a pedestrian, bicyclist or other motorist.

b. Traffic safety materials. No later than September 1, 2019, and annually thereafter, the department shall develop written materials containing information about traffic safety. Such materials shall include the following information in plain and simple language:

1. Information and safety tips for walking to and from a school;

2. Information and safety tips for biking or riding any other type of non-motorized vehicle to and from a school; and

3. Information and safety tips for riding in a car, bus or other motor vehicle to and from a school.

c. Distribution of traffic safety information. 1. The department shall distribute the traffic safety materials required by subdivision b of this section to each school, for distribution to every student of such school, in hard copy. The department shall provide such materials to each school before commencement of the academic year. The department shall ensure that such materials are provided to all schools in sufficient quantity to satisfy the requirements of this subdivision.

2. Each school shall distribute the traffic safety materials provided by the department in paragraph 1 of this subdivision to each student at such school at the beginning of the academic year.

d. Reporting. No later than August 31, 2019, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on the following, disaggregated by school:

1. School arrival and dismissal policies;

2. The number and locations of crossing guards planned for the upcoming academic year; and

3. Information on traffic accidents occurring within 2,000 feet of a school for the preceding academic year.

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

Referred to the Committee on Education.

Preconsidered Res. No. 889

Resolution to establish that the interest rate be 7 percent per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

By Council Member Dromm.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York the Banking Commission is required to recommend to the City Council, not later than the 13th day of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”); and

Whereas, The Banking Commission notes that as of May 9, 2019, the Prime Rate stands at four and three-quarters percent as published by the Board of Governors of the Federal Reserve System; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 9, 2019, that the interest rate to be charged for the non-payment of taxes on properties where the assessed value on a parcel is not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments, be 7 percent per annum for Fiscal Year 2020; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 7 percent per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of not more than \$250,000, or not more than \$250,000 per residential unit for cooperative apartments.

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

Preconsidered Res. No. 890

Resolution to establish that the interest rate be 18 percent per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments.

By Council Member Dromm.

Whereas, Pursuant to Section 11-224.1 of the Administrative Code of the City of New York, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May of each year, the proposed interest rate to be charged for non-payment of taxes on properties with an assessed value of over \$250,000, or over \$250,000 per residential unit for cooperative apartments; and

Whereas, The Banking Commission is required to propose a rate of at least six percent per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “Prime Rate”); and

Whereas, The Banking Commission notes that as of May 9, 2019, the Prime Rate stands at four and three-quarters percent as published by the Board of Governors of the Federal Reserve System; and

Whereas, It is in the best interest of the City to encourage the prompt payment of taxes on real estate by all large taxpayers; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 9, 2019, that the interest rate to be charged for non-payment of taxes on properties where the assessed value on a parcel is over \$250,000, or over \$250,000 per residential unit for cooperative apartments, be 18 percent per annum for Fiscal Year 2020; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the interest rate be 18 percent per annum for Fiscal Year 2020 for non-payment of taxes on properties with an assessed value of over 250,000, or over \$250,000 per residential unit for cooperative apartments.

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

Preconsidered Res. No. 891

Resolution to establish that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2020.

By Council Member Dromm.

Whereas, Pursuant to section 1519-a(7)(b) of the New York City charter, the Banking Commission is required to recommend to the City Council, not later than the 13th day of May, the proposed discount percentage allowed for early payment of real estate taxes; and

Whereas, Section 1519-a(7)(c) of the New York City charter provides that the Council may adopt a discount percentage for early payment of real estate taxes no earlier than the 14th day of May; and

Whereas, The Banking Commission forwarded its recommendation to the Council, by letter dated May 10, 2019, that the discount percentage for early payment of real estate taxes for Fiscal Year 2020 be set at one-half of one percent per annum; now, therefore, be it

Resolved, That the Council of the City of New York establishes that the discount percentage for early payment of real estate taxes be set at one-half of one percent per annum for Fiscal Year 2020.

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

Res. No. 892

Resolution ceremonially designating an area of Brooklyn, within the boundaries of Coney Island Avenue between Church Avenue and Avenue H, as “Little Pakistan”.

By Council Member Eugene.

Whereas, New York City is one of the most diverse cities in the world and has benefitted in countless ways from the contributions of its many ethnic communities; and

Whereas, The immigration of individuals from Pakistan to the United States (U.S.) began in significant numbers after the U.S. government signed into law the Immigration and Nationality Act of 1965, which eliminated prior immigration restrictions and repealed quotas that were in place since the 1920’s; and

Whereas, U.S. residents of Pakistani decent continues to grow, and according to the American Pakistan Foundation, estimates of Pakistani Americans living in the U.S. are approximately 700,000 with the largest populations in New York City, particularly Brooklyn and Queens; and

Whereas, According to the Asian American Federation of New York Census Information Center, New York City’s Pakistani population more than doubled from 1990 to 2000, jumping by 154 percent from 13,501 to 34,310

becoming the fifth-highest growth rate percentage-wise and the fourth-highest numerical increase among Asian groups over that decade; and

Whereas, In 2000, the highest percentage of New York City residents from Pakistan lived in Queens with 45 percent (15,604), followed by Brooklyn with 41 percent (14,221) specifically within a short stretch of a portion of Coney Island Avenue; and

Whereas, However, in recent times, the neighborhood including a mile-and-a-half stretch of Coney Island Avenue in Brooklyn is now home to one of the largest Pakistani communities in the City, estimated with approximately 30,000 Pakistani residents who are scholars, scientists, business leaders, artists and public servants; and

Whereas, New Yorkers from the Pakistani community represent a significant part of the City's ever growing cultural landscape; and

Whereas, Midwood, Flatbush and Brighton Beach, Brooklyn have come to be recognized as the heart of neighborhoods that embody Pakistani culture and is regarded by many Pakistani Americans as a place where they can live, conduct commerce, worship, recreate together as a community and share their cultural values; and

Whereas, The designation of "Little Pakistan" in Brooklyn will serve as an inspiration to all Americans, will signify that those who trace their ancestry from Pakistan deserve recognition and celebration for their historical and continuing contributions to New York City and Nation, and will encourage all who reside in or who visit the City to come to the area and experience the rich culture of Pakistani Americans firsthand; now, therefore, be it

Resolved, That the Council of the City of New York ceremonially designates an area of Brooklyn, within the boundaries of Coney Island Avenue between Church Avenue and Avenue H, as "Little Pakistan."

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1566

By Council Member Gjonaj.

A Local Law in relation to imposing a limit upon the real property tax levy

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this section:

Allowable levy growth factor. The term "allowable levy growth factor" means the lesser of: (a) one and two one-hundredths; or (b) the sum of one plus the inflation factor, provided, however, that in no case shall the allowable levy growth factor be less than one.

Inflation factor. The term "inflation factor" means the quotient of: (a) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the coming fiscal year minus the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, divided by (b) the average of the national consumer price indexes determined by the United States department of labor for the twelve-month period ending six months prior to the start of the prior fiscal year, with the result expressed as a decimal to four places.

Tax levy limit. The term "tax levy limit" means the amount of taxes authorized to be levied by the council for each fiscal year.

Tax or taxes. The terms "tax" or "taxes" mean (a) a charge imposed upon real property by the city of New York, and (b) special ad valorem levies and special assessments as defined in subdivisions fourteen and fifteen of section one hundred two of the real property tax law.

§ 2. In no event shall the council adopt a budget for the ensuing fiscal year that requires a tax levy that is greater than the current year's tax levy multiplied by the allowable growth factor.

§ 3. Notwithstanding the preceding paragraph, the council may adopt a budget that requires a tax levy that is greater than the tax levy limit for the ensuing fiscal year if, prior to the adoption of the budget, the council, by

two-thirds vote of all the council members, approves a resolution authorizing the greater tax levy for the ensuing fiscal year. Such resolution shall set forth the reason or reasons why the council is authorizing an exception to the tax levy limit.

§ 4. This local law takes effect immediately and expires and is deemed repealed on December 31, 2021.

Referred to the Committee on Finance.

Int. No. 1567

By Council Members Gjonaj and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to increased fines and penalties for animal abuse

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-197 of chapter 1 of title 17 of the administrative code of the city of New York is amended to read as follows:

c. Any person who violates the provisions of this section or any of the rules promulgated thereunder shall, for a first offense, be guilty of a violation punishable by a fine not to exceed [two hundred fifty dollars] \$500, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section. For any subsequent offense within a continuous [twelve-] 12 month period, such person shall be guilty of a class B misdemeanor punishable by a fine not to exceed [five hundred dollars] \$750 or by imprisonment of not more than three months, or both. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than [two hundred fifty dollars] \$500 nor more than [five hundred dollars] \$1000.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-197.1 to read as follows:

§17-197.1 Penalties for torturing and abusing animals. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Animal abuse. The term "animal abuse" means the same as defined in section 17-1601.

b. Any person who engages in animal abuse shall for a first offense, be guilty of a violation punishable by a fine not to exceed \$500, provided that such person shall be issued a written warning instead of such fine for such first offense where such animal was not injured as a result of being restrained in violation of this section. For any subsequent offense within a continuous 12 month period, such person shall be punishable by a fine not to exceed \$750. In addition to such penalties, any person who violates this section shall be liable for a civil penalty of not less than \$500 nor more than \$1000.

b. Authorized officers, veterinarians and employees of the department, agents of the American Society for the Prevention of Cruelty to Animals and any other persons designated by the commissioner shall be empowered to enforce the provisions of this section or any rule promulgated hereunder. Violations of this section may be supported by evidence including, but not limited to, time-stamped photographs and video, records of complaints, and sworn witness statements.

d. The provisions of this section shall not be construed to prohibit the department, the American Society for the Prevention of Cruelty to Animals or any law enforcement officer from enforcing any other law, rule or regulation regarding the humane treatment of animals.

e. The provisions of subdivision b of this section shall not apply to the officers or employees of any federal, state or city law enforcement agency.

§ 3. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 893

Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation extending the property tax exemption provisions to veterans who have served in peacetime operations.

By Council Members Gjonaj and Yeger.

Whereas, U.S. military men and women have provided a selfless service in defense of this nation;

Whereas, In recognition of their service and contributions, the federal and State governments have provided certain benefits to qualifying veterans; and

Whereas, In New York State, the law provides property tax exemptions to qualified veterans of the United States armed forces and their families; and

Whereas, Exemptions available for veterans include the Eligible Funds Exemption, the Alternative Veterans' Exemption, and the Cold War Veterans' Exemption; and

Whereas, The Eligible Fund Exemption, as provided in Section 458 of the Real Property Tax Law, is available to those veterans who purchase real property with the proceeds of a pension, bonus, insurance monies (or dividends or refunds on such insurance), or payments received as prisoner of war from the United States government; and

Whereas, The Alternative Veterans' Exemption, as provided in Section 458-a of the Real Property Tax Law, is available to those veterans who served in the active military, naval, or air service during a period of war, or who was a recipient of the armed forces expeditionary medal, navy expeditionary medal, marine corps expeditionary medal, or global war on terrorism expeditionary medal, and who was discharged or released under honorable conditions, or those individuals identified as a Gold Star Parent; and

Whereas, The Cold War Veterans Exemption, as provided in Section 458-b of the Real Property Tax Law, is available to those veterans who served on active duty in the United States armed forces (other than active duty for training) during the time period of the Cold War, and was discharged or released under honorable conditions; and

Whereas, All military service is classified as either wartime or peacetime service; and

Whereas, A wartime veteran is defined as an individual who served in the active military forces during a period designated by the Congress as wartime and who was discharged or released under other than dishonorable conditions; and

Whereas, Those time periods not designated by Congress as wartime are considered to be peacetime; and

Whereas, As of the most recently available data from the American Community Survey and the U.S. Department of Veterans Affairs in 2017, there are approximately 806,827 veterans in New York City with 26 percent of the population representing peacetime veterans; and

Whereas, The current property tax exemptions available to New York City veterans do not extend to those who have served during those periods designated as peacetime service;

Whereas, The Council urges the State to consider veteran equity and to provide a property tax exemption to all veterans residing in New York City, regardless of their type of military service; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation extending the property tax exemption provisions to veterans who have served in peacetime operations.

Referred to the Committee on Finance.

Res. No. 894

Resolution calling upon the New York State Legislature and Governor to place a moratorium on psychiatric hospital bed closures and on the New York State Office of Mental Health Transformation Plan and to expand the number of psychiatric-center beds within the city and state.

By Council Member Holden.

Whereas, In Fiscal Year (FY) 2015, the New York State Office of Mental Health (OMH), under the administration of Governor Andrew Cuomo, began implementing its “Transformation Plan,” in an effort to provide better health care at lower costs by reducing both the average daily census and the total number of beds in state-run psychiatric centers and transitioning the responsibility of care to more local, community-based institutions in a process known as “deinstitutionalization”; and

Whereas, From 2014-2018, non-forensic state psychiatric centers in New York City lost nearly 15% of their total adult bed capacity during implementation of OMH’s Transformation Plan, while the average daily census only declined by about 12%; and

Whereas, While state psychiatric centers have reduced their capacity, the duty to care for New Yorkers experiencing serious mental illness has transferred to other systems, namely homeless shelters and jails and prisons, according to a November 2018 report from the Manhattan Institute; and

Whereas, During 2015-2017, the number of seriously mentally ill homeless New York City residents increased by about 2,200, or 22%, also according to the Manhattan Institute report, correlating with a decline in the number of beds in state psychiatric centers during the same time period; and

Whereas, The number of “emotionally disturbed person” calls received by the New York City Police Department (NYPD) has increased every year since 2014, with the amount of persons with serious mental illness in city jails higher now than in 2014; and

Whereas, New York City has responded to the increase in seriously mentally ill homeless New Yorkers by opening six new dedicated mental health shelters between FY 2014 and FY 2018, which provide on-site behavioral health and medical services, but are not substitutes for true inpatient care; and

Whereas, The total number of beds at mental health shelters now exceed the combined total of adult beds in state psychiatric centers and inpatient psychiatric-care beds in the New York City Health + Hospitals system, with the city operating a total of 28 mental health shelters at the end of FY 2018, the cost of which has grown every year since FY 2014 and currently stands at about \$150 million; and

Whereas, Both state- and citywide, there exist more psychiatric-care beds in general hospitals than in traditional state psychiatric centers, though general hospitals are unlikely to expand their systems of inpatient psychiatric care, with some already having reduced their capacity, due to financial pressures, according to the 2018 Manhattan Institute report; and

Whereas, OMH’s Transformation Plan has not resulted in better mental health care at lower costs, but instead has transferred the burden and costs of care to other institutions, including New York City jails and homeless shelters, and placing a moratorium on the Transformation Plan and on state psychiatric-center bed closures, while expanding the number of psychiatric beds available would better serve New Yorkers living with serious mental illness, as well as public safety and communities at-large; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature and Governor to place a moratorium on psychiatric hospital bed closures and on the New York State Office of Mental Health Transformation Plan and to expand the number of psychiatric-center beds within the city and state.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Res. No. 895

Resolution calling upon the New York State Legislature to pass and the Governor to sign A. 5026-A/S. 3820-A, An Act to amend the multiple dwelling law, in relation to the definition of floor area.

By Council Members Kallos and Powers.

Whereas, Mechanical spaces are spaces within buildings that house machinery essential to a building's functioning, such as heating, ventilation, plumbing, electrical, and elevator systems; and

Whereas, Section 12-10 of the New York City Zoning Resolution provides that in calculating the maximum amount of floor area a building can occupy, floor area does not include floor space containing mechanical equipment; and

Whereas, Section 12-10 of the Zoning Resolution does not specifically identify a limit to the height of mechanical spaces; and

Whereas, In recent years, some developments have been built or proposed that use mechanical or structural floors that are taller than is usually necessary to meet functional needs, to elevate upper-story residential units above the surrounding context so as to improve the views from such units and thereby raise their sales prices; and

Whereas, Such unnecessary and oversized spaces have been commonly described as "mechanical voids"; and

Whereas, In R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts, the Zoning Resolution provides that residential buildings can penetrate the sky exposure plane through the optional tower regulations, which do not impose an explicit height limit on portions of buildings that meet certain lot coverage requirements;

Whereas, A Department of City Planning (DCP) study of buildings in R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts identified seven buildings characterized by either a single, extremely tall mechanical voids, or multiple mechanical floors stacked closely together; and

Whereas, The DCP study found that height of such mechanical voids varied significantly but ranged between approximately 80 feet to 190 feet in the aggregate, that in districts where tower-on-a-base regulations apply, these spaces were often located right above the 150-foot mark, suggesting that such mechanical voids were intended to elevate as many units as possible while also complying with the 'bulk packing' rule of these regulations, which requires 55 percent of the floor area to be located below 150 feet, and that in other districts, mechanical voids were typically located lower in the building to elevate more residential units, having the detrimental side effect of "deadening" the streetscape with inactive space; and

Whereas, Based on its analysis, on January 25, 2019 DCP filed an application (N 190230 ZRY) for a zoning text amendment to discourage the use of excessively tall mechanical floors in residential towers in R9 and R10 non-contextual zoning districts and their equivalent Commercial Districts, as well as Special Purpose Districts that rely on underlying floor area and height and setback regulations, and sections of the Special Clinton District and the Special West Chelsea District that impose special tower regulations; and

Whereas, DCP's application requested an amendment that would require, among other things, that developments subject to its provisions include in the calculation of floor area contiguous mechanical spaces and mechanical spaces within 75 feet of each other that in the aggregate are taller than 25 feet, by dividing the height of such mechanical floor spaces by 25 to determine the number of floors of floor area, and

Whereas, The City Planning Commission (CPC) held a public hearing on the application on February 27, 2019, at which elected officials, Community Board representatives, neighborhood associations, and community groups supported the goal of the application but expressed that it could have gone further in limiting mechanical space, by expanding applicability across the city, implementing an overall percentage cap on mechanical space, and including unenclosed voids; and

Whereas, Such recommendations included reducing the 25-foot threshold to 12 feet, and increasing the clustering threshold from 75 feet to between 100 and 200 feet; and

Whereas, Such recommendations also included applying the new regulations to residential and mixed-use buildings in currently excluded Special Purpose Districts, namely those that are considered central business districts, and lower-density residential zoning districts; and

Whereas, The CPC's April 10, 2019 Decision on the application rejected the recommendations to expand the lower the height threshold for counting mechanical space as floor area and the geographic applicability of the regulations as out of scope, and instead modified the application to increase the 25-foot threshold to 30 feet; and

Whereas, To address the concerns of elected officials and secure approval for the text amendment, by letter dated May 13, 2019, the Department of City Planning committed to enact a follow up action to apply limits on mechanical voids to residential buildings in central business districts and to conduct a study of unenclosed voids in residential buildings; and

Whereas, On May 29, 2019, the Council voted to approve the Decision with modifications, restoring the 25-foot threshold; and

Whereas, A. 5026-A, introduced by Assembly Member Linda B. Rosenthal and pending in the New York State Assembly, and companion bill S. 3820-A, introduced by Senator Robert Jackson and pending in the New York State Senate, seek to amend the Multiple Dwelling Law by restricting the size of allowable mechanical voids, such that areas with floor to structural ceiling heights greater than twelve feet and less than or equal to twenty-four feet shall be counted twice as floor area, any such areas with floor to structural ceiling height greater than twenty-four feet and less than or equal to thirty-six feet shall be counted three times as floor area, any such areas with floor to structural ceiling height greater than thirty-six feet and less than or equal to forty-eight feet shall be counted four times as floor area, and any area with floor to structural ceiling height in excess of forty-eight feet shall be counted five times as floor area; and

Whereas, A. 5026-A/S. 3820-A is consistent with the recommendations of elected officials and community board representatives who requested that mechanical floor space greater than 12 feet in height be counted as floor area; and

Whereas, A. 5026-A/S. 3820-A would also address the requests that unenclosed voids be included in the calculation of floor area by requiring the calculation of floor area include unenclosed spaces unless such spaces are located beyond the exterior walls of the building; and

Whereas, A. 5026-A/S. 3820-A would address requests that mechanical void floor area regulations be more geographically expansive than the zoning text amendment because the proposed legislation would apply to all multiple dwellings, wherever they are located in the City; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass and the Governor to sign A. 5026-A/S. 3820-A, An Act to amend the multiple dwelling law, in relation to the definition of floor area.

Referred to the Committee on Land Use.

Int. No. 1568

By Council Member Koslowitz

A Local Law to amend the administrative code of the city of New York, in relation to requiring notice of the taxi and limousine commission's annual drug testing requirement

Be it enacted by the Council as follows:

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

§ 19-554 Notice of annual drug testing requirement. The commission shall send by mail to each driver that is required to undergo annual drug testing pursuant to subdivision (d) of section 80-14 of title 35 of the rules of the city of New York a notice reminding such driver of the drug testing requirement and the deadline by which such test must occur. For drivers in the first or second year of a three-year license, such notice shall be sent no

later than 90 days prior to the anniversary date of the license. For drivers in the third year of a three-year license, such notice shall be sent no later than 90 days prior to the license expiration date.

§ 2. This local law takes effect 90 days after it becomes law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1569

By Council Member Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the requirement of bases affiliated with no more than 30 vehicles to dispatch trips to accessible vehicles

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 19-534 of the administrative code of the city of New York, as added by local law number 53 for the year 2006, is amended to read as follows:

c. The commission shall implement the plan developed and approved pursuant to subdivision b of this section except that any plan approved and implemented by the commission to increase the number of accessible vehicles, whether pursuant to subdivision b or otherwise, shall not impose requirements on any base that is affiliated with 30 or fewer vehicles except as follows:

(1) *At least five percent of such base's total trips dispatched prior to July 1, 2019 must be trips dispatched to and completed by an accessible vehicle;*

(2) *At least eight percent of such base's total trips dispatched between July 1, 2019 and June 30, 2020 must be trips dispatched to and completed by an accessible vehicle;*

(3) *At least 10 percent of such base's total trips dispatched between July 1, 2020 and June 30, 2021 must be trips dispatched to and completed by an accessible vehicle;*

(4) *At least 12 percent of such base's total trips dispatched between July 1, 2021 and June 30, 2022 must be trips dispatched to and completed by an accessible vehicle; and*

(5) *Beginning July 1, 2022, and continuing each year thereafter, at least 15 percent of such base's total trips dispatched between the dates of July 1 and June 30 must be trips dispatched to and completed by an accessible vehicle.*

§ 2. This local law takes effect 60 days after it becomes law, except that the taxi and limousine commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Int. No. 1570

By Council Members Levine, Cumbo and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to the bordetella vaccination for dogs

Be it enacted by the Council as follows:

Section 1. Section 17-366 of the administrative code of the city of New York, as added by local law 67 of the year 2005, is amended to read as follows:

§ 17-366 Proof of vaccination required. No dog shall be accepted at a boarding kennel, business or establishment unless the owner of such dog provides proof to such facility, including but not limited to a health certificate, a bill or receipt from a veterinarian or other documentation acceptable to the department, that such animal [has been vaccinated] *is currently actively immunized* against rabies, distemper, hepatitis, para influenza [and], parvo *and bordetella* [during the previous three years and against bordetella during the previous six months]; provided that an owner of a dog shall not be required to provide proof of vaccination pursuant to this section if such owner provides a written statement from a veterinarian indicating that the dog of such owner should not be given such vaccination because of a standard veterinary contraindication and that such dog does not show symptoms of the disease or diseases for which such vaccination is contraindicated.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 1571

By Council Members Levine, Treyger, Miller and Deutsch.

A Local Law in relation to requiring a report on outreach by the department of education and the department of health and mental hygiene to individuals who were students, teachers and staff at schools near the World Trade Center during the 2001-2002 school year

Be it enacted by the Council as follows:

Section 1. No later than the first anniversary of the effective date of this local law, the department of education, in collaboration with the department of health and mental hygiene, shall submit to the council a report on outreach to all individuals who were enrolled as students or employed as teachers or staff members at schools within one and one-half miles of the World Trade Center during the 2001-2002 school year. Such report shall, at a minimum:

1. Include information about all efforts to inform such individuals about their eligibility for any programs to help, monitor or compensate individuals who may have been harmed as a result of the terrorist attack on the World Trade Center on September 11, 2001 and its aftermath, including, without limitation, the World Trade Center Health Registry, the World Trade Center Health Program and the September 11th Victim Compensation Fund;
2. Identify any difficulties in identifying or contacting such individuals as well as any other gaps or deficiencies in such outreach efforts; and
3. Make recommendations regarding further outreach to such individuals.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 896

Resolution calling on Congress to pass and the President to sign S.1186 – Burma Human Rights and Freedom Act of 2019.

By Council Members Miller and Barron.

Whereas, On April 11, 2019, Senator Benjamin Cardin from Maryland introduced S.1186, the Burma Human Rights and Freedom Act of 2019; and

Whereas, The bill, which is currently co-sponsored by fifteen Democrats and three Republicans, outlines numerous ways that the United States can act to support democracy and promote human rights within Burma; and

Whereas, New York City has already provided some assistance to Burmese refugees; and,

Whereas, In the 2018 fiscal year, New York City and Long Island resettled 11% of the state's refugees and 21% of the state's Special Immigrant Visa holders (SIV), according to the Bureau of Refugee Services;

Whereas, After the Democratic Republic of Congo and Afghanistan, Burma represents the country with the highest level of refugees and SIV holders resettled in New York State; and

Whereas, People from Bangladesh now represent the fifth-highest Asian population in New York City and the City's population from Burma has also increased substantially, according to the 2010 Census Bureau data; and

Whereas, As a sanctuary city, New York City openly welcomes and protects displaced people, immigrants, refugees and asylum seekers; and,

Whereas, However, the City also recognizes the trauma of forced displacement and supports the humanitarian efforts that allow people to live safely and peacefully in their home countries, if they choose; and

Whereas, After decades of military rule, Burma finally celebrated a transition to democracy in 2015; a move that was initially seen as a positive step to ensuring lasting peace and broad human rights protections; and,

Whereas, However, recent violence against ethnic minorities and attacks on journalists have spurred doubts about the progress of the country; and

Whereas, For the sponsors of the Burma Human Rights and Freedom Act of 2019 this bill is both a clear statement against the recent human rights abuses occurring in Burma, and a roadmap for moving the country back to a democracy; and

Whereas, The provisions of S.1186 include appropriations for humanitarian assistance, a visa ban and economic sanctions against senior officials in the military of Burma, and the reinstatement of import restrictions; and

Whereas, The crisis in Burma that spurred the introduction of S.1186 has been simmering for many years;

Whereas, For example, a 1982 citizenship law saw the majority Muslim Rohingya ethnic group classified as "illegal foreigners, ineligible for citizenship or even naturalization in the country of their birth", according to the Washington Post; and,

Whereas, In 2014 the Rohingya were further excluded from the census; and

Whereas, According to the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), for decades the Rohingya people in Burma have faced "systematic discrimination, statelessness and targeted violence"; and

Whereas, However, the tipping point for the most recent and devastating attacks was August 25, 2017; and

Whereas, On this day a group of Rohingya militants attacked a series of police posts resulting in the deaths of 12 police; and

Whereas, In retaliation, the Burmese military began burning down Rohingya villages, killing civilians and raping women and young girls;

Whereas, Satellite images taken of Burma show that more than 280 Rohingya villages were destroyed after August 2017; and

Whereas, According to Medecins Sans Frontieres (MSF – Doctors Without Borders), over 6,700 people were killed between August 25, 2017 and September 24, 2017 alone; and,

Whereas, At least 730 of these were children under the age of five; and

Whereas, The violent attacks also triggered a wave of migration into neighboring Bangladesh; and,

Whereas, It is estimated that nearly 750,000 Rohingya refugees fled to Bangladesh in August 2017, according to OCHA; and

Whereas, A 2018 investigation by the Department of State concluded that ethnic cleansing was perpetrated in Burma against the Rohingya people during 2017; and

Whereas, As of April 2019, more than 900,000 Rohingya refugees, about sixty percent of whom are children, are still in makeshift camps in Bangladesh according to UNICEF; and

Whereas, An independent fact-finding mission in Burma, headed by the United Nations Human Rights Council, determined that there was sufficient evidence to prosecute senior officials within the Burmese military for crimes against humanity, genocide, and war crimes; and

Whereas, The complete dismantling of basic humanitarian protections for the residents of Burma is of grave concern; and

Whereas, Democracy in Burma cannot begin to be satisfied until all forcibly displaced people can safely return to their homes; and

Whereas, In addition to the human rights atrocities, the crackdown on journalists within Burma is also of great concern; and

Whereas, After reporting on the killing of ten Rohingya by the military as part of the August, 2017 retaliation, two Reuters journalists, Wa Lone and Kyaw Soe Oo, were prosecuted and imprisoned by Burmese authorities; and

Whereas, The pair spent nearly eighteen months behind bars before international pressure aided their release; and

Whereas, While this was a cause for celebration, more than forty journalists have been arrested since the country's first democratic election in 2015; and

Whereas, The Burmese government's failure to guarantee freedom of the press is of serious concern for many United States' senators; and,

Whereas, In January of this year, Senator Merkley, along with 22 co-sponsors, introduced S. Res.34 condemning the human rights abuses in Burma, expressing concern on the crackdown on journalists and reasserting the vital role that an independent press plays in building democracy; and

Whereas, S.1186 further calls for the repeal of Burma's Official Secrets Act, which has been used to arrest and imprison Wa Lone, Kyaw Soe Oo, and numerous other journalists; and

Whereas, A free press, fair, free and inclusive elections, civilian control of government, and the protection of human rights are fundamental elements of all democracies; and

Whereas, Therefore, in order for Burma to truly fulfill its move towards democratic rule, it needs to guarantee these central elements; and

Whereas, S.1186 provides both guiding principles and specific partnership proposals to support the genuine establishment of democracy in Burma; now, therefore be it

Resolved, That Congress pass and the President signs S.1186 – Burma Human Rights and Freedom Act of 2019.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 897

Resolution calling on Congress to pass, and the President to sign, the “Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act” (H.R.1327/S.546), which would fully finance and extend authorization for the September 11th Victim Compensation Fund until fiscal year 2090.

By Council Members Miller, Chin, Borelli, Richards, Treyger, Cohen, Levine, Yeger, Deutsch, Brannan, Vallone, Powers, Rosenthal and Holden.

Whereas, The September 11th Victim Compensation Fund (VCF) was created in order to provide compensation for any individual who suffered physical harm or to the family of those who have died as a result of the terrorist-related attacks of September 11, 2001 (9/11) or the recovery/cleanup efforts that took place in the aftermath of these attacks; and

Whereas, The original VCF was created in 2001 with no cap in funding and closed in 2004, paying over \$7.049 billion to surviving family members of 2,880 people who died in the attacks and to 2,680 claimants who were injured in the attacks or rescue efforts; and

Whereas, After the original VCF closed in 2004, despite evidence of the growing health impacts that 9/11 had on responders, survivors and surrounding communities throughout the nation, it took years of advocacy to compel the federal government to act; and

Whereas, In October 2011, the VCF was finally reopened when former President Obama signed into law the James Zadroga 9/11 Health and Compensation Act of 2010 (Zadroga Act), which enabled the VCF to accept claims until October 2016, expanded the VCF's eligibility criteria to include those who participated in the debris removal efforts directly after 9/11, provided the VCF a limited appropriation of \$2.775 billion (with \$875 million available within the first five years) to cover compensation and administrative costs, and created the World Trade Center Health Program (WTCHP) to provide medical treatment and monitoring to injured and sick 9/11 survivors and responders; and

Whereas, In December 2015, the Zadroga Act was reauthorized by Congress with bi-partisan support, which allowed the VCF to take claims until December 2020, directed the VCF to pay certain past claims, allowed the VCF to implement specific changes to policies and procedures, and extended the WTCHP's authorization for 75 years; and

Whereas, Notably, according to a recent message by the head of the VCF, Special Master Rupa Bhattacharyaa, since October 2011, the VCF has awarded nearly \$5 billion in original and amended determinations for more than 21,000 claims, with 2018 alone, having compensation determinations total almost \$1.5 billion; and

Whereas, This leaves only about \$2.375 billion of the \$7.375 billion appropriated funding available to compensate the almost 20,000 pending claims and the thousands of anticipated future claims filed by December 2020; and

Whereas, Thus, in order to accommodate this sheer number of claims, the VCF has indicated through its Seventh Annual Status Report and Third Annual Reassessment of Policies and Procedures (February 2019 VCF Report), that any claim or amendment filed for review on or before February 1, 2019 will be reduced by 50%, while any claim or amendment filed on or after February 2, 2019 be reduced by 70%; and

Whereas, If these cuts were not bad enough, the VCF's authorization is set to expire in December 2020, which will leave thousands of people nationwide who were impacted by 9/11 with no place to seek compensation or help, including responders and survivors with developing physical and mental illnesses; and

Whereas, Many have openly criticized the lack of funding for the VCF, which has resulted in the reduction of awards to claimants and its set expiration date, citing that the VCF's compensation offers integral support for thousands impacted by 9/11; and

Whereas, The decision to reduce awards to claimants will particularly impact New York City, as The Mesothelioma Center estimated that 410,000 people were exposed to toxic contaminants within the area near the World Trade Center, indicating that New Yorkers have been heavily impacted by 9/11 and could have a higher propensity to file claims within the VCF; and

Whereas, For example, the February 2019 VCF Report shows that, as of December 31, 2018 (not accounting for the claims submitted to the original VCF of 2001), specific categories of New York City claimants have filed a tremendous number of VCF claims already, with the categories of: "Responder-NYC" having 16,525 of the total 17,449 eligible claims awarded with about \$3.849 billion; "Non-Responder NYC-cleaning or maintenance work" and "Non-Responder NYC-other capacity" having 3,364 of the total 3,629 eligible claims awarded with about \$715 million; and "Residents within NYC Exposure Zone" having 471 of the total 513 eligible claims awarded with about \$102 million; and

Whereas, Notably, the impact of 9/11 is widespread, as 9/11 responders and survivors hail from all 50 states in the United States and reside in all but one congressional district; and

Whereas, In efforts to ensure that all those who filed or intend to file a VCF claim, including many in New York City, receive the compensation that they need to deal with any current and/or future illnesses, the "Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act" (H.R.1327/S.546) has been introduced at the federal level; and

Whereas, H.R.1327, introduced by Representative Carolyn B. Maloney, and S.546, introduced by Senator Kristen E. Gillibrand, would extend authorization for the VCF of 2001 through fiscal year 2090, and for other purposes, to ensure that 9/11 responders, survivors and families receive the compensation they deserve and need for years to come; now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, the “Never Forget the Heroes: Permanent Authorization of the September 11th Victim Compensation Fund Act” (H.R.1327/S.546), which would fully finance and extend authorization for the September 11th Victim Compensation Fund until fiscal year 2090.

Referred to the Committee on Civil Service and Labor.

Res. No. 898

Resolution calling upon the New York State Legislature to pass, and the New York State Governor to sign, S.2837/A.2750, enacting The Farmworkers Fair Labor Practices Act.

By Council Members Miller, Menchaca and Kallos.

Whereas, There are an estimated 2.5 to 3 million farmworkers throughout the United States, with approximately 80,000 working within New York State; and

Whereas, A New York State Comptroller report indicates that New York State’s more than 35,000 farms generated \$4.8 billion in revenue in 2017, producing a wide variety of agricultural commodities, such as sour cream, grapes, yogurt, and apples; and

Whereas, Although New York State has a large number of farms, there is a very small number within New York City due to geographic and logistical limitations, however, the recent increased utilization of urban agriculture throughout the city has created more community gardens, small commercial farms, farms at New York City Housing Authority developments and school gardens; and

Whereas, According to the most recently available United States Department of Agriculture’s Census of Agriculture, as of 2012, there were approximately 31 farms throughout New York City, with a majority of these farms being less than 10 acres in size; and

Whereas, In addition to these 31 farms, the New York City Food Policy Food Metrics Report of 2018 reported that there were 530 GreenThumb registered community gardens and 735 registered public school garden projects throughout New York City; and

Whereas, These farms and spaces throughout the city may require farmworkers, however, there is a lack of data regarding just how many of these workers exist within New York City; and

Whereas, Despite a lack of data specific to farmworkers in New York City, it is evident that farmworkers provide essential economic and cultural contributions to many of the nation’s communities, including New York City, while continually being a group of workers that are undervalued, overworked and poorly compensated; and

Whereas, Examples of this mistreatment can be seen in the results of the most recently available national survey of farmworkers, the National Agricultural Workers Survey for Fiscal Years 2015 to 2016, in which farmworkers reported that: mean and median personal incomes for the previous calendar year were in the range of \$17,500 to \$19,999, only 43% of farmworkers were covered by Unemployment Insurance (UI), only 57% of farmworkers received training or instruction in the safe use of pesticides, only 47% of farmworkers had health insurance, and the average number of work hours for farmworkers paid by the hour was 45 work hours per week; and

Whereas, In addition, according to the United States Department of Labor, farm work is one of the most dangerous-and most often fatal-occupations, with the New York Civil Liberties Union stating that farmworkers routinely risk their health and safety due to physically exhaustive work, long hours driven by seasonal harvesting cycles, exposure to pesticides and lack of access to health care; and

Whereas, In New York State, these things are particularly exacerbated for farmworkers, as these workers have been continually excluded from key labor protections under legislation that dates back to the passage of New Deal legislation, specifically the Federal Labor Relations Act, in the 1930s, and the subsequent passage of a similar law in 1938 by New York State; and

Whereas, Even after more than 80 years, farmworkers in New York State still lack the right to a day of rest, overtime pay and to bargain collectively, thus, S.2837 and A.2750 were introduced at the state-level to remedy this lack of protections and rights; and

Whereas, S.2837, introduced by Senator Jessica Ramos, and A.2750, introduced by Assemblywoman Catherine Nolan, enacts The Farmworkers Fair Labor Practices Act, which would provide key protections and benefits for farmworkers, including: the ability to organize and advocate for themselves; the provision of overtime pay; at least 24 consecutive hours of rest each week; eligibility for workers' compensation benefits; and eligibility for UI benefits; and

Whereas, S.2837/A.2750 would ensure that farmworkers within New York State are compensated fairly, offered important protections other workers throughout the state have, and work and live in conditions that are respectable and decent, while allowing these workers the ability to organize and implement change in the future through the collective bargaining process; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the New York State Governor to sign, S.2837/A.2750, enacting The Farmworkers Fair Labor Standards Act.

Referred to the Committee on Civil Service and Labor.

Int. No. 1572

By the Public Advocate (Mr. Williams) and Council Members Salamanca and Reynoso.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a racial impact analysis in connection with land use actions requiring environmental review

Be it enacted by the Council as follows:

Section 1. Title 25 of the administrative code of the city of New York is amended by adding a new section 25-116 to read as follows:

§ 25-116. Racial impacts of land use actions. All draft and final environmental impact statements prepared in connection with applications subject to review by the city planning commission, shall include an analysis of potential direct and indirect racial and ethnic residential impacts of the proposed action and whether the proposed action would affirmatively further fair housing within the meaning of the Fair Housing Act as defined at 24 C.F.R. § 5.152.

§ 2. This law would go into effect 180 days after it becomes law.

Referred to the Committee on Land Use.

Int. No. 1573

By Council Members Reynoso and Rosenthal (by the request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to regulating the trade waste industry

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and *the operation of* trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

§ 2. Subdivision d of section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. To establish *and enforce* standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to (i) requirements governing the level of service to be provided by licensees[,]; (ii) contracts for trade waste removal[,]; (iii) billing form and procedures[,]; (iv) the maintenance and inspection of records[,]; (v) the maintenance of appropriate insurance[,]; and [compliance with safety and health measures] (vi) *environmental, safety and health standards, including but not limited to traffic safety requirements and environmental and safety requirements for vehicles used in the collection, removal, transportation or disposal of trade waste;*

§ 3. Subdivision b of section 16-506 of the administrative code of the city of New York, as added by local law 42 for the year 1996, is amended to read as follows:

b. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will *collect, remove, transport or dispose of* waste pursuant to such license and for each such vehicle operated pursuant to such registration.

§ 4. Subdivision c of section 16-506 of the administrative code of the city of New York, as relettered by local law 55 for the year 2019, is amended to read as follows:

c. The commission shall promulgate rules establishing the fee for any license or registration required by this chapter. Such rules may provide for a fee to be charged for each vehicle in excess of one that will *collect, remove, transport or dispose of* waste pursuant to such license and for each such vehicle operated pursuant to such registration.

§ 5. Subdivision a of section 16-507 of the administrative code of the city of New York, as added by local law 42 for the year 1996, is amended to read as follows:

a. Except in the case of a business issued a registration by reason of the grant of an exemption from the requirement for a license pursuant to section 16-505 of this chapter, an applicant for registration shall submit an application on a form prescribed by the commission and containing such information as the commission determines will adequately identify the business of such applicant. An applicant for registration to remove trade waste generated in the course of such applicant's business shall identify, in a manner to be prescribed by the commission, each vehicle that will *collect, remove, transport or dispose of* waste pursuant to such registration. An application for registration as a trade waste broker shall contain information regarding any financial, contractual or employment relationship between such broker and a trade waste business. Any such relationship shall be indicated on the registration issued to such broker.

§ 6. Subdivision a of section 16-509 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

a. The commission may, by majority vote of its entire membership and after notice and the opportunity to be heard, refuse to issue a license *or any registration* to an applicant who lacks good character, honesty and integrity. Such notice shall specify the reasons for such refusal. In making such determination, the commission may consider, but is not limited to: (i) failure by such applicant to provide truthful information in connection with the application; (ii) a pending indictment or criminal action against such applicant for a crime which under this subdivision would provide a basis for the refusal of such license *or registration*, or a pending civil or administrative action to which such applicant is a party and which directly relates to the fitness to conduct the business or perform the work for which [the] *such license or registration* is sought, in which cases the commission may defer consideration of an application until a decision has been reached by the court or administrative tribunal before which such action is pending; (iii) conviction of such applicant for a crime which, considering the factors set forth in section seven hundred fifty-three of the correction law, would provide a basis under such law for the refusal of such license *or registration*; (iv) a finding of liability in a civil or administrative

action that bears a direct relationship to the fitness of the applicant to conduct the business for which the license *or registration* is sought; (v) commission of a racketeering activity or knowing association with a person who has been convicted of a racketeering activity, including but not limited to the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. § 1961 et seq.) or of an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time, or the equivalent offense under the laws of any other jurisdiction; (vi) association with any member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency when the applicant knew or should have known of the organized crime associations of such person; (vii) having been a principal in a predecessor trade waste business as such term is defined in subdivision a of section 16-508 of this chapter where the commission would be authorized to deny a license *or registration* to such predecessor business pursuant to this subdivision; (viii) current membership in a trade association where such membership would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter unless the commission has determined, pursuant to such subdivision, that such association does not operate in a manner inconsistent with the purposes of this chapter; (ix) the holding of a position in a trade association where membership or the holding of such position would be prohibited to a licensee pursuant to subdivision j of section 16-520 of this chapter; (x) failure to pay any tax, fine, penalty[,] *or* fee related to the applicant's business for which liability has been admitted by the person liable therefor, or for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; *and (xi) failure to comply with any city, state or federal law, rule or regulation relating to traffic safety or the collection, removal, transportation or disposal of trade waste in a safe manner.* For purposes of determination of the character, honesty and integrity of a trade waste broker pursuant to subdivision c or subdivision d of section 16-507 of this chapter, the term "applicant" shall refer to the business of such trade waste broker and all the principals thereof; for purposes of determining the good character, honesty and integrity of employees or agents pursuant to section 16-510 of this chapter, the term "applicant" as used herein shall be deemed to apply to employees, agents or prospective employees or agents of an applicant for a license or a licensee.

§ 7. Subdivision a of section 16-513 of the administrative code of the city of New York, as amended by local law number 56 for the year 2015, is amended to read as follows:

a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the *collection, removal, transportation [and] or disposal of waste containing asbestos*; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the [handling] *collection, removal, transportation or disposal of trade waste*, or any laws prohibiting deceptive, unfair[,] or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant [as a trade waste broker] lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the

arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; [or](xi) whenever the licensee or registrant has been found by the [commissioner] *commission* or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; *or (xii) while engaged in any activity regulated by this chapter or title 16-b, have been found to be in violation of any city, state or federal law, rule or regulation relating to the safety of the general public, including but not limited to traffic safety, or relating to the collection, removal, transportation or disposal of trade waste in a safe manner.*

§ 8. Subdivision d of section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal [and] *or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.*

§ 9. Chapter 1 of title 16-A of the administrative code of the city of New York is amended by adding a new section 16-520.1 to read as follows:

§ 16-520.1 *Conduct of registrants. Every registrant pursuant to this chapter shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal, transportation or disposal of trade waste, the maintenance, inspection and operation of vehicles that collect, remove, transport or dispose of trade waste and, while engaged in any activity regulated by this chapter, the safety of the general public, including but not limited to traffic safety.*

§ 10. Subdivision a of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

a. Definitions. For the purposes of this section:

Side guard. The term "side guard" means a device fit to the side of a trade waste hauling vehicle designed to prevent pedestrians and bicyclists from falling into the exposed space between the front axle and the rear axle of such vehicles and with such additional specifications as may be established by the commission pursuant to paragraph 3 of subdivision c of this section. Except where otherwise authorized by rule of the commission, side guards: shall allow for a maximum 13.8 inch ground clearance, maximum 13.8 inch top clearance up to four feet in height, and a minimum 440 pound impact strength; must achieve a smooth and continuous longitudinal (forward to backward) impact surface flush with the vehicle sidewall; may include rail style guards, provided such rails be no less than four inches tall and no more than 11.8 inches apart; and may incorporate other vehicle features such as tool boxes and ladders.

Trade waste hauling vehicle. The term "trade waste hauling vehicle" means any motor vehicle with a manufacturer's gross vehicle weight rating exceeding 10,000 pounds that is owned or operated by an entity that is required to be licensed or registered by the commission pursuant to section 16-505 of the code and that is operated in New York city for *the collection [or], removal, transportation or disposal of trade waste.* "Trade waste hauling vehicle" does not include any specialized vehicle or vehicle type on which side guard installation is deemed impractical by the commission pursuant to subdivision c of this section.

§ 11. This local law take effect immediately, except that section 3 of this local law takes effect immediately and is deemed repealed on July 16, 2019, and except that section 4 of this local law shall take effect at the same and in the same manner as local law number 55 for the year 2019.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1574

By Council Members Reynoso, the Speaker (Council Member Johnson), Lander, Chin, Brannan, Ayala, Levin, Rosenthal, Lancman, Constantinides, Powers, Kallos, Levine, Richards and Salamanca.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to the establishment of commercial waste zones, and to repeal sections 16-523 and 16-524 of such code, relating to a pilot of special trade waste removal districts

Be it enacted by the Council as follows:

Section 1. Section 753 of the New York city charter is amended by adding a new subdivision e to read as follows:

e. Except as otherwise authorized by section 16-1018 of the administrative code, the commissioner shall have the powers and duties set forth in this subdivision.

1. The commissioner, in the performance of his or her powers and duties pursuant to paragraph 2 of this subdivision and title 16-B of the administrative code of the city of New York, shall be authorized to receive complaints, conduct investigations, hold public and private hearings, administer oaths, take testimony, serve subpoenas, receive evidence, issue orders, and mediate disputes.

2. The commissioner shall have the power and duty to regulate the conduct of businesses authorized to collect commercial waste in commercial waste zones pursuant to title 16-B of the administrative code and any other applicable law, including but not limited to, the power and duty to establish and enforce:

(a) environmental, safety and health standards;

(b) standards for service;

(c) requirements regarding contracts for commercial waste removal;

(d) requirements regarding billing form and procedures;

(e) requirements regarding the maintenance and inspection of records;

(f) requirements regarding the maintenance of appropriate insurance; and

(g) requirements established in furtherance of the goals of reducing waste and promoting sustainability, safety and efficiency in the collection system for commercial waste.

3. The commissioner shall establish programs for the education of the public and commercial establishments regarding the commercial waste zone system established pursuant to title 16-B of the administrative code of the city of New York.

§ 2. Subdivision a of section 2101 of the New York city charter, as amended by local law number 21 for the year 2002, is amended to read as follows:

a. The business integrity commission shall be responsible for the regulation of the trade waste industry, the shipboard gambling industry, the fulton fish market distribution area and other seafood distribution areas and the public wholesale markets. In regulating such industries, areas and markets, the commission shall have the powers and duties conferred by this chapter and such other powers and duties as are conferred by law, *except as provided by title 16-B of the administrative code of the city of New York and the local law that added such title.*

§ 3. Subdivision a of section 16-116 of the administrative code of the city of New York, as amended by local law number 42 for the year 1996, is amended to read as follows:

§ 16-116 Removal of commercial waste; posting of sign, registration number. a. *1. Every owner, lessee or person in control of a commercial establishment shall provide for the removal of waste by a business licensed by the New York city [trade waste] business integrity commission as required by subdivision a of section 16-505 of this code or register and obtain a registration number from the New York city [trade waste] business integrity commission as required by subdivision b of section 16-505 of this code to remove its own waste except as provided in subdivision c of this section, however nothing contained herein shall preclude the commissioner from providing for the removal of waste from any commercial establishment pursuant to the authority vested in the commissioner by section seven hundred fifty-three of the charter[; provided, further, that every].*

2. No later than the applicable final implementation date set forth in the rules of the department pursuant to subdivision d of section 16-1002, each owner, lessee or person in control of a commercial establishment [that is located in a special trade waste removal district designated by the New York city trade waste commission pursuant to section 16-523 of this code, except for an owner, lessee or person in control of a commercial establishment who has registered with the New York city trade waste commission as required by subdivision b of section 16-505 of this code and except as otherwise provided by subdivision g of section 16-523 of this code,] shall provide for the removal of commercial waste, as such term is defined by section 16-1000, only by a [licensee

with whom such commission has entered into an agreement pursuant to subdivision b of such section] *designated carter, as such term is defined by such section, in accordance with the provisions of title 16-B and any rules promulgated pursuant thereto, except as otherwise provided by such title.*

§ 4. Subdivision b of section 16-306 of the administrative code of the city of New York, as amended by local law number 32 for the year 2010, is amended to read as follows:

b. 1. The rules promulgated pursuant to subdivision a of this section shall require that generators of waste collected by businesses required to be licensed pursuant to section 16-505 of this code source separate the designated materials in such manner and to such extent as the commissioner determines to be necessary to minimize contamination and maximize the marketability of such materials. However, in promulgating such rules the commissioner shall not require source separation of a material unless the commissioner has determined that an economic market exists for such material. For the purpose of this section, the term "economic market" refers to instances in which the full avoided costs of proper collection, transportation and disposal of source separated materials are equal to or greater than the cost of collection, transportation and sale of said materials less the amount received from the sale of said materials. [The New York city business integrity commission shall adopt and implement rules requiring businesses licensed to remove, collect or dispose of trade waste to]

2. *Any designated carter authorized to collect commercial waste in a commercial waste zone pursuant to section 16-1002 shall provide for the collection of, and ensure the continued separation of, designated materials that have been source separated, provide for the separation of all other designated materials, and provide for recycling of all the designated materials in accordance with the rules of the department and the terms of any agreement entered into pursuant to section 16-1002.* [Rules promulgated by the business integrity commission pursuant to this subdivision shall be enforced in the manner provided in section 16-517 of this code and violations of such rules shall be subject to the penalties provided in subdivision a of section 16-515 of this code for violation of the provisions of chapter one of title 16-A of this code. In addition, the]

3. *The commissioner and the chair of the business integrity commission shall have the authority to issue notices of violation for any violation of such [rule] rules and such notices of violation shall be returnable in a civil action brought in the name of the commissioner or the chair of the business integrity commission before the environmental control board which shall impose a penalty not to exceed ten thousand dollars for each such violation.*

§ 5. Section 16-306 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. Notwithstanding any other provision of law, nothing in this section shall be construed to: 1) supersede, amend or eliminate any obligation of an awardee or designated carter, as such terms are defined in section 16-1000, to meet the requirements set forth in any agreement entered into pursuant to section 16-1002, or 2) otherwise amend or supersede any term of such agreement.

§ 6. Subdivisions d through g of section 16-306.1 of the administrative code of the city of New York are relettered e through h, and paragraph 3 of subdivision c of such section, as added by local law number 146 for the year 2013, is amended to read as follows:

[3] *d.* Any private carter that collects source separated organic waste [from a covered establishment] shall either:

i. deliver collected organic waste to a transfer station that has represented that it will deliver such organic waste to a facility for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule; or

ii. deliver such organic waste directly to a facility for purposes of composting, aerobic or anaerobic digestion, or any other method of processing organic waste that the department approves by rule.

§ 7. Subdivision e of section 16-306.1 of the administrative code of the city of New York, as added by local law number 146 for the year 2013, and as relettered subdivision f by section 6 of this local law, is amended to read as follows:

e. The provisions of this section relating to private carters shall be enforced by the business integrity commission *and the department.* The provisions of this section relating to covered establishments shall be enforced by the department, the department of health and mental hygiene, and the department of consumer affairs.

§ 8. Section 16-504 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, and subdivision j as added by local law number 55 for the year 2019, is amended to read as follows:

§ 16-504 Powers and duties. The powers and duties of the commission shall include but not be limited to:

a. To issue and establish standards for the issuance, suspension and revocation of licenses and registrations authorizing the operation of businesses engaged in the collection, removal or disposal of waste within the city and trade waste broker businesses, provided that unless otherwise provided herein, the commission may by resolution delegate to the chair the authority to make individual determinations regarding: issuance, suspension and revocation of such licenses and registrations; investigations of background and determinations of fitness in regard to employees of licensees; and the appointment of independent auditors and monitors in accordance with the provisions of this chapter;

b. [To] *Except with respect to commercial waste required to be collected by a designated carter pursuant to section 16-1003, to establish maximum and minimum rates for the collection, removal, or disposal of such waste;*

c. To investigate any matter within the jurisdiction conferred by this chapter and to have full power to compel the attendance, examine and take testimony under oath of such persons as it may deem necessary in relation to such investigation, and to require the production of books, accounts, papers and other evidence relevant to such investigation;

d. To establish standards for service and for the regulation and conduct of businesses licensed or registered pursuant to this chapter, including but not limited to, requirements governing the level of service to be provided by licensees, contracts for trade waste removal, billing form and procedures, the maintenance and inspection of records, the maintenance of appropriate insurance, and compliance with safety and health measures, *provided that with respect to commercial waste required to be collected by a designated carter pursuant to section 16-1003, such authority shall be limited to regulation and conduct of licensees with regard to character, honesty and integrity;*

e. To appoint, within the appropriations available therefor, such employees as may be required for the performance of the duties prescribed herein. In addition to such employees appointed by the commission, the commissioners of business services, investigation, consumer affairs, transportation, sanitation, health, finance, environmental protection and police may, at the request of the chair, provide staff and other assistance to the commission in all matters under its jurisdiction;

f. To conduct studies or investigations into the needs of commercial and other enterprises for waste removal and the trade waste industry in the city and other jurisdictions in order to assist the city in formulating policies to provide for orderly and efficient trade waste removal at a fair and reasonable cost to businesses;

g. To establish, *in coordination with the department of sanitation,* programs for the education of customers, including but not limited to, education of customers in the accurate assessment of the types and volume of waste and the rights of such customers in relationship to contracting, service and customer complaint procedures established pursuant to this chapter;

[h. To establish special trade waste removal districts pursuant to section 16-523 of this chapter; and

i.] h. To establish fees and promulgate rules as the commission may deem necessary and appropriate to effect the purposes and provisions of this chapter[.]; *and*

[j.] i. To issue and establish standards for the registration of labor unions or labor organizations representing or seeking to represent employees directly involved in the collection, removal, transportation or disposal of trade waste and for suspending or disqualifying officers of such unions or organizations.

§ 9. Section 16-509 of the administrative code of the city of New York is amended by adding a new subdivision l to read as follows:

l. The commission may refuse to issue a license to an applicant when such applicant has been found to have violated any provision of title 16-B or any rules promulgated pursuant thereto or the terms of any agreement entered into pursuant to section 16-1002 or any provision of 16-306 or any rule promulgated pursuant thereto.

§ 10. Section 16-513 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, and subdivision a as amended by local law number 56 for the year 2015, is amended to read as follows:

§ 16-513 Revocation or suspension of license or registration. a. In addition to the penalties provided in section 16-515 of this chapter, the commission may, after due notice and opportunity to be heard, revoke or

suspend a license or registration issued pursuant to the provisions of this chapter when the registrant or licensee and/or its principals, employees and/or agents: (i) have been found to be in violation of this chapter or any rules promulgated pursuant thereto; (ii) have been found by a court or administrative tribunal of competent jurisdiction to have violated: (A) any provision of section 16-119 of this code, or any rule promulgated pursuant thereto, relating to illegal dumping, (B) any provision of section 16-120.1 of this code, or any rule promulgated pursuant thereto, relating to the disposal of regulated medical waste and other medical waste or (C) any provision of section 16-117.1 of this code, or any rule promulgated pursuant thereto, relating to the transportation and disposal of waste containing asbestos; (iii) has repeatedly failed to obey lawful orders of any person authorized by section 16-517 of this chapter to enforce the provisions hereof; (iv) has failed to pay, within the time specified by a court, the department of consumer affairs or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to this chapter or the rules promulgated pursuant thereto; (v) has been found in persistent or substantial violation of any rule promulgated by the commission pursuant to section 16-306 of this code or by the commissioner of consumer affairs pursuant to section 16-306 or former subchapter eighteen of title twenty of this code; (vi) has been found in persistent or substantial violation of any city, state, or federal law, rule or regulation regarding the handling of trade waste, or any laws prohibiting deceptive, unfair, or unconscionable trade practices; (vii) whenever, in relation to an investigation conducted pursuant to this chapter, the commission determines, after consideration of the factors set forth in subdivision a of section 16-509 of this code, that the licensee or registrant as a trade waste broker lacks good character, honesty and integrity; (viii) whenever there has been any false statement or any misrepresentation as to a material fact in the application or accompanying papers upon which the issuance of such license or registration was based; (ix) whenever the licensee or registrant has failed to notify the commission as required by subdivision b of section 16-507 or subdivision c of section 16-508 of this chapter of any change in the ownership interest of the business or other material change in the information required on the application for such license or registration, or of the arrest or criminal conviction of such licensee or registrant or any of his or her principals, employees and/or agents of which the licensee had knowledge or should have known; (x) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 24-163.11 of the code, or any rule promulgated pursuant thereto; [or] (xi) whenever the licensee or registrant has been found by the commissioner or a court or administrative tribunal of competent jurisdiction to be in violation of the provisions of section 16-526 of the code, or any rule promulgated pursuant thereto; or (xii) whenever the licensee or registrant has been found by the commission or a court or administrative tribunal of competent jurisdiction to be in violation of any provision of title 16-B or any rule promulgated pursuant thereto or the terms of any agreement entered into pursuant to section 16-1002, or has failed to pay, within the time specified by a court, or an administrative tribunal of competent jurisdiction, any fines or civil penalties imposed pursuant to such title or the rules promulgated pursuant thereto.

b. [The] *Notwithstanding any other provision of law, the commission shall, in addition: (1) suspend a license issued pursuant to this chapter for thirty days following determination that the licensee, or any of its principals, employees or agents has violated [subdivision a of section 16-524 of this chapter] any provision of section 16-1003 or 16-1004; and (2) revoke a license issued pursuant to this chapter upon determination that the licensee, or any of its principals, employees or agents has violated [subdivision a of section 16-524 of this chapter] any provision of section 16-1003 or 16-1004 two times within a period of three years.*

§ 11. Subdivisions b and e of section 16-515 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

b. (i) Any person who violates subdivision a of section 16-505 [or section 16-524] of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction; and

e. (i) In addition to any other penalty prescribed in this section for the violation of subdivisions a or b of section 16-505 [or subdivision a of section 16-524] of this chapter, or when there have been three or more violations within a three year period of the provisions herein, the commission shall, after notice and the opportunity to be heard, be authorized: to order any person in violation of such provisions immediately to

discontinue the operation of such activity at the premises from which such activity is operated; to order that any premises from which activity in violation of such provisions is operated shall be sealed, provided that such premises are used primarily for such activity; and to order that any vehicles or other devices or instrumentalities utilized in the violation of such provisions shall be removed, sealed, or otherwise made inoperable. An order pursuant to this paragraph shall be posted at the premises from which activity in violation of such provisions occurs.

(ii) Ten days after the posting of an order issued pursuant to paragraph (i) of this subdivision, this order may be enforced by any person so authorized by section 16-517 of this chapter.

(iii) Any vehicle or other device or instrumentality removed pursuant to the provisions of this section shall be stored in a garage, pound or other place of safety and the owner or other person lawfully entitled to the possession of such item may be charged with reasonable costs for removal and storage payable prior to the release of such item.

(iv) A premise ordered sealed or a vehicle or other device or instrumentality removed pursuant to this section shall be unsealed or released upon payment of all outstanding fines and all reasonable costs for removal and storage and, where the underlying violation is for unlicensed or unregistered activity [or unauthorized activity in a special trade waste district], demonstration that a license has been obtained or a business registered or proof satisfactory to the commission that such premise or item will not be used in violation of subdivision a or b of section 16-505 [or subdivision a of section 16-524] of this chapter.

(v) It shall be a misdemeanor for any person to remove the seal from any premises or remove the seal from or make operable any vehicle or other device or instrumentality sealed or otherwise made inoperable in accordance with an order of the commission.

(vi) A vehicle or other device or instrumentality removed pursuant to this section that is not reclaimed within ninety days of such removal by the owner or other person lawfully entitled to reclaim such item shall be subject to forfeiture upon notice and judicial determination in accordance with provisions of law. Upon forfeiture, the commission shall, upon a public notice of at least five days, sell such item at public sale. The net proceeds of such sale, after deduction of the lawful expenses incurred, shall be paid into the general fund of the city.

§ 12. Section 16-519 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-519 Rate fixing; hearings and production of records. [The] *Except with respect to commercial waste required to be collected by a designated carter pursuant to section 16-1003, the commission shall have the power to fix by rule and from time to time refix maximum and minimum rates, fixed according to weight or volume of trade waste, for the removal of waste by a licensee, which rates shall be based upon a fair and reasonable return to the licensees and shall protect those using the services of such licensees from excessive or unreasonable charges. The commission may compel the attendance at a public hearing held pursuant to a rate-fixing rule-making of licensees and other persons having information in their possession in regard to the subject matter of such hearing and may compel the production of books and records in relation thereto, and may require licensees to file with the commission schedules of rates.*

§ 13. Section 16-520 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-520 Conduct by licensees of trade waste collection, removal or disposal. a. Every licensee pursuant to this chapter shall provide to every recipient of its services a sign which the licensee shall obtain from the commission. In addition to the information printed on the sign by the commission, the licensee shall print the day and approximate time of pickup clearly and legibly on the sign. Such sign shall be conspicuously posted as prescribed in section 16-116(b) of this code by the owner, lessee or person in control of the commercial establishment which receives the licensee's services.

b. [Except as otherwise provided in subdivision d of section 16-523, a] A licensee shall not charge, exact or accept rates for the collection, removal or disposal of trade waste any amount greater than any maximum rates or less than any minimum rates that the commission may fix pursuant to section 16-519 of this chapter.

c. All licensees shall maintain audited financial statements, records, ledgers, receipts, bills and such other written records as the commission determines are necessary or useful for carrying out the purposes of this chapter. Such records shall be maintained for a period of time not to exceed five years to be determined by rule by the commission, provided however, that such rule may provide that the commission may, in specific instances at its discretion, require that records be retained for a period of time exceeding five years. Such records shall be

made available for inspection and audit by the commission at its request at either the licensee's place of business or at the offices of the commission.

d. A licensee shall be in compliance with all applicable state, federal and local laws, ordinances, rules and regulations pertaining to the collection, removal and disposal of trade waste.

e. (i) A contract for the collection, removal or disposal of trade waste shall not exceed two years in duration. All such contracts shall be approved as to form by the commission.

(ii) An assignee of contracts for the removal, collection or disposal of trade waste shall notify each party to a contract so assigned of such assignment and of the right of such party to terminate such contract within three months of receiving notice of such assignment upon thirty days notice. Such notification shall be by certified mail with the receipt of delivery thereof retained by the assignee and shall be upon a form prescribed by the commission. Where no written contract exists with a customer for the removal, collection or disposal of trade waste, a company that assumes such trade waste removal from another company shall provide such customer with notice that a new company will be providing such trade waste removal and that the customer has the right to terminate such service. Such notice shall be by certified mail with the receipt of delivery thereof retained by the assignee.

f. A licensee shall bill commercial establishments for removal, collection or disposal of trade waste in a form and manner to be prescribed by the commission.

g. A licensee shall not refuse to provide service to a commercial establishment that is located within an area of ten blocks from an establishment served by such licensee unless such licensee has demonstrated to the commission a lack of capacity or other business justification for the licensee's refusal to service such establishment. For the purposes of this subdivision, the term "block" shall mean the area of a street spanning from one intersection to the next.

h. A licensee shall provide to the commission the names of any employees proposed to be hired or hired subsequent to the issuance of a license and such information regarding such employees as is required in regard to employees and prospective employees pursuant to subdivision a of section 16-508 of this chapter.

i. A licensee who provides services for a commercial establishment shall keep the sidewalk, flagging, curbstone and roadway abutting such establishment free from obstruction, garbage, refuse, litter, debris and other offensive material resulting from the removal by the licensee of trade waste.

j. (i) No licensee or principal thereof shall be a member or hold a position in any trade association: (aa) where such association, or a predecessor thereof as determined by the commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime, including but not limited to, the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (bb) where a person holding a position in such trade association, or a predecessor thereof as determined by the commission, has violated state or federal antitrust statutes or regulations, or has been convicted of a racketeering activity or similar crime, including but not limited to, the offenses listed in subdivision one of section nineteen hundred sixty-one of the Racketeer Influenced and Corrupt Organizations statute (18 U.S.C. §1961 et seq.) or an offense listed in subdivision one of section 460.10 of the penal law, as such statutes may be amended from time to time; (cc) where a person holding a position in such trade association, or a predecessor thereof as determined by the commission, is a member or associate of an organized crime group as identified by a federal, state or city law enforcement or investigative agency; or (dd) where the trade association has failed to cooperate fully with the commission in connection with any investigation conducted pursuant to this chapter. The commission may determine, for purposes of this subdivision, that a trade association is a predecessor of another such trade association by finding that transfers of assets have been made between them or that all or substantially all of the persons holding positions in the two associations are the same. A licensee shall be in violation of this paragraph when the licensee knows or should know of a violation, conviction, association with organized crime or failure to cooperate set forth herein.

(ii) Notwithstanding the provisions of paragraph (i) of this subdivision, the commission may permit a licensee to be a member of such a trade association upon a determination by the commission that such association does not operate in a manner inconsistent with the purposes of this chapter.

k. Notwithstanding any other provision of law, the provisions of subdivisions a, b, e, f, g and i of this section and any rules promulgated pursuant thereto shall not apply with regard to the collection, removal or disposal of commercial waste in commercial waste zones established pursuant to title 16-B.

§ 14. Section 16-522 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, is amended to read as follows:

§ 16-522 Investigation of customer complaints. The commission shall by rule establish a procedure for the investigation and resolution of complaints by commercial establishments regarding overcharging and other problems relating to the collection, removal or disposal of waste. *Notwithstanding any other provision of law, the provisions of this section and any rules promulgated pursuant thereto shall not apply with regard to the collection, removal or disposal of commercial waste in commercial waste zones established pursuant to title 16-B.*

§ 15. Sections 16-523 and 16-524 of the administrative code of the city of New York and section 12 of local law number 42 for the year 1996 are REPEALED.

§ 16. Subdivision c of section 16-526 of the administrative code of the city of New York, as added by local law number 56 for the year 2015, is amended to read as follows:

c. Enforcement. 1. Any owner or operator of a trade waste hauling vehicle that violates any provision of this section shall be liable for a civil penalty of ten thousand dollars per vehicle that is in violation, returnable to the office of administrative trials and hearings, *pursuant to section 1049-a of the charter*. Each notice of violation shall contain an order of the chair of the commission directing the respondent to correct the condition constituting the violation and to file with the commission electronically, or in such other manner as the commission shall authorize, a certification that the condition has been corrected within thirty days from the date of the order. In addition to such civil penalty, a separate additional penalty may be imposed of not more than five hundred dollars for each day that the violation is not corrected beyond thirty days from such order.

2. For the purposes of this section, if the office of administrative trials and hearings, *pursuant to section 1049-a of the charter*, finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

3. The commission shall have the authority to promulgate rules requiring the installation of side guards that are to be fit to the side of any trade waste hauling vehicle, and may establish rules establishing side guard specifications that depart from the default specifications outlined in subdivision a of this section when such departure is deemed necessary by the commission. The commission may further promulgate any rules necessary to enforce the provisions of this section, including but not limited to, establishing procedures for owners and operators of trade waste hauling vehicles to demonstrate compliance with the requirements of this section.

4. *Notwithstanding any other provision of law, with respect to any vehicle that may be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to section 16-1003, the commissioner of sanitation shall have all powers and duties of the commission as set forth in this section.*

§ 17. The administrative code of the city of New York is amended by adding a new title 16-B to read as follows:

TITLE 16-B COMMERCIAL WASTE ZONES
CHAPTER 1
COMMERCIAL WASTE ZONES

§ 16-1000. *Definitions. The following terms shall have the following meanings:*

Awardee. The term "awardee" shall mean an entity with whom the department enters into an agreement for the provision of commercial waste collection services pursuant to section 16-1002.

Broker. The term "broker" or "trade waste broker" shall have the same meaning as defined in subdivision g of section 16-501 of the code.

Commercial waste. The term "commercial waste" shall mean all trade waste, as defined in subdivision f of section 16-501 of the code, except for non-putrescible waste; medical waste; electronic waste; textiles; yard waste collected by landscapers; waste removed by junk haulers or one-time bulk waste services; grease; paper that is collected for the purpose of shredding or destruction; or waste that is collected by a micro-hauler.

Commercial waste zone. The term “commercial waste zone” or “zone” shall mean a geographic area designated by the commissioner pursuant to section 16-1001.

Commissioner. The term “commissioner” shall mean the commissioner of sanitation.

Department. The term “department” shall mean the department of sanitation.

Designated carter. The term “designated carter” or “carter” shall mean a licensee that is authorized to provide commercial waste collection services within a commercial waste zone pursuant to an agreement between an awardee and the department entered into pursuant to section 16-1002. The term “designated carter” may describe the awardee or another licensee that the awardee has designated to fulfill the terms of such agreement as specified therein, and provided further that the term “designated carter” may also include a person operating in accordance with the provisions of title 16-A and the rules promulgated pursuant to such title who is authorized by the business integrity commission to collect certain categories of commercial waste without a license.

Licensee. The term “licensee” shall mean any person licensed to collect trade waste pursuant to title 16-A of the code.

Micro-hauler. The term “micro-hauler” shall mean any person that (1) collects less than 60 tons of source separated organic waste from commercial establishments per year and (2) collects such waste using exclusively: (i) a zero emission vehicle; (ii) a mode of transport other than a motor vehicle, as such term is defined in section 125 of the vehicle and traffic law; or (iii) any other mode of transport set forth in the rules of the department.

Organic waste. The term “organic waste” shall have the same meaning as defined in subdivision a of section 16-306.1.

Trade waste. The term “trade waste” shall have the same meaning as defined in subdivision f of section 16-501.

Zero emission vehicle. The term “zero emission vehicle” shall mean a motor vehicle certified to California low-emission vehicles (LEV) III standards for a zero emission vehicle.

§ 16-1001 Commercial waste zones; designation. Notwithstanding any other provision of law, no later than 120 days after the effective date of the local law that added this section, the commissioner shall divide the geographic area of New York city into no less than twenty commercial waste zones. The commissioner may amend the boundaries of such zones or establish additional zones as deemed appropriate by the commissioner and consistent with the purposes of this title. In establishing such commercial waste zones, the commissioner may consider:

1. The number and types of commercial establishments within the proposed zone;
2. The amount and types of waste generated by commercial establishments within the proposed zone and the potential for achieving the city’s commercial waste reduction goals;
3. Existing service patterns within the proposed zone and the potential for traffic and noise reduction;
4. The types and estimated amounts of recyclable materials generated by commercial establishments within the proposed zone that are required to be recycled, reused or sold for reuse pursuant to section 16-306 of this code and any rules promulgated pursuant thereto;
5. The estimated amount of organic waste collected within the proposed zone;
6. The rates being charged by persons licensed pursuant to title 16-A to commercial establishments within the proposed zone;
7. The history of complaints concerning commercial waste collection from commercial establishments within the proposed zone; and
8. Any other information or criteria the commissioner deems relevant.

§ 16-1002 Agreements. a. For each area designated as a commercial waste zone pursuant to section 16-1001, the department shall be authorized to enter into agreements with one awardee, permitting the designated carter(s) to provide for the collection, transport and removal of commercial waste within such zone as set forth in such agreement. The department shall only enter into such an agreement with an awardee that has obtained a license issued by the business integrity commission pursuant to subdivision a of section 16-505 on or before the date of such agreement. A proposer who responds to the request for proposals authorized pursuant to subdivision b of this section that does not hold such a license at the time a proposal is submitted pursuant to this section must submit an application for such a license to the business integrity commission no later than the date such proposal is submitted to the department. The initial term of any such agreement shall be ten years. The department shall have the option, at its sole discretion, to renew any such agreement for no more than two additional five-year terms, provided that prior to the expiration of any agreement entered into pursuant to this

section, the commissioner shall provide the awardee with adequate notice of whether it intends to renew such agreement. The department shall not enter into any such agreement with an awardee that results in such awardee providing services in more than fifteen commercial waste zones.

b. No later than one year after the effective date of the local law that added this section, the department shall issue requests for proposals to conduct commercial waste removal in a commercial waste zone and, based upon the review and evaluation of responses thereto, may negotiate and enter into such agreements pursuant to subdivision a of this section, as the department, in its discretion, determines will best provide for the efficient and orderly removal of commercial waste in such district, consistent with the provisions of this title. Whenever necessary to ensure the ongoing efficient and orderly removal of commercial waste, the department may issue additional requests for proposals and, based upon the review and evaluation of responses thereto, may negotiate and enter into agreements in accordance with the provisions of this section. Any requests for proposals issued pursuant to this subdivision shall solicit information regarding the qualifications of proposers. Where a proposer intends to arrange for designated carters other than the proposer to provide all or some portion of the services requested, such proposal shall provide the requested information with respect to each designated carter being proposed. When evaluating proposals pursuant to the procedures described in this subdivision, the department shall consider the following factors:

1. The rate or rates to be charged to establishments for such services, including the proposer's commitment to providing lower rates for organics and recycling collection than for refuse collection services, the proposer's plan for covering costs of third party waste audits, and any extra service fees or supplemental charges the proposer plans on including in the pricing structure;

2. The nature and frequency of the commercial waste removal services to be provided and the proposer's plan for ensuring adequate capacity to provide such services within the zone, including but not limited to, a description of the proposer's fleet and other relevant infrastructure and a staffing plan to ensure continuity and safety in the delivery of services;

3. The proposer's submission of a customer service plan detailing customer service support tools, customer service standards, a mechanism for receiving and addressing customer complaints, performance metrics or other methods of addressing customer service, and the proposer's plan for addressing the language access needs of customers in the zone;

4. The proposer's submission of a plan describing practices to support waste reduction, reuse and recycling among commercial establishments within the zone, such as partnerships with local organizations, waste reduction or diversion targets, plans for offering organics collection services to a broad range of establishments within the zone, customer outreach and education or other practices to further such goals;

5. The proposer's submission of a waste management plan describing practices for disposal of commercial waste collected within the zone, including but not limited to, a description of the transfer, processing or final disposal locations for all materials collected, and specific practices or investments designed to promote the goals of sustainability, reliability and equity in the delivery of waste management services. In evaluating waste management plans submitted by proposers pursuant to this paragraph, the commissioner shall consider: (i) the total vehicle miles expected to be traveled as a result of the proposer's services, including but not limited to, consideration of the proximity of such locations to the zone; (ii) the proposer's use of solid waste transfer stations that utilize sustainable modes of transport of waste, such as rail or barge; and (iii) any other factors that the commissioner deems relevant to promoting the goals of sustainability, reliability and equity in the delivery of waste management services;

6. The proposer's plan, if any, to reduce air pollution and greenhouse gas emissions through operational best practices, infrastructure investments, adoption of technologies or other sustainable solutions, including plans to invest in sustainable facilities and infrastructure for organics and recycling processing and plans to invest in low emission vehicles;

7. The proposer's submission of a health and safety plan detailing compliance with applicable federal, state and local laws and specific practices to further the goals of promoting health and safety;

8. The proposer's history of compliance with existing federal, state and local laws, including but not limited to, laws relating to waste collection, removal and disposal, environmental protection, antitrust, consumer protection, health and safety, labor and employment, and anti-discrimination protections;

9. Submission of a plan describing the customer communication efforts the proposer intends to undertake during the transition to the commercial waste zone system and other communication efforts that will support

and supplement the public outreach and education efforts of the department conducted pursuant to section 16-1009;

10. The proposer's plan, if any, to subcontract with any other designated carter and whether such subcontracting is consistent with the purposes of this chapter; and

11. Any other information the department deems appropriate.

c. Any agreement entered into pursuant to subdivision b of this section shall include:

1. A requirement that the designated carter(s) may not refuse commercial waste collection service to any commercial establishment within the commercial waste zone required to provide for the removal of such waste pursuant to the provisions of section 16-116, provided that such agreement may include provisions authorizing termination of service, refusal of service for good cause or setting forth other allowable measures to address default or non-payment by a commercial establishment;

2. A description of the maximum rate or rates that the designated carter(s) may charge customers within the zone for waste collection services, including any extra service fees or supplemental charges the proposer plans on including in the pricing structure, provided that extra service fees shall not be allowed for locking or unlocking gates or the rental of containers or dumpsters other than compactors and roll-offs;

3. A process by which awardees may petition the department for changes to the maximum rates described in paragraph one of this subdivision;

4. A requirement that the designated carter(s) provide each customer with a written service agreement specifying rates, standards of service and such other provisions as may be set forth in the agreement entered into between the awardee and the department pursuant to this section or as otherwise specified in the rules of the department.

5. A requirement that the designated carter(s) provide organic waste collection services to all commercial establishments that: i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to this section; ii) are not designated covered establishments pursuant to subdivision b of section 16-306.1; iii) select such designated carter(s) for removal of commercial waste; and iv) request organic waste collection services, provided that such agreement may authorize the awardee to implement such requirement on a graduated schedule or may otherwise set forth circumstances in which such provision of such services shall not be required, consistent with the purposes of this chapter;

6. Except as otherwise specified in the rules of the department, a requirement that the designated carter(s) provide a consolidated monthly bill to customers for all services rendered;

7. A requirement that the designated carter(s) offer third-party waste audit services to all customers in accordance with the specifications of the department as set forth in such agreement;

8. Specifications regarding the global positioning system (GPS) devices, capable of collecting and storing geographical data, to be installed on commercial waste vehicles, and requirements regarding periodic reporting of data collected by such devices by the designated carter to the department for purposes consistent with this title;

9. Any additional reporting requirements that the department deems necessary to further the goals of this title, including but not limited to, waste generation estimates or waste characterization studies;

10. A requirement that designated carter(s) comply with the terms of its customer service plan, waste reduction plan, and health and safety plan as described in subdivision b of this section;

11. A requirement that the designated carter(s) ensure that employees receive periodic training relating to health and safety, as set forth in the agreement;

12. A requirement that the designated carter(s) comply with the provisions of this title and all other applicable laws;

13. A requirement that the designated carter(s) prepare for submission and review by the department an emergency action plan detailing procedures to be deployed in emergency situations, including but not limited to, fires, evacuations, spills or weather emergencies, and addressing continuity and restoration of service;

14. Provisions addressing contingency planning to ensure continuity of service in the case of default by the designated carter(s) or default by another awardee;

15. The option for the awardee to subcontract for services in order to meet the requirements of the agreement, provided that any person performing services required by the agreement must fully comply with all terms of such agreement and must be licensed by the business integrity commission or otherwise authorized to collect trade waste in accordance with the provisions of title 16-A and rules promulgated pursuant thereto;

16. A requirement that the awardee engage in public outreach and education efforts to address the transition to the commercial waste zone system;

17. A requirement that the awardee utilize existing programs or resources developed by the department of small business services or other relevant agency designed to promote employment opportunities for New York city residents, where applicable and appropriate;

18. A requirement that the department review and approve all contracts between the awardee and all designated carters or other subcontractors for purposes of ensuring that the terms of such contracts are in accordance with the provisions of this chapter; and

19. Any other terms, provisions, remedies, including but not limited to, liquidated or other damages, or requirements, as deemed appropriate by the department and awardee and agreed upon by such parties.

d. 1. On or after the implementation start date for a commercial waste zone, no person other than a designated carter authorized to operate within such commercial waste zone pursuant to an agreement entered into pursuant to this section may enter into a new contract or renew an existing contract with a commercial establishment located within such zone to provide for the collection, removal or disposal of commercial waste.

2. By the final implementation date for a commercial waste zone, every owner, lessee or person in control of a commercial establishment located within a commercial waste zone must provide for removal of commercial waste by a designated carter authorized to operate within such zone pursuant to an agreement entered into pursuant to this section.

3. The commissioner shall promulgate rules setting forth an implementation start date and a final implementation date for each commercial waste zone established pursuant to section 16-1001. The commissioner may select different implementation start dates and final implementation dates for different commercial waste zones.

§ 16-1003 Unauthorized collection of commercial waste within commercial waste zones.

a. Except as provided in subdivision c of this section and notwithstanding any other provision of law, it shall be unlawful for any person to operate a business within the boundaries of a commercial waste zone for the purpose of the collection of commercial waste from the premises of a commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116, or the removal or disposal of commercial waste from such premises, or to engage in, conduct or cause the operation of such a business, or to solicit commercial establishments located within such zone for such purpose, except as authorized pursuant to an agreement with the department entered into pursuant to section 16-1002 and in accordance with the provisions of this title and any rules promulgated pursuant thereto.

b. Notwithstanding any other provision of law, it shall be unlawful for any trade waste broker to broker agreements between a commercial establishment within the boundaries of a commercial waste zone required to provide for the removal of commercial waste pursuant to the provisions of section 16-116 and a provider of commercial waste removal, collection or disposal services.

c. The provisions of this section shall not apply to a person registered by the business integrity commission to remove, collect or dispose of trade waste that is generated in the course of operation of such person's business pursuant to subdivision b of section 16-505, or to a commercial establishment, owner or managing agent of a building, or owner of an establishment exempt from the requirement to obtain a registration pursuant to such subdivision.

§ 16-1004 Interference with commercial waste zone agreements. No person shall make false, falsely disparaging or misleading oral or written statements or other representations to the owners or operators of a commercial establishment that have the capacity, tendency or effect of misleading such owners or operators, for the purpose of interfering with the performance of terms of any agreement between the department and an awardee entered into pursuant to section 16-1002. No person shall interfere or attempt to interfere by threats, intimidation, or coercion, or by destruction or damage of property or equipment, with performance of the terms of an agreement entered into pursuant to section 16-1002.

§ 16-1005 Conduct by awardees and designated carters within commercial waste zones.

a. Each awardee and designated carter shall:

1. Comply with all terms of any applicable agreement entered into pursuant to section 16-1002;

2. Only charge, exact or accept rates for the collection, removal or disposal of such waste as set forth in the agreement entered into pursuant to section 16-1002 and any rules promulgated by the department pursuant to this chapter;

3. Not refuse commercial waste collection service to any commercial establishment required to provide for the removal of such waste pursuant to the provisions of section 16-116 within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002, except as otherwise set forth in such agreement;

4. Provide recyclable materials collection services to all commercial establishments that: i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002; ii) are required to provide for the removal of such materials in accordance with the provisions of section 16-306 and any rules promulgated pursuant thereto; and iii) select such designated carter(s) for removal of commercial waste;

5. Provide organic waste collection services to all commercial establishments that: i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002; ii) are designated covered establishments pursuant to subdivision b of section 16-306.1 that have elected collection by a private carter of organic waste pursuant to subdivision c of such section; and iii) select such designated carter(s) for removal of commercial waste;

6. Ensure proper disposal of all commercial waste collected within the commercial waste zone for which the awardee has been awarded an agreement pursuant to section 16-1002, consistent with all applicable laws and rules and report to the department the amount of commercial waste collected, transported or removed, disaggregated by material type, and the destination of each material type, and retain for five years and make available for inspection by the department any records provided by a waste transfer station that document disposal of waste collected within such zone;

7. Comply with all terms of the awardee's health and safety plan as set forth in the agreement entered into pursuant to subdivision c of section 16-1002, and any rules promulgated by the department related to public health and safety; and

8. Report any employees hired as a result of the displaced employee list pursuant to section 16-1006.

§ 16-1006. Displaced employee list. a. The department shall maintain a list containing the names and contact addresses or telephone numbers of persons formerly employed by a business either currently engaged in the collection, removal or disposal of commercial waste, or that was engaged in the collection, removal or disposal of commercial waste prior to the implementation of this chapter, whose employment with such business has ended. The addition or deletion of information on such list shall be made only upon the request of such a former employee. At the time a former employee requests to be added to such list, the department shall provide the employee with information regarding employment programs and initiatives administered by the department of small business services or other city agencies.

b. The department shall provide a copy of such list to an applicant or licensee pursuant to section 16-508 or an awardee pursuant to section 16-1002 upon request. Additionally, the department shall provide a copy of such list to an awardee within six months of entering into an agreement with such awardee pursuant to section 16-1002 and every six months thereafter for a period of five years.

c. The maintenance or provision of such list shall in no way be construed as a recommendation by the city regarding the employment of any person on such list, nor shall the city be responsible for the accuracy of the information set forth therein.

§16-1007 Worker safety training. a. In addition to any other applicable requirements pursuant to local, state or federal laws or rules, no later than 180 days after the date on which an awardee enters into an agreement with the department pursuant to section 16-1002, each designated carter that will be operating pursuant to such agreement shall be responsible for ensuring that all workers, including but not limited to, vehicle operators, laborers, helpers, mechanics, supervisors and managers, employed by such designated carter as of such date have received worker safety training as required by this section. For workers employed by such designated carter after an awardee enters into an agreement with the department pursuant to section 16-1002, such worker safety training shall be provided within 90 days after the start of employment or prior to the initial assignment of a worker to a job or task, whichever is earlier.

b. A designated carter shall provide for a worker safety training program at no cost to workers to ensure its workers are properly trained for each assigned job or task to be performed and use of related equipment. The worker safety program shall include a review of any hazardous activities of the job that are relevant to the tasks and activities to be performed. For vehicle operators, laborers and helpers who are directly assigned to the collection, removal, transport or disposal of trade waste on or about the public right of way, such training shall

consist of no less than 40 hours of which no fewer than 16 hours shall be dedicated to classroom instruction. For all other workers, such training shall consist of no less than 8 hours.

c. 1. Such worker safety training program shall be tailored for individual operations, hazards or potential hazards present, and the type of equipment utilized including detailed equipment specific training for drivers, equipment operators and loaders, as well as maintenance personnel and supervisors. Training shall include a practical demonstration of equipment operation, the knowledge and skills needed by the employee to operate such equipment and the consequences for failure to operate the equipment properly, as appropriately related to the requirements of the worker's job duties.

2. All training shall include at a minimum:

i. Educating workers on workplace safety requirements consistent with all applicable laws, rules and regulations, including but not limited to, requirements administered by the United States occupational safety and health administration, the United States department of transportation, the New York state department of transportation, the United States department of labor, and the New York state department of labor; and

ii. Operational instruction on each specific type of equipment used by the employee.

d. The worker safety training program required by this section shall include a language access plan to ensure that the needs of workers with limited English proficiency are adequately addressed by the designated carter's worker safety training program. Such language access plan shall include, at a minimum, a description of the language access needs of the designated carter's workforce and specific language assistance tools to be used in the administration of the worker safety training program designed to meaningfully address such needs. Such language access plan shall be updated annually and made available for inspection upon request by the department.

e. A designated carter shall provide re-training of employees in the following circumstances:

1. An annual refresher training class to all workers;

2. Whenever there is a change in the worker's job assignment or a change in equipment used by the worker that presents a new hazard;

3. Whenever an inspection by the department reveals, or whenever the designated carter has reason to believe, that there are material deviations from workplace safety requirements or inadequacies in worker knowledge of workplace safety requirements.

f. A designated carter shall refer workers to, and have readily available, the manufacturer's, installer's or modifier's instructions to ensure that correct operating and maintenance procedures and work practices are understood and followed.

g. Upon each worker's completion of the worker safety program required by this section, the designated carter shall issue to each such worker a safety training card evidencing the completion of such safety training which a worker shall carry with him or her during the performance of his or her duties.

h. A designated carter shall maintain training records, including the name of each worker, date or dates of training, the type of training received by each worker, and the language in which such training was provided. Records shall be maintained for a period of three years and be made available for inspection upon request by the department.

i. A designated carter shall notify the department no later than 72 hours before a training pursuant to this section shall occur.

j. A designated carter shall certify to the department that it has met the requirements of this section, in the form and manner as the commissioner may prescribe, no later than 180 days after the date on which an awardee enters into an agreement with the department pursuant to section 16-1002 and annually thereafter.

k. No later than 180 days after the effective date of the local law that added this section, the commissioner shall convene a commercial waste zone safety task force to monitor industry conditions in order to make recommendations regarding improving worker safety training and other ways to protect the public from potential dangers posed by commercial waste hauling activities. Such task force shall be composed as follows:

1. The commissioner, who shall serve as the chairperson of such task force, the chair of the business integrity commission, and the speaker of the city council, or the designees of any such members.

2. The task force shall consist of eight additional members, four of which shall be appointed by the mayor and four of which shall be appointed by the speaker of the council. Such task force shall include members who are representative of the commercial waste hauling industry and persons having expertise in workplace safety.

3. *The task force shall meet at least quarterly each year for the first two years of its existence and at least annually for three years thereafter.*

4. *The task force shall from time to time on its own initiative, or upon request of the commissioner, provide the commissioner with recommendations relating to improving the worker safety training required by this section and other ways to protect the public from potential dangers posed by commercial waste hauling activities. Any such recommendations shall be made available to the commissioner, the chair of the business integrity commission and designated carters within one year of the first meeting of the task force and annually for four years thereafter. In making such recommendations, such task force shall consider, but need not limit such consideration to the following:*

- i) Personal protection equipment;*
- ii) Safely working with and operating vehicle equipment and machines;*
- iii) Handling heavy materials and proper lifting techniques;*
- iv) Working with hazardous chemicals or other materials;*
- v) Emergency action plans, fire prevention and fire protection;*
- vi) Hazard communication;*
- vii) Drug and alcohol awareness; and*
- viii) First aid, including cardiopulmonary resuscitation (CPR) and automated external defibrillator (AED) use.*

§ 16-1008 Whistleblower protections. It shall be unlawful for a designated carter or the agent of a designated carter to take or threaten to take a retaliatory personnel action, as defined by section 740 of the labor law, against an employee of such designated carter for reporting to the officer or employee of any city agency information concerning the conduct of such designated carter or such agent, which the employee knows or reasonably believes to involve a violation of the provisions of this title or any rules promulgated pursuant thereto or the terms of any agreement entered into pursuant to section 16-1002.

§ 16-1009. Outreach and education. a. The commissioner, together with the chair of the business integrity commission and any other agency designated by the mayor, shall establish an outreach and education program aimed at educating commercial establishments on the implementation of the commercial waste zone collection system, instructions for securing a designated carter, and the environmental, health and safety benefits to be yielded through such system. This outreach and education program shall include but not be limited to, seminars, webinars, conferences, and a multilingual public education program.

b. The commissioner may seek the assistance of for-profit and not-for-profit corporations in providing education to commercial establishments pursuant to subdivision a of this section.

c. No later than 90 days following the selection of awardees within a commercial waste zone pursuant to section 16-1002, the commissioner shall distribute a multilingual letter to all commercial establishments within such zone informing them of their obligations to comply with the provisions of this chapter and any rules promulgated pursuant thereto. Failure to receive a letter pursuant to this subdivision shall not eliminate or otherwise affect the obligations of a commercial establishment pursuant to this chapter and any rules promulgated pursuant thereto.

d. The commissioner, together with the chair of the business integrity commission and any other agency designated by the mayor, shall also conduct an outreach and education program aimed at educating businesses within the commercial waste industry about the requirements and procedures for those interested in operating as designated carters pursuant to this title. Such program shall include but not be limited to, targeted outreach to minority and women-owned business enterprises and methods to facilitate the exchange of information between such business enterprises and other businesses within the commercial waste industry.

§ 16-1010. Agency reporting. On or before September 30, 2020, the commissioner shall issue a report to the speaker of the council and the mayor. Such report shall include but not be limited to, information regarding the previous fiscal year, as applicable and readily available, on: (i) the cost and volume of solid waste and recyclables collection and disposal; (ii) business feedback; (iii) the number and types of complaints received regarding commercial waste removal, disaggregated by zone; (iv) outreach and education conducted, including number of trainings and number of business individuals who have participated in such trainings, if applicable, and materials provided; (v) the number of vehicle miles traveled by trucks used to collect, transport or remove commercial waste within commercial waste zones and any change to such number as compared to the previous

fiscal year (vi) diversion of commercial waste from landfill and any change to such diversion as compared to the previous fiscal year and (vii) any recommendations for improving the commercial waste zone collection system.

§ 16-1011 Reporting by micro-haulers. On or before February 1, 2022 and each February 1 thereafter, any micro-hauler operating within a commercial waste zone shall submit to the department and the business integrity commission the following information for the previous calendar year in a form and in a manner prescribed by the department:

(i) the amount of source separated organic waste collected from commercial establishments, disaggregated by quarter year;

(ii) the disposal location(s) of all source separated organic waste collected from commercial establishments, disaggregated by quarter year; and

(iii) a list of commercial establishments from which source separated commercial waste was collected, disaggregated by zone.

§ 16-1012 Fees. The commissioner shall promulgate rules establishing a fee to be collected from any awardee selected pursuant to section 16-1002 for the administration of the commercial waste zone program.

§ 16-1013 Penalties, injunction and equitable remedies. a. Any person who violates any provision of section 16-1003 or 16-1004, or any rules promulgated pursuant such sections or any order issued by the commissioner or chair of the business integrity commission pursuant to such sections shall be liable for a civil penalty of \$10,000 for each violation, or, in the case of a continuing violation, \$10,000 for each day of such violation.

b. Any person who violates any provision of subdivision a of section 16-1005 shall be liable for a civil penalty of \$2,500 for the first violation, and, for subsequent violations that occur within a two year period of any previous violation, \$5,000 for the second violation and \$10,000 for any subsequent violation.

c. 1. Any person who violates any provision of subdivision b of section 16-1005 shall be liable for a civil penalty of \$10,000 per vehicle that is in violation. Each notice of violation shall contain an order of the commissioner or chair of the business integrity commission directing the respondent to correct the condition constituting the violation and to file with the department electronically, or in such other manner as the commissioner shall authorize, a certification that the condition has been corrected within thirty days from the date of the order. In addition to such civil penalty, a separate additional penalty shall be imposed of \$500 for each day that the violation is not corrected beyond thirty days from such order.

2. For the purposes of this section, if a court of competent jurisdiction or the office of administrative trials and hearings, pursuant to section 1049-a of the charter, finds that a certification of correction filed pursuant to this subdivision contained material false statements relating to the correction of a violation, such certification of correction shall be null and void, in addition to or as an alternative to any other penalties provided by law. It shall be an affirmative defense that the respondent neither knew nor should have known that such statements were false.

d. The civil penalty for each violation of section 16-1007 shall be \$1,000. A violation of section 16-1007 shall be computed on a per employee basis. Notwithstanding any other provision of this section, any penalty imposed for a violation of subdivision i of section 16-1007 shall be mitigated to zero dollars if, on or before the initial return date stated on the notice of violation, a designated carter who fails to provide the certification required pursuant to subdivision i of section 16-1007 submits proof of having cured such violation at the hearing of such notice of violation.

e. Any person who violates any provision of section 16-1011 shall be liable for a civil penalty of \$1,000, except that such penalty shall be mitigated to zero dollars if on or before the initial return date stated on the notice of violation, a micro-hauler who fails to file the report required pursuant to section 16-1011 submits proof of having cured the violation at the hearing of such notice of violation.

f. All civil penalties imposed pursuant to this section may be recovered in a civil action in any court of competent jurisdiction or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter.

g. The corporation counsel is authorized to commence a civil action on behalf of the city for civil penalties or for injunctive relief to restrain or enjoin any activity in violation of this chapter.

h. In addition to or as an alternative to any civil penalty pursuant to subdivision a of this section, any person who violates section 16-1003 or 16-1004 or any of the rules promulgated pursuant thereto shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than \$10,000, or in the case of a continuing

violation, not more than \$10,000 for each day of such violation, or by imprisonment not exceeding six months, or both such criminal fine and imprisonment.

i. Any employee that has been the subject of a retaliatory personnel action or the threat of a retaliatory personnel action in violation of section 16-1008 or any rules promulgated pursuant thereto shall be entitled to all relief necessary to make the employee whole. Such relief shall include but not be limited to: (i) an injunction to restrain the retaliatory action or threat of retaliatory action, (ii) reinstatement to the position such employee would have had but for the retaliatory action or to an equivalent position, (iii) reinstatement of full fringe benefits and seniority rights, (iv) payment of two times back pay, plus interest, and (v) compensation for any special damages sustained as a result of the retaliatory action or threat of retaliatory action, including litigation costs and reasonable attorneys' fees. Such an employee may bring an action in any court of competent jurisdiction for the relief provided in this subdivision.

§ 16-1014 Impoundment and forfeiture. 1. Any vehicle that has been used or is being used in the violation of section 16-1003 shall be impounded by the department or the business integrity commission and shall not be released until either all removal charges and storage fees and the applicable fine have been paid or a bond has been posted in an amount satisfactory to the commissioner or as otherwise provided in paragraph (2) of this subdivision. The commissioner shall have the power to establish regulations concerning the impoundment and release of vehicles and the payment of removal charges and storage fees for such vehicles, including the amounts and rates thereof.

2. In addition to any other penalties provided in this section, the interest of an owner in any vehicle impounded pursuant to paragraph (1) of this subdivision shall be subject to forfeiture upon notice and judicial determination thereof if such owner has been convicted of or found liable for a violation of section 16-1003 in a civil or criminal proceeding or in a proceeding before the office of administrative trials and hearings, pursuant to section 1049-a of the charter two or more times, both of which violations were committed within an eighteen month period.

3. Except as hereinafter provided, the city agency having custody of a vehicle, after judicial determination of forfeiture, shall no sooner than thirty days after such determination upon a notice of at least five days, sell such forfeited vehicle at public sale. Any person, other than an owner whose interest is forfeited pursuant to this section, who establishes a right of ownership in a vehicle, including a part ownership or security interest, shall be entitled to delivery of the vehicle if such person:

(i) Redeems the ownership interest which was subject to forfeiture by payment to the city of the value thereof;

(ii) Pays the reasonable expenses of the safekeeping of the vehicle between the time of seizure and such redemption; and

(iii) Asserts a claim within thirty days after judicial determination of forfeiture.

Notwithstanding the foregoing provisions, establishment of a claim shall not entitle such person to delivery of the vehicle if the city establishes that the unlawful conduct for which the vehicle was seized was expressly or impliedly permitted by such person.

§ 16-1015 Liability for violations. a. A designated carter shall be liable for violations of any of the provisions of this chapter or any rules promulgated pursuant hereto committed by any of its employees and/or agents.

b. An awardee shall be liable for violations of the provisions of this chapter or any rules promulgated pursuant hereto committed by any designated carter or other subcontractor performing services pursuant to the agreement entered into pursuant to section 16-1002.

§ 16-1016 Enforcement. a. Notices of violation for violations of any provision of this chapter or any rule promulgated hereunder may be issued by the department or the business integrity commission. In addition, such notices of violation may be issued by any other agency of the city as designated by the commissioner.

b. With respect to any notice of violation or order of the commissioner alleging a violation of this chapter, the operator of a vehicle engaged in collecting, transporting or removing commercial waste in violation of this chapter shall be deemed to be the agent of the business entity employing such operator or on whose behalf such operator is acting and service of such notice of violation or order on such operator shall be deemed to be lawful service upon such business entity.

§ 16-1017 Labor and wage violations. Where the commissioner has reasonable cause to believe that a designated carter has engaged in or is engaging in actions: (i) involving egregious or habitual nonpayment or underpayment of wages, or (ii) that constitute a significant violation of city, state or federal labor or employment

law, the commissioner shall inform the New York state attorney general, the New York state department of labor, the United States department of labor or other relevant city, state or federal law enforcement agency of such actions.

§ 16-1018 Administration of commercial waste zones. a. Notwithstanding any inconsistent provision of law, the business integrity commission may, upon approval by a majority of its members, elect to assume, in whole or in part, the powers and duties of the commissioner and the department assigned by the local law that added this section, provided that such commission notifies the mayor, the council and the commissioner in writing of such election either (i) within 30 days of the enactment of the local law that added this section, or (ii) subsequently, no less than six months prior to the date that the assumption of powers and duties pursuant to such election takes effect. In the event of an election that is made pursuant to clause (ii) of the preceding sentence, such commission and the department shall take measures to effect an orderly transfer of such powers and duties. Such commission and the department shall make all necessary arrangements with respect to any relevant property, contracts, personnel, funding, administration, enforcement and pending matters. No judicial or administrative action or proceeding, civil or criminal, pending at the time of such election, or any contract in effect at the time of such election, shall be affected or abated by such assumption; all such actions, proceedings or contracts may be continued, but upon the effective date of the assumption of powers and duties by such commission, the same may be prosecuted, defended or enforced by such commission. Any rules promulgated by the department pursuant to the local law that added this section shall remain in effect as rules of such commission until such time as they are repealed or amended by such commission.

b. Subsequent to any election made pursuant to subdivision a of this section, such commission may elect for the department to assume, in whole or in part, powers and duties assumed by the commission pursuant to such subdivision, provided that such assumption shall take effect no less than six months after such election. In such event, the transitional provisions applicable to the initial assumption by such commission in subdivision a of this section shall apply in a similar manner to the assumption by the department pursuant to this subdivision.

§ 18. Subdivision c of section 24-163.11 of the administrative code of the city of New York, as amended by local law 38 for the year 2015, is amended to read as follows:

c. Waivers; financial hardship. The chairperson of the business integrity commission may issue a waiver of the requirements of paragraph one of subdivision b of this section if the chairperson finds that the applicant for such waiver has demonstrated that compliance with such requirements would cause undue financial hardship on the applicant. An application for such waiver must be filed with the business integrity commission on or before January 1, 2019, or in the case of an applicant that applies for a license or registration with the business integrity commission pursuant to section 16-505 of the code for the first time after January 1, 2019, an application for such waiver shall be filed no later than the date on which such license or registration application is filed with the commission. An application for renewal of an existing waiver must be filed no later than one hundred eighty days before the expiration of such waiver. Any waiver issued pursuant to this paragraph shall expire no later than two years after issuance. All waivers issued pursuant to this subdivision shall expire no later than January 1, 2025. The provisions of paragraph one of subdivision b of this section shall not apply to an applicant that has submitted an application for a waiver in accordance with the provisions of this subdivision while such application is pending with the commission, nor for ninety days after the date of a denial of such waiver. *Notwithstanding any other provision of law, the business integrity commission shall not issue a waiver pursuant to this subdivision to any applicant with respect to a vehicle that will be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to section 16-1003.*

§ 19. Subdivision d of section 24-163.11 of the administrative code of the city of New York is amended by adding a new paragraph (6) to read as follows:

(6) Notwithstanding any other provision of law, with respect to any vehicle that may be used to collect, remove or dispose of waste required to be collected by a designated carter pursuant to section § 16-1003, the commissioner of sanitation shall have all powers and duties of the commission as set forth in this section.

§ 20. Notwithstanding any other provision of law, upon the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision d of section 16-1002 of the administrative code of the city of New York, as added by section 17 of this local law, any contract between a commercial establishment and a person other than a designated carter authorized to operate within such zone pursuant to an agreement entered into pursuant to section 16-1002 of such code, as added by section 17 of this local law, to provide for the collection, removal or disposal of commercial waste, as such term is

defined in section 16-1000 of such code, as added by section 17 of this local law, within such commercial waste zone shall be considered terminated. Any contract for the collection, removal or disposal of commercial waste generated by a commercial establishment within a commercial waste zone entered into prior to such final implementation date shall contain prominent notice that such contract is subject to termination upon such date and the procedures for such termination.

§ 21. No action or proceeding, civil or criminal, pending at the time when this local law takes effect, brought by or against the city or any agency or officer, and no administrative proceeding brought by the business integrity commission, shall be affected or abated by the adoption of this local law or by anything herein contained; but all such actions or proceedings may be continued notwithstanding that powers and duties of any agency or officer party thereto may be assigned or transferred to another agency or officer or otherwise affected by this local law.

§ 22. The enactment of this local law shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred prior to the time such enactment takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such local law had not been enacted.

§ 23. a. This local law takes effect immediately, except as otherwise provided in this section.

b. The relettering of subdivision i of section 16-504 of the administrative code of the city of New York, as set forth in section 8 of this local law, shall take effect at the same time and in the same manner as local law number 55 for the year 2019.

c. Sections 4 through 16 of this local law take effect 18 months after it becomes law, provided however that:

1. Notwithstanding any other provision of law, until the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision d of section 16-1002 of the administrative code of the city of New York, as added by section 17 of this local law, the business integrity commission may, within such zone, continue to enforce the provisions of sections 16-306, 16-306.1, 16-504, 16-519, 16-520 and 16-522 of the administrative code of the city of New York and any rules promulgated pursuant thereto, including but not limited to, the rates for the removal, collection or disposal of commercial waste, as they were in effect prior to the effective date of sections 4 through 14 of this local law, with respect to persons who are not designated carters operating within such zone pursuant to an agreement entered into pursuant to section 16-1002 of such code, as added by section 17 of this local law; and

2. Notwithstanding any other provision of law, until the final implementation date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision d of section 16-1002 of the administrative code of the city of New York, as added by section 17 of this local law, no enforcement of the provisions of paragraph two of subdivision a of section 16-116 of such code, as amended by section 3 of this local law, shall take place within such commercial waste zone.

d. Notwithstanding any other provision of law, until the implementation start date for a commercial waste zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision d of section 16-1002 of the administrative code of the city of New York, as added by section 17 of this local law, no enforcement of the provisions of paragraph two of subdivision b of section 16-306 of such code, as amended by section 4 of this local law, subdivision 1 of section 16-509 of such code, as added by section 9 of this local law, paragraph (xii) of subdivision a of section 16-513 of such code, as added by section 10 of this local law, subdivision b of section 16-513 of such code, as amended by section 10 of this local law, or sections 16-1003, 16-1004 or 16-1005 of such code, as added by section 17 of this local law, shall take place within such commercial waste zone, and provided further that a licensee, as such term is used in title 16-A of the administrative code of the city of New York, operating within such zone pursuant to a contract with a commercial establishment entered into prior to such implementation start date may continue to provide commercial waste collection, removal or disposal services pursuant to such contract in accordance with the provisions title 16-A and any rules promulgated thereunder until the final implementation date for such zone established by the commissioner of sanitation pursuant to paragraph 3 of subdivision d of section 16-1002 of the administrative code of the city of New York, as added by section 17 of this local law.

e. The commissioner of sanitation may take such measures as are necessary for the implementation of this local law, including the promulgation of rules.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1575

By Council Members Reynoso, Torres and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to the imposition of civil penalties on businesses required to be licensed or registered by the business integrity commission for unsafe driving by persons operating vehicles on behalf of such businesses

Be it enacted by the Council as follows:

Section 1. Subdivisions b and c of section 16-515 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are amended to read as follows:

b. [(i)] Any person who violates subdivision a of section 16-505 or section 16-524 of this chapter shall, upon conviction thereof, be punished for each violation by a criminal fine of not more than ten thousand dollars for each day of such violation or by imprisonment not exceeding six months, or both; and any such person shall be subject to a civil penalty of not more than five thousand dollars for each day of such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction; [and]

c. Any person who violates subdivision b of section 16-505 of this chapter or any rule pertaining thereto shall, upon conviction thereof, be punished by a civil penalty not to exceed one thousand dollars for each such violation to be recovered in a civil action or returnable to the department of consumer affairs or other administrative tribunal of competent jurisdiction[.]; *and*

§ 2. Subdivisions d and e of section 16-515 of the administrative code of the city of New York, as added by local law number 42 for the year 1996, are redesignated subdivisions e and f, respectively.

§ 3. Section 16-515 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. The commission shall impose the civil penalties as set forth in the following table on any business required by this chapter to be licensed or registered when any person operating a vehicle on behalf of such business violates a provision set forth in the table or established by rule by the commission. If, in any six-month period, any one person operating a vehicle on behalf of any such business has been convicted of any four such violations, in any combination, the commission shall impose a civil penalty of \$10,000 against such business.

TABLE OF CIVIL PENALTIES		
Provision	Description	Minimum Penalty
Vehicle and traffic law section 301(b)(2)	Uninspected Heavy Vehicle	\$2,500.00
Vehicle and traffic law section 306(b)	Uninspected Motor Vehicle	\$2,500.00
Vehicle and traffic law section 319	Uninsured Motorist	\$10,000.00
Vehicle and traffic law section 319(3)	Failure to Produce an Insurance Identification Card	\$1,000.00
Vehicle and traffic law section 375(1)	Inadequate Brakes	\$5,000.00
Vehicle and traffic law section 375(3)	Failure to Dim Headlights	\$50.00
Vehicle and traffic law section 375(29a)	Improper Towing/More Than One Vehicle	\$50.00
Vehicle and traffic law section 375(29c)	Connection Longer Than 16 Feet	\$50.00

Vehicle and traffic law section 375(29d)	No Licensed Driver in Towed Vehicle	\$50.00
Vehicle and traffic law section 375(35c)	Unsafe Tire	\$1,000.00
Vehicle and traffic law section 401(1)(a)	Unregistered Motor Vehicle	\$2,500.00
Vehicle and traffic law section 401(4)	Failure to Produce a Current Vehicle Registration	\$1,000.00
Vehicle and traffic law section 408(j)(1)	Vehicle Improperly Registered	\$2,500.00
Vehicle and traffic law section 509	Drivers' License Violations	\$5,000.00
Vehicle and traffic law section 511	Operation while License is Suspended or Revoked	\$5,000.00
Vehicle and traffic law section 600	Leaving the Scene of an Accident	\$5,000.00
Vehicle and traffic law section 1102	Failure to Comply with a Lawful Order	\$500.00
Vehicle and traffic law section 1110(a)	Failure to Obey Traffic Control Device	\$500.00
Vehicle and traffic law section 1110(a)(1)	Passed Green Arrow	\$500.00
Vehicle and traffic law section 1111(d)(1)	Passed Red Light	\$500.00
Vehicle and traffic law section 1111(a)(1)	Passed Red Arrow	\$500.00
Vehicle and traffic law section 1120(a)	Failure to Keep Right	\$500.00
Vehicle and traffic law section 1122	Improper Lane Change	\$500.00
Vehicle and traffic law section 1122-a	Overtaking a Bicycle	\$500.00
Vehicle and traffic law section 1123(b)	Left Pavement to Pass on Right	\$500.00
Vehicle and traffic law section 1124	Unsafe Passing	\$500.00
Vehicle and traffic law section 1125(a)1	Drove to Left on Hillcrest or Curve	\$500.00
Vehicle and traffic law section 1127(a)	Drove Wrong Way on a One Way Street	\$500.00
Vehicle and traffic law section 1128(a)	Unsafe Lane Change	\$500.00
Vehicle and traffic law section 1129(a)	Following Too Closely (Tailgating)	\$500.00
Vehicle and traffic law section 1140	Failure to Yield Right of Way at Intersection	\$1,000.00
Vehicle and traffic law section 1141	Failure to Yield Right of Way--Oncoming Traffic	\$1,000.00
Vehicle and traffic law section 1143	Failure to Yield Right of Way--Pedestrians	\$1,000.00
Vehicle and traffic law section 1163	Failure to Signal Lane Change	\$500.00

Vehicle and traffic law section 1172	Failure to Stop for a School Bus	\$5,000.00
Vehicle and traffic law section 1174	Failure to Stop at Stop Sign or Flashing Red Light	\$500.00
Vehicle and traffic law section 1180(a)	Unreasonable/Imprudent Speed	\$500.00
Vehicle and traffic law section 1180(b)	Speeding	
	1 - 10 mph over speed limit	\$500.00
	11 - 20 mph over speed limit	\$1,000.00
	21 - 30 mph over speed limit	\$2,500.00
	31 - 40 mph over speed limit (possible suspension)	\$5,000.00
	More than 40 mph over speed limit (possible suspension)	\$10,000.00
Vehicle and traffic law section 1192.1	Driving While Ability Impaired	\$10,000.00
Vehicle and traffic law section 1192.2	Driving While Intoxicated	\$10,000.00
Vehicle and traffic law section 1192.3	Driving While Intoxicated	\$10,000.00
Vehicle and traffic law section 1192.4	Driving While Ability Impaired by Drugs	\$10,000.00
Vehicle and traffic law section 1192.4a	Driving While Ability Impaired by Drugs & Alcohol	\$10,000.00
Vehicle and traffic law section 1212	Reckless Driving (Misdemeanor Offense)	\$10,000.00
Vehicle and traffic law section 1225(c)	Improper Cell Phone Use	\$2,500.00
Vehicle and traffic law section 1226	No Hands on Wheel or Steering Device	\$250.00
Vehicle and traffic law section 1229(c)(3)	No Seat Belt/Driver	\$500.00
Vehicle and traffic law section 1229(c)(2)	Safety Restraint Violation Person Under 16	\$1,000.00
Vehicle and traffic law section 1233	Clinging to Vehicles	\$2,500.00
	Other Moving Violations	\$500.00
	Other Equipment Violations	\$500.00
Administrative code section 19-190(a)	Right of Way	\$750.00
Administrative code section 19-190(b)	Right of Way (with injury)	\$2,500.00

§ 4. This local law takes effect immediately, except that the business integrity commission shall promulgate the rules required by this local law no later than 180 days after such effective date.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1576

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for failure to comply with backflow prevention requirements

Be it enacted by the Council as follows:

Section 1. Section 24-343.1 of the administrative code of the city of New York, subdivisions a, b and c as added by local law number 76 for the year 2009, and subdivision d as added by local law number 58 for the year 2019, is amended to read as follows:

§ 24-343.1 Backflow prevention [device reporting].

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

[(1) "Backflow" shall mean] *Backflow.* The term "backflow" means a flow condition, induced by a differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution of pipes of a city water main, private water main, or to an internal water main from any source other than its intended source.

[(2) "Backsiphonage" shall mean] *Backsiphonage.* The term "backsiphonage" means the backflow of contaminated or polluted water, or water of questionable quality from a plumbing fixture or other source, into a city water main, private water main, or to an internal water main due to a temporary negative or sub-atmospheric pressure within the public water supply system.

[(3) "Backflow prevention device" shall mean] *Backflow prevention device.* The term "backflow prevention device" means an approved air gap, reduced pressure zone device or double check valve assembly used to contain potential contamination within a facility.

[(4) "Cross connection" shall mean] *Cross connection.* The term "cross connection" means a physical connection or arrangement between two separate piping systems where one system contains potable water and the other contains steam, gas, a chemical, or water of questionable safety, and there may be a flow from one system to the other.

[(5) "Hazardous facility" shall mean] *Hazardous facility.* The term "hazardous facility" means a facility in which substances may be present that may endanger the health of other water users if introduced into the public water system, including but not limited to, laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

b. *Backflow prevention devices required.* 1. When the department or the owner or operator of a building or structure has determined that there is a cross connection and no backflow prevention device, or a defective or unapproved device, such that there is a possibility of backflow or backsiphonage from such building or structure into a city water main, private water main, or to an internal water main, the owner or operator of such building or structure shall be under a duty to correct such potential or actual backflow or backsiphonage and provide the proper documentation to certify to the department that a backflow prevention device has been installed and where appropriate, that a backflow prevention device has been replaced.

2. Where removal of a cross-connection or installation or replacement of a backflow prevention device has been performed as part of a project for which a licensed professional engineer or registered architect has submitted plans that have been approved by the department, such licensed professional engineer or registered architect shall inspect and submit to the department a certification that the cross-connection has been removed or a backflow prevention device installed or replaced in conformity with plans approved by the department or the department of buildings.

[c.] 3. The department shall send out a mailing to or shall otherwise notify owners or operators of facilities identified by the department as potentially requiring backflow prevention devices informing them of the potential need for such a device and of the process for installation of backflow prevention devices under the auspices of the cross connection control program. The materials contained in such mailing shall be [translated into such languages provided for in section 8-1002 of this code] *made available in English and in each of the designated citywide languages as defined in section 23-1101.*

4. Any owner or operator of a building or structure who fails to install a backflow prevention device as required by this section shall be subject to such fines, penalties and other enforcement measures as may be imposed pursuant to section 24-346.

c. *Testing of backflow prevention devices.* 1. Each backflow prevention device installed pursuant to this section shall be tested annually and the owner or operator of such building or structure shall provide an annual test report to the department in accordance with department rules.

2. Any owner or operator of a building or structure who fails to provide an annual test report in accordance with department rules shall be subject to such fines, penalties and other enforcement measures as may be imposed pursuant to section 24-346.

d. *Reporting on backflow prevention.* On or before February 15, 2020, and on or before every February 15 thereafter, the department shall submit a report to the mayor and the speaker of the council setting forth the following information:

1. The number of all facilities that the department estimates requires the installation of one or more backflow prevention devices;

2. The number of such facilities that the department has determined to be hazardous facilities;

3. The number of all facilities in which backflow prevention devices were installed in the preceding calendar year;

4. The number of hazardous facilities in which backflow prevention devices were installed in the preceding calendar year;

5. The number of annual backflow prevention device test reports filed with the department in the preceding calendar year;

6. The number of violations issued in the preceding calendar year for failure to install a backflow prevention device; and

7. The number of violations issued in the preceding calendar year for failure to file an annual backflow prevention device test report with the department.

§ 2. Subdivisions b and c of Section 24-346 of the administrative code of the city of New

York, as amended by local law number 55 for the year 2013, are amended to read as follows:

b. Any person who violates or fails to comply with any of the provisions of this chapter and chapter four of this title or any order, rule or regulation issued by the board or commissioner or with the conditions of any permit issued by the commissioner within the city of New York shall be liable for a civil penalty of not less than [fifty nor more than one thousand dollars] *\$50 or more than \$1,000* for each violation, except that the civil penalty for violating section 24-303.1 shall be not less than [two thousand five hundred dollars nor more than twenty-five thousand dollars and] *\$2,000 nor more than \$25,000*, the civil penalty for the removal of a manhole cover in violation of section 24-304 shall be not less than [two thousand five hundred dollars nor more than ten thousand dollars] *\$2,000 nor more than \$10,000*, the civil penalty for the failure to install a backflow prevention device in violation of subdivision b of section 24-343.1 shall be not less than *\$1,000 nor more than \$10,000*, and the civil penalty for the failure to provide an annual test report in violation of subdivision c of section 24-343.1 shall be not less than *\$700 nor more than \$10,000*. In the case of a continuing violation each day's continuance shall be a separate and distinct offense. The environmental control board shall have the power to impose such civil penalties. A proceeding to impose such penalties shall be commenced by the service of a notice of violation returnable to such board. Such board, after a hearing as provided by the rules and regulations of the board, shall have the power to enforce its final decisions and orders imposing such civil penalties as if they were money judgments pursuant to subdivision d of section one thousand forty-nine-a of the New York city charter. A civil penalty imposed by the board may also be collected in an action brought in the name of the city in any court of competent jurisdiction. The board, in its discretion, may, within the limits set forth in this subdivision, establish a schedule of civil penalties indicating the minimum and maximum penalty for each separate offense.

c. In addition to the civil penalties set forth in subdivision b of this section and except as otherwise specifically provided, any person who knowingly violates or fails to comply with any provision of this chapter and chapter four of this title or any order, rule or regulation issued by the commissioner or board or with the conditions of any permit issued by the commissioner shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than [two hundred fifty nor more than one thousand dollars] *\$250 nor more than \$1,000*, or by imprisonment not exceeding [thirty] *30* days, or both for each violation, except that the punishment for the removal of a manhole cover in violation of section 24-304 shall be a fine of not less than

[five hundred dollars nor more than ten thousand dollars] \$500 nor more than \$10,000, or imprisonment not exceeding [thirty] 30 days, or both for each violation [.] *the punishment for the failure to install a backflow prevention device in violation of subdivision b of section 24-343.1 shall be a fine of not less than \$2,000 nor more than \$10,000, or imprisonment not exceeding 30 days, or both for each violation, and the punishment for the failure to provide an annual test report in violation of subdivision c of section 24-343.1 shall be a fine of not less than \$1,400 nor more than \$10,000, or imprisonment not exceeding 30 days, or both for each violation. In the case of a continuing violation each day's continuance shall be a separate and distinct offense.*

§ 3. This local law takes effect 120 days after it becomes law, provided that the commissioner of environmental protection may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Environmental Protection.

Int. No. 1577

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a water rate task force.

Be it enacted by the Council as follows:

Section 1. Subchapter 4 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-368 to read as follows:

§24-368 Water rate task force. a. There shall be a water rate task force to review concerns affecting water rates, water rate equity and other ratepayer issues such as water and sewer infrastructure construction and maintenance costs. The water rate task force may offer recommendations for water rate improvements and conservation measures, including how to address water leaks and unauthorized or unrestricted water use to protect public health and the environment. The water rate task force shall also prepare a biennial report on water rate equity which first report shall be delivered by June 1, 2020 to the speaker of the council and the mayor, and posted online on the website of the department of environmental protection.

b. No member of the water rate task force shall be an employee of the city or a member of the water board.

c. The members of the water rate task force shall include:

Two representatives appointed by the speaker of the council from environmental groups including at least one representative from an environmental group who is also a rate payer, and one from a civic organization who is a rate payer and one representative who is a planner and a member of a community based organization. Eight representatives appointed by the mayor including 5 water rate payers, one from each borough including a rate payer property still being billed based upon frontage, one senior citizen property owner ratepayer, one large quantity water user and one representative of a social justice organization who shall serve as chair of such task force.

d. The water rate task force shall hold its first meeting no later than 20 days after the last member has been appointed and may conduct such informal hearings and meetings at any place or places designated within the city for obtaining necessary information or other data to assist it in the performance of its duties, as it deems necessary.

e. Information developed for distribution by the water rates task force on equity among water rate payers and ways to reduce water use shall be made available in the 7 languages determined by city planning to be most frequently used, and any other languages as the department of environmental protection to be necessary and appropriate.

§2. This local law shall take effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 1578

By Council Member Richards.

A Local Law to amend the administrative code of the city of New York, in relation to imposing civil penalties on contractors who perform work after the expiration of a permit

Be it enacted by the Council as follows:

Section 1. Section 28-213.2 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:

§ 28-213.2 [Waiver. Such penalty and the permit fee shall be payable by] *Liability. a. No permit issued. Where work has been performed and a permit has never been issued for such work,* the owner of the building on which the unpermitted work was performed *shall be liable for such penalty and permit fee.* A waiver or reduction of such penalty shall be available to a subsequent bona fide purchaser of the premises pursuant to department rules.

b. Expired permit. Where work has been performed after the date on which a duly issued permit has expired, the contractor who performed the unpermitted work shall be liable for such penalty, the fee to reinstate the permit and any inspection fee imposed pursuant to section 28-213.7.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of buildings may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 1579

By Council Members Richards and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to creating a new parking permit for expectant mothers experiencing a difficult or complicated pregnancy

Be it enacted by the Council as follows:

Section 1. Chapter one of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.3 to read as follows:

§ 19-162.3 *Permissible parking for expectant mothers experiencing a difficult or complicated pregnancy. a. For the purposes of this section, the term “difficult or complicated pregnancy” means any pregnancy which results in impaired mobility.*

b. The commissioner shall issue a parking permit for a vehicle owned or operated by an individual who has been certified by a physician as experiencing a difficult or complicated pregnancy. Such parking permit shall be issued within thirty days of the department receiving an application and shall expire thirty days after the expected delivery date.

c. Such parking permit shall only be used for the purpose of parking a vehicle where parking is prohibited by sign or rule or allowing a vehicle to stand where standing is prohibited by sign or rule.

d. Notwithstanding any other provision of law, such parking permit shall not authorize the parking of a vehicle in a bus stop, a taxi-stand, within fifteen feet of a fire hydrant, a fire zone, a driveway, a crosswalk, a no stopping zone, a no standing zone, or where the vehicle would be double-parked.

e. Any misuse of a parking permit, as determined by the commissioner, issued pursuant to this section shall be sufficient cause for revocation of such parking permit.

f. Notwithstanding any other provision of law, no vehicle bearing a permit issued pursuant to this section may be towed when such vehicle is being used in accordance with the purpose for which such permit was issued, except in public safety emergencies to be determined by the police department.

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

Referred to the Committee on Transportation.

Res. No. 899

Resolution declaring March 26th as Bangladesh National Flag Day in the city of New York.

By Council Members Richards and Constantinides.

Whereas, The People's Republic of Bangladesh is a country located on the Indian subcontinent in south-central Asia bordered by the Bay of Bengal and the countries of India and Burma; and

Whereas, In 1947, British colonial rule over India ended and Bangladesh, then part of Pakistan, gained independence; and

Whereas, The provinces of East and West Pakistan were established in hopes of providing each nation a home for the their Hindu and Muslim religious beliefs; and

Whereas, Beginning in 1948, economic, religious, political and cultural tensions developed and continued to escalate between East and West Pakistan; and

Whereas, The war known as the Bangladesh War of Independence began after the Pakistani military junta based in West Pakistan launched Operation Searchlight against the people of East Pakistan on the night of March 25, 1971; and

Whereas, The Bangladesh War of Independence ended on December 16, 1971, after West Pakistan surrendered and Bangladesh declared its independence from Pakistan as a state on March 26, 1971, which is now celebrated as a National Holiday; and

Whereas, In January 1972, the Bangladesh flag was redesigned to honor and reflect those who died for the independence of Bangladesh; and

Whereas, Between the years 1990 and 2000, New York City's Bangladeshi population increased more than any other Asian immigrant group in the city, growing from fewer than 5,000 to more than 28,000, and by the year 2008, burgeoning to over 57,000 individuals; and

Whereas, Today, the City is home to nearly 80,000 Bangladeshi individuals who live, work and make countless economic and invaluable cultural contributions to daily life in New York City; now therefore be it

Resolved, That the Council of the City of New York declares March 26th as Bangladesh National Flag Day in the city of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1580

By Council Member Rose.

A Local Law in relation to the creation of a task force on public burial and related issues

Be it enacted by the Council as follows:

Section 1. Public burial task force. a. There shall be a task force that shall review the laws, rules, regulations, policies and procedures related to public burial and to consider and make recommendations regarding changes to such laws, rules, regulations, policies and procedures.

b. A representative of the New York city health and hospitals corporation shall be invited to join the task force. In addition, the task force shall consist of the following members, or their designees:

1. The commissioner of health and mental hygiene;
2. The commissioner of social services;
3. The commissioner of correction;
4. The chief medical examiner;
5. Three members appointed by the mayor;
6. At least two advocates who specialize in issues related to public burial or Hart Island, appointed by the speaker of the council;
7. At least one member of the public who has opted for public burial of a deceased person, appointed by the speaker of the council; and
8. Two council members, appointed by the speaker of the council.

c. Members of the task force shall serve for a term of 1 year, to commence after the appointment of the final member of the task force. All members shall be appointed to the task force within 60 days of the effective date of this local law.

d. All members of the task force shall serve without compensation, and the task force shall meet, at a minimum, once every two months.

e. No member of the task force shall be removed except for cause and upon notice and hearing by the official who appointed that member. In the event of a vacancy, a successor shall be appointed in the same manner as the original appointment to serve the remainder of the unexpired term.

f. The task force shall issue a report to the mayor and council no later than 12 months after the final member of the task force is appointed. Such report shall include, but need not be limited to, analysis and recommendations regarding the following:

1. The process for identifying, finding and contacting next of kin when a deceased individual is identified for public burial;
2. Support for and communication with next of kin who are considering public burial or burial assistance programs, including what information is provided regarding public burial and Hart Island;
3. Procedures for burial of individuals with court-appointed guardians;
4. The department of social service's burial assistance program;
5. The feasibility of implementation of a cremation assistance program or providing cremation as an alternative to public burial;
7. The feasibility or potential feasibility of public burial in locations other than Hart Island, both inside and outside of the city; and
8. Recommendations for promoting efficiency and accessibility to the public of existing and proposed programs in connection with public burial.

g. Such task force shall dissolve 90 days after the final submission of the report required pursuant to subdivision f.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res No. 900

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, anti-sexual harassment legislation.

By Council Members Rosenthal, Ayala, Ampry-Samuel, Gibson, Chin, Barron, Adams, Rivera and Koslowitz

Whereas, The Stop Sexual Harassment in NYC Act was enacted on May 9, 2018 and includes legislation which serves to protect all individuals against gender-based discrimination and sexual harassment in the workplace, housing, and public accommodations such as stores and restaurants; and

Whereas, In the wake of the #MeToo movement, a newly created unit within the New York City Commission on Human Rights that is focused solely on claims of sexual harassment in the workplace has reported a 43 percent increase in claims within the last two years; and

Whereas, Officials theorize the increase in reported sex crimes, which have risen steadily for 16 consecutive months since the fall of 2017, have been fueled in part by the #MeToo and #TimesUp movements; and

Whereas, The New York State Legislature held its first hearing in 27 years on the issue of sexual harassment and heard testimony from former legislative staffers who encountered sexual harassment in the work place and subsequently introduced a package of legislation aimed to combat sexual harassment in the workplace; and

Whereas, A869/S2037 sponsored by Assemblymember Aravella Simotas and Senator Alessandra Biaggi would require employers to provide a waiver to any party entering into a confidentiality agreement that explains the rights he or she would be giving up by signing the agreement; and

Whereas, A7083/S3817 sponsored by Assemblymember Simotas and Senator Biaggi, extends protections against discriminatory and retaliatory harassment to all protected classes by lowering the severe or pervasive standard, which has historically put the onus on the plaintiff to show the harassment was sufficiently severe or pervasive to alter the conditions of employment and create an abusive work environment, , allows for the collecting of attorney fees and punitive damages for all protected classes, clarifies that employers are liable for independent contractors, and eliminates the affirmative defense used by employers known as the Faragher/ Ellerth defense, which has served to help employers avoid previous liability for alleged unlawful harassment; and

Whereas, A7485/S3941 sponsored by Assemblymember Nily Rozic and Senator Liz Krueger, requires the state Department of Labor to draft a model sexual harassment policy and a model sexual harassment prevention training program for employees, clearly specifies in statute that sexual harassment is an unlawful discriminatory practice, eliminates the severe or pervasive standard which in the case of sexual harassment or other sexual discrimination, and enables employers with fewer than four employees to be subject to sexual discrimination laws; and

Whereas, A849A/S5469 sponsored by Assemblymember Simotas and Senator Biaggi relates to requiring independent consideration in settlement agreements, which is defined as something of value such as a promise, or an act or an object that is offered in exchange for each confidentiality provision; and

Whereas, A1042/S2036 sponsored by Assemblymember Simotas and Senator Biaggi extends the amount of time to file a sexual harassment complaint from one year to three years; and

Whereas, A1115/S2035 sponsored by Assemblymember Simotas and Senator Biaggi requires employers to inform employees that entering into a nondisclosure agreement cannot prevent them from speaking with police, the U.S. Equal Employment Opportunity Commission, the state Division of Human Rights, or a local commission on human rights; and

Whereas, A3643/S2049 sponsored by Assemblymember Simotas and Senator Biaggi requires settlements relating to sexual harassment, sexual assault or discrimination be disclosed to the state attorney general's office, which can investigate any individual or institution that has entered into three or more settlements; and

Whereas, A7084/S3453 sponsored by Assemblymember Amy Paulin and Senator Biaggi requires the state to revisit and update the model sexual harassment prevention guidance document and sexual harassment prevention policy as needed every four years beginning in 2022; and

Whereas, A7220/S4513 sponsored by Assemblymember Catalina Cruz and Senator Krueger makes it unlawful for an employer to fail to take immediate and appropriate corrective action when he or she knows of a non-employee sexually harassing certain employees; and

Whereas, A5976/S4109 sponsored by Assemblymember Tremaine S. Wright and Senator Kevin Parker relates to the prevention of discrimination by replacing the term "sexual harassment" with "discrimination"; and

Whereas, A272/S517 sponsored by Assemblymember Rebecca A. Seawright and Senator Krueger amends the New York State Constitution to include the prohibition of discrimination on the basis of ethnicity, nationality, national origin, sex including pregnancy, sexual orientation and gender identity or expression, disability, age, or like grounds used to deprive a class of the people of New York of their equal opportunity to enjoy a full and productive life; and

Whereas, A3646-A/S3343-A sponsored by Assemblymember Rozic and Senator Jessica Ramos requires employers to provide employees written notice of their sexual harassment prevention policy and sexual harassment prevention training program in English and the employees' primary language while also requiring the commissioner of labor to create dual language templates of model sexual harassment prevention policies and training programs; and

Whereas, Both the New York City Council and the New York State Legislature have acknowledged the need for new legislative requirements for employers aimed at combatting sexual harassment in the workplace; and

Whereas, Governor Andrew Cuomo has stated publicly that he will sign any bills that both houses of the New York state legislature pass to improve the sexual harassment laws; now therefore, be it

Resolved, That the Council of the City of New York call upon the New York State Legislature to pass, and the Governor to sign, anti-sexual harassment legislation.

Referred to the Committee on Women and Gender Equity.

Res. No. 901

Resolution calling upon the New York City Department of Education to require that prior to each Annual Review, schools inform parents of their right to have their child's individualized education program translated.

By Council Member Treyger.

Whereas, An individualized education program (IEP) is a written statement of an education plan developed to meet the individual needs of a student receiving special education services; and

Whereas, As reported in DOE's Annual Special Education Data report, on June 30, 2018, of the nearly 200,000 students with IEPs, 37,704 were English language learners, and Inside Schools reported that more than 40 percent of New York City (NYC) public school students speak a language other than English at home; and

Whereas, Although many DOE students come from non-English speaking homes, DOE schools only provide parents with translated IEPs if they request such service; and

Whereas, According to DOE, social workers are required to inform parents of their right to receive their child's IEP in their preferred language during the initial special education social history interview; and

Whereas, DOE also provides parents with written material, including a family guide, that informs them of their right to receive their child's IEP in their preferred language; and

Whereas, Despite these resources, during a February 2019 NYC Council Education oversight hearing, advocates testified that many parents are unaware that they can have their child's IEP translated; and

Whereas, At the hearing, DOE acknowledged that they need a systemic approach to the translation of IEPs, and in September 2018, the DOE's Translation and Interpretation Unit launched a pilot program to centralize the translation of IEPs for families and schools within community school districts 9, 24 and 75; and

Whereas, As of April 2019, the unit received over 400 requests to translate IEPs, and DOE reported that the results and feedback of this pilot program have been positive; and

Whereas, While there is limited available data on the services received by students with IEPs who have non-English speaking parents, according to DOE, about 40,000, or 22 percent, of students with IEPs received partial or none of their mandated services during the 2017-18 school year; and

Whereas, DOE's Graduation Report data shows that in 2018, only 50.4 percent of high school students with disabilities graduated within four years compared to 81.6 percent of their nondisabled peers; and

Whereas, At least once a year an Annual Review, or IEP meeting, is held for students receiving special education services to analyze their progress towards their IEP goals, review the special education services they received, and determine their goals for the following year; and

Whereas, During these meetings, which are required to be held in a parents preferred language, parents are provided with their child’s IEP, but unless they request to receive the IEP in their preferred language, the IEP is provided to them in English; and

Whereas, Many non-English speaking parents endure challenges to monitoring their child’s required services and academic progress because they are unable to read their child’s IEP and are unaware that their child’s school is required to translate their child’s IEP at their request; and

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to require that prior to each Annual Review, schools inform parents of their right to have their child’s individualized education program translated.

Referred to the Committee on Education.

Int. No. 1581

By Council Members Vallone and Dromm.

A Local Law in relation to a study on solar-powered traffic control devices

Be it enacted by the Council as follows:

Section 1. Solar-powered traffic control devices study. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Solar-powered traffic control device. The term “solar-powered traffic control device” means any solar-powered traffic control device or traffic-control signal.

Traffic control device. The term “traffic control device” means a sign, signal, marking or device not inconsistent with the vehicle and traffic law that is placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

Traffic-control signal. The term “traffic-control signal” means a device, whether manually, electrically or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

b. The department shall conduct a study to make findings and recommendations regarding the feasibility of using solar-powered traffic control devices on city streets. Such study shall examine, at minimum, the utility of solar-powered traffic control devices, including a comparison of their effectiveness in deterring violations of vehicle and traffic laws, rules and regulations with the effectiveness of traffic control devices and traffic-control signals that are not solar-powered in deterring the same, and shall identify any logistical challenges in siting such devices. The department shall post on its website and submit to the speaker of the council a report of such study that contains its findings and recommendations no later than one year after the effective date of this local law.

§ 2. This local law takes effect immediately and expires and is deemed repealed upon final submission of the report as required by section 1 of this local law.

Referred to the Committee on Transportation.

Int. No. 1582

By Council Member Vallone.

A Local Law to amend the administrative code of the city of New York, in relation to annual reporting on the provision of mental health services to veterans

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 31-110 to read as follows:

§ 31-110 Reporting on mental health services. a. Definitions. As used in this section, the following terms have the following meanings:

Administering agency. The term “administering agency” means any city agency, office, department, division, bureau or institution of government, the expenses of which are paid in whole or in part from the city treasury, as the mayor shall designate.

Mental health services. The term “mental health services” means any activity or resource provided by an agency to help veterans with mental health-related conditions, including, but not limited to, providing information, offering referrals, connecting veterans with internal or external resources and any direct action taken for or on behalf of veterans seeking assistance with mental health-related conditions.

b. Report. No later than March 1, 2020, and on or before March 1 of every year thereafter, the administering agency shall collect information from each agency providing mental health services to veterans and post on its website and submit to the speaker of the council, a report regarding such services. Such report shall include, but need not be limited to, the following information for each agency providing mental health services to veterans during the preceding calendar year:

1. The total number of veterans that inquired with such agency about assistance with or provision of mental health services and the total number of veterans that were subsequently contacted in response to such inquiry;

2. The types of methods by which such agency provides mental health service information to veterans;

3. The total number of veterans that applied to such agency for mental health services, disaggregated by type of service applied for;

4. For the total number of veterans who applied to such agency for mental health services: the number of veterans who are first-time applicants; the number of veterans who have previously applied for mental health services; and the number of veterans who have previously been provided with mental health services;

5. The total number of veterans that were provided with mental health services by such agency; and

6. For the total number of veterans that were provided with mental health services, the average length of treatment.

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

Referred to the Committee on Veterans.

Int. No. 1583

By Council Members Vallone and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to requiring motor vehicle rental agencies to notify consumers of any damage to a rented vehicle within 72 hours of the return date

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 22 to read as follows:

*SUBCHAPTER 22
MOTOR VEHICLE RENTAL AGENCIES*

§ 20-841 Notice for vehicle damage required. a. As used in this subchapter, the following terms have the following meanings:

Motor vehicle rental agency. The term “motor vehicle rental agency” means any person engaged in the business of renting motor vehicles in the city of New York.

b. A Motor vehicle rental agency shall notify a consumer within 72 hours of receiving a rented motor vehicle from such consumer if such agency intends to seek compensation for damage to such vehicle during the rental period. Such notice shall include the following information:

- 1. The date and location where such vehicle was returned by the consumer;*
- 2. The year, make, model and license plate number of such vehicle;*
- 3. A description and photo of the damage to such vehicle;*
- 4. An estimate of the cost of the damage; and*
- 5. The relevant contact information where a consumer may seek more information or dispute the contents of the notice.*

c. A motor vehicle rental agency violating this section is liable for a civil penalty of not more than \$250 for the first violation and a civil penalty of not more than \$500 for each succeeding violation.

d. The department may promulgate such rules as it deems necessary to implement and enforce this subchapter.

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Res. No. 902

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, legislation to amend the penal code to increase the fine in relation to the crime of forcible touching.

By Council Member Vallone.

Whereas, While New York City has experienced a decrease in major crimes over the past several years, sex crime reports have been increasing; and

Whereas, For example, misdemeanor sex crime reports have risen about 37 percent from 2014 to 2018, according to NYPD's crime statistics; and

Whereas, New Yorkers who use the New York City subway system are particularly vulnerable to sex crimes; and

Whereas, according to various sources, the number of reported sex crimes in the New York City subway system has steadily increased since 2014; and

Whereas, An overall increase in reported subway sex crimes is reflected in most sex crime categories; and

Whereas, For example, reports of forcible touching in the subway system increased by 33.5 percent from 2015 to 2016, according to a report from New York Senator Savino; and

Whereas, The same report revealed that complaints of forcible touching accounted for about 45 percent of sex crimes committed on subways during the first five months of 2017; and

Whereas, New York recently made the crime of forcible touching a Class A misdemeanor, which carries a punishment of up to one year in jail and a \$1,000 fine; and

Whereas, The financial penalty for the crime of forcible touching is far too lenient to serve as an effective deterrent; and, now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and Governor to sign legislation that would amend the penal code to increase the fine in relation to the crime of forcible touching

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 428

By Council Member Dromm:

Fairstead-48th Street, Block 1057, Lot 141; Manhattan, Community District No. 4, Council District No. 3.

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

Preconsidered L.U. No. 429

By Council Member Dromm:

Fairstead-53rd Street, Block 1043, Lot 46; Manhattan, Community District No. 4, Council District No. 3.

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

Preconsidered L.U. No. 430

By Council Member Dromm:

Jennings Terrace Gardens, Block 2962, Lots 52, 54, and 60; Bronx, Community District No. 3, Council District No. 16.

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

Preconsidered L.U. No. 431

By Council Member Dromm:

Walton Avenue, Block 2479, Lot 29; Bronx, Community District No. 4, Council District No. 16.

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

Preconsidered L.U. No. 432

By Council Member Dromm:

Black Spruce-Central Harlem, Block 1917, Lots 2, 4, and 64, Block 1937, Lot 36, Block 1938, Lots 33, 34, 35, 36, 39, and 41, Block 1941, Lots 29, 30, 31, 32, 33, and 34, Block 2030, Lot 31; Manhattan, Community District No. 10, Council District No. 9.

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

Preconsidered L.U. No. 433

By Council Member Dromm:

Black Spruce-Washington Heights, Block 2122, Lots 84 and 88, Block 2128, Lot 8, Block 2133, Lot 30, Block 2141, Lot 48, Block 2143, Lot 9, Block 2169, Lots 29 and 34, Block 2176, Lot 54; Manhattan, Community District No. 7 and 10, Council District No. 12.

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

Preconsidered L.U. No. 434

By Council Member Dromm:

5 Teller HDFC, Block 2421, Lots 22 and 24; Bronx, Community District No. 4, Council District No. 17.

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

Preconsidered L.U. No. 435

By Council Member Dromm:

Lexington Courts, Block 1767, Lots 11, 22, 47, and 52, Block 1768, Lots 9 and 11, Block 1771, Lots 14 and 56, Block 1783, Lot 41; Manhattan, Community District No. 11, Council District No. 8 and 9.

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

Preconsidered L.U. No. 436

By Council Member Salamanca:

Application No. C 180292 ZMK (2 Howard Avenue Rezoning) submitted by Merrick Capital Corp. pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a, eliminating from within an R6B District a C2-4 District and changing from an R6B District to a C4-4L District, for property located at Block 1481, Lots 35, 39, and 43, Borough of Brooklyn, Council District 41, Community District 3.

Adopted by the Council (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

Preconsidered L.U. No. 437

By Council Member Salamanca:

Application No N 180293 ZRK (2 Howard Avenue Rezoning) submitted by Merrick Capital Corp. 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 for property located at Block 1481, Lots 35, 39, and 43, Borough of Brooklyn, Council District 41, Community District 3.

Adopted by the Council (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning & Franchises).

L.U. No. 438

By Council Member Salamanca:

Application No. 20195511 TCQ (American Bass) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Center Blvd Restaurant LLC d/b/a American Bass, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 201 50th Avenue, Borough of Queens, Council District 26, Community District 2. This application is subject to review and action by the Land Use Committee only if called-up by vote of the Council pursuant Section 11.20(c) of the Rules of the Council and Section 20-226 of the New York City Administrative Code.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

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

Thursday, May 30, 2019

Committee on Health jointly with the
Committee on Parks and Recreation and the
Committee on Transportation

Mark Levine, Chairperson
Barry Grodenchik, Chairperson
Ydanis Rodriguez, Chairperson

Oversight - Hart Island and the City’s Public Burial Process.

Int 906 - By Council Members Rodriguez, Holden, Lancman and Constantinides - **A Local Law** to amend the administrative code of the city of New York, in relation to a transfer of jurisdiction over Hart Island from the department of corrections to the department of parks and recreation.

Proposed Int 909-A - By Council Members Rodriguez, Holden, Lancman, Gibson and Constantinides - **A Local Law** in relation to a Hart Island transportation plan.

Int 1559 - By Council Member Ayala - **A Local Law** to amend the administrative code of the city of New York, in relation to the establishment of an office to provide support to those in need of burial assistance.

Int 1580 - By Council Member Rose - **A Local Law** in relation to the creation of a task force on public burial and related issues.

Committee Room – City Hall.....10:00 a.m.

Task Force on BQX

Carlos Menchaca, Chairperson

Oversight - BQX – Brooklyn Queens Connector

Council Chambers – City Hall.....11:00 a.m.

Thursday, June 6, 2019

Subcommittee on Zoning & Franchises
See Land Use Calendar

Francisco Moya, Chairperson

Committee Room – City Hall.....9:30 a.m.

Committee on Public Housing jointly with the
Committee on Public Safety

Alicka Ampry-Samuel, Chairperson
Donovan Richards, Jr., Chairperson

Oversight - Safety and Security in NYCHA.

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

[Committee on Contracts](#)

Ben Kallos, Chairperson

Int 1293 - By Council Members Rose, Cornegy, Brannan, Ayala, Levin, Rosenthal and Adams - A Local Law to amend the administrative code of the city of New York, in relation to minority and women-owned business enterprises.

Int 1452 - By Council Member Cornegy (by request of the Mayor) - A Local Law to amend the administrative code of the city of New York in relation to minority and women-owned business enterprises.

Committee Room – City Hall.....1:00 p.m.

[Subcommittee on Landmarks, Public Siting & Maritime Uses](#)

Adrienne Adams, Chairperson

[See Land Use Calendar](#)

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

Tuesday, June 11, 2019

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

[See Land Use Calendar](#)

Committee Room – City Hall.....10:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

Int 1058 - By Council Members Espinal, Ampry-Samuel, Torres, Cornegy, Brannan, Levine, Powers, Constantinides, Miller, Holden, Rose, Ayala, Koo, Williams, Rodriguez, Dromm, Cabrera, Grodenchik, Yeger, Richards, Lancman, Van Bramer, Kallos, Cohen, Gibson, Reynoso, Vallone, Rosenthal, Moya, Koslowitz, Deutsch, Treyger, Perkins, Lander, Eugene, Adams, Levin, Chin, Menchaca, King, Gjonaj, Maisel, Barron, Cumbo, Salamanca and Ulrich (by request of the Brooklyn Borough President) - **A Local Law** in relation to developing a comprehensive urban agriculture plan.

[All items reported out of the Subcommittees](#)

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

Wednesday, June 12, 2019

[Committee on Aging](#)

Margaret Chin, Chairperson

Oversight – Unpaid Caregivers Comprehensive Plan and Report Follow Up.

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

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

Int 272 - By Council Members Richards, Brannan and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to reducing methane emissions.

Int 1055 - By Council Members Constantinides, Richards, Holden and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to the examination, survey and mapping of all methane leaks in New York City.

Int 1399 - By Council Members Constantinides, Rosenthal and Levine - **A Local Law** to amend the New York city charter and the administrative code, in relation to creation of a department of sustainability and climate change and repealing section 20 of chapter 1 of the New York city charter.

Committee Room – City Hall.....1:00 p.m.

Committee on Immigration

Carlos Menchaca, Chairperson

Oversight – MOIA Annual Report.

Committee Room – 250 Broadway, 14th Floor.....1:00 p.m.

Committee on Transportation

Ydanis Rodriguez, Chairperson

Int 1557- By The Speaker (Council Member Johnson) and Council Members Rivera, Rodriguez, Levine and Reynoso - **A Local Law** to amend the administrative code of the city of New York, in relation to five-year plans for city streets, sidewalks, and pedestrian spaces.

Council Chambers – City Hall.....1:00 p.m.

Thursday, June 13, 2019

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that May was Foster Care Awareness Month and that the Council was marking its fifth annual Foster Shadow Day at City Hall. He thanked former Speaker Mark-Viverito for starting this event and he also thanked the Foster Youth Shadow Success Alliance and Children’s Aid for their partnership in this endeavor. The Speaker (Council Member Johnson) welcomed the twenty young visitors who were on the floor of the Chambers alongside their Council Member sponsors. These young people had spent time in the foster care system. He saluted them as amazing New Yorkers and noted that their presence provided an opportunity for the Council to learn firsthand what their personal experiences had been in foster care. The Speaker (Council Member Johnson) thanked Council Member Levin (who was on paternity leave and not present) and Youth Services chair Council Member Rose for co-sponsoring this event. He yielded the floor to Council Member Rose who spoke in praise of these young people and noted the importance of learning from each other’s experiences.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged the presence of a number of young adults from the Fair Play Coalition. These individuals had worked very closely with Council Members Reynoso and Treyger on issues of access and equity in the school system’s physical education programs. The Speaker (Council Member Johnson) yielded the floor to Council Member Reynoso who spoke about a package of Education bills that were advocated by the Fair Play Coalition. These Education bills were before the Council that day for a vote. Council Member Reynoso thanked the Coalition for their role in bringing these issues to the attention of the Council.

Additionally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged the Memorial Day holiday and commemorations of the past weekend. On behalf of the Council, he expressed his profound gratitude to the women and men who gave their lives for the country and asked that they be remembered every day of the year.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) *recessed the Meeting subject to call.*