

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of

Thursday, September 12, 2019, 2:20 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Member Cornegy.

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

INVOCATION

The Invocation was delivered by Rev. Dr. Adkins, Pastor of the Antioch Baptist Church, located at 515 West 125th Street, New York, NY 10027.

Gracious and loving God, we give you praise for this day.
 We thank you for these your precious people
 for these local officials, city Council as well as the speaker.
 Lord, your word says what does God require of us?
 To do justice and love mercy and walk humbly before your God.
 I pray that your hand be upon your people today.
 Thank you, God, that you are giving them wisdom, insight, and foresight
 to do the job that you have called them to do.
 We pray, oh God, that you continue to bless them.
 That you would enlarge their territory and expand their borders.
 That your hand would be upon them
 and that you would keep us from any harm or danger.
 We dispatch angels around the city today.
 That your hand of mercy will protect us.
 That no weapon formed against the city shall prosper.
 We ask right now that your favor be upon your people today
 and, God, as they serve the city, that the first thing
 people will come in contact with is your favored shield.
 I pray right now that you will orchestrate their footsteps
 and continued I can have them wisdom to do the job
 that you have called them to do.
 Lead, guide, and direct them.
 In your name,
 Amen.

Council Member Levin 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 below.

The Speaker (Council Member Johnson) acknowledged the 18th anniversary of the September 11th attacks. He asked that we remember those individuals who lost their lives that day and that we continue to comfort their surviving family members and friends as well. The Speaker (Council Member Johnson) expressed his thanks and gratitude for the bravery and heroism exhibited by the first responders during their time at Ground Zero.

Former Council Member Rev. Wendell Foster died on September 3, 2019 at the age of 95. Council Member Foster was the first African-American to be elected to the Council from the Borough of The Bronx. The Speaker (Council Member Johnson) noted that Rev. Foster was known as a pioneer and in leader in the civil rights movement as was regarded as a mentor to many. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to his friends and family including his daughter former Council Member Helen Diane Foster.

The Speaker (Council Member Johnson) acknowledged the death by suicide of another member of the NYPD family. Edward Rosa, 48, was a retired NYPD transit sergeant who died on September 2, 2019. He was the tenth member of the Police Department who took his own life that year. The Speaker (Council Member Johnson) noted that legislation was being introduced at that day's Stated Meeting that sought to address this crisis. He announced that the Council would work closely with mental health professionals and first responders in shaping the legislation that is scheduled to have an upcoming hearing later in the month.

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

* * *

ADOPTION OF MINUTES

On behalf of Council Member Cornegy, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) moved that the Minutes of the Stated Meetings of June 26, 2019 and July 23, 2019 be adopted as printed.

LAND USE CALL-UPS

M-181

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 190333 PSY, C 190335 ZSX, C 190339 ZSK, C 190116 MMK, C 190340 ZSM, C 190341 PQM, C 190252 MMM, C 190342 ZSQ, and C 190117 MMQ (Borough-Based Jail System) shall be subject to Council review. These items are related to Application Nos. N 190334 ZRY, C 190336 ZMX, N 190337 ZRX, and C 190338 HAX.

Coupled on Call-Up Vote.

M-182

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 190386 ZSQ (Vernon Boulevard Broadway Rezoning) shall be subject to Council review. This item is related to Application Nos. N 190151 ZRQ, and C 100421 ZMQ.

Coupled on Call-Up Vote.

M-183

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 190439 ZSQ (LeFrak City Parking Garage) shall be subject to Council review. This item is related to Application No. N 190440 ZRQ.

Coupled on Call-Up Vote.

M-184

By The Speaker (Council Member Johnson):

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 210 6th Avenue, Borough of Manhattan, Council District 3, Community District 2, Application No. 20195715 TCM (Lola Taverna) shall be subject to review by the Council.

Coupled on Call-Up Vote.

M -185

By Council Member Rivera:

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 444 3rd Avenue, Borough of Manhattan, Council District 2, Community District 6, Application No. 20195720 TCM (Hummus Kitchen) shall be subject to review by the Council.

Coupled on Call-up vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, 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) – **50**.

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

REPORTS OF THE STANDING COMMITTEES**Report of the Committee on Civil and Human Rights**

Report for Int. No. 136-A

Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to protections for workers under the city's human rights law.

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on January 31, 2018 (Minutes, page 292), respectfully

REPORTS:**I. INTRODUCTION**

On September 12, 2019, the Committee on Civil and Human Rights, chaired by Council Member Mathieu Eugene, will hold a vote on Proposed Introductory Bill Number 136-A (Int. No. 136-A), in relation to protections for workers under the city's human rights law. On June 18, 2018, the Committee heard testimony from the New York City Commission on Human Rights (CCHR), advocates, business representatives and other stakeholders. Their feedback informed amendments to the bill.

II. BACKGROUND

Workers in New York City are offered a number of protections against discrimination, harassment and retaliation under the City's Human Rights Law (NYCHRL). However, many of the employment-related protections in the NYCHRL apply only to employers with four or more employees. Currently, workers are considered employees regardless of whether they are paid on or off the books, full-time or part-time, temporary or permanent, or are paid or unpaid interns.¹ There is less clarity whether regarding whether volunteers, independent contractors, and other employee arrangements count toward the four-employee requirement. As such, some employers with less than four employees have been able to evade consequence under the NYCHRL.

For example, on September 17, 2014, the Law Enforcement Bureau of the New York City Commission on Human Rights (the Commission) filed a complaint alleging an advertisement placed on the online website Craigslist discriminated based on gender and national origin. According to the complaint, Ayhan Aksoy, the Respondent, placed a job posting on Craigslist for "two full-time Eastern European waitresses and a female bartender/phone person" for a New York City restaurant. The complaint was dismissed on the grounds that the restaurant was not a "covered employer" as it did not employ the requisite four employees. Furthermore, the subsequent hiring of employees after the date the alleged discrimination occurred did not qualify for the purposes of the four-employee requirement.

To mitigate against future similar cases and lend more predictability to the four-employee requirement, Int. No. 136-A would clarify that the NYCHRL would apply to any employer that employs four or more employees at any time during the period "beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice...." It would also extend the employment protections of the NYCHRL to freelancers and independent contractors. The State recently enacted similar legislation prohibiting harassment and discrimination against "nonemployees."

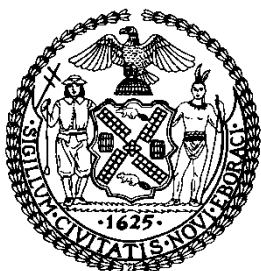
¹ New York City Commission on Human Rights "The Law – In the Workplace" available at: <http://www1.nyc.gov/site/cchr/law/in-the-workplace.page>.

III. BILL ANALYSIS

Section one of the bill amends the definition of “employer” under § 8-102, by modifying the time period when an employer is considered to employ four persons, thereby triggering obligations under the NYCHRL. The time period proposed in this bill would run from 12 months prior to the unlawful discriminatory practice and continue through until the end of the unlawful discriminatory practice. The definition of employer is also amended to apply to independent contractors regardless of whether they themselves are employers. Finally, the definition is clarified to include an employer’s parent, spouse, domestic partner or child towards the four person employee requirement if they are employed by such employer.

Section two of the bill implements a minor stylistic drafting update. Section three of the bill amends § 8-107(23) to clarify that the employment protections of Chapter 1 of Title 8 of the NYCHRL apply to freelancers and independent contractors. Int. No. 136-A takes effect 90 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 136-A:)



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

PROPOSED INT. NO. 136-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to protections for workers under the City’s human rights law.

Sponsors: By Council Members Lander, Rosenthal, Rose, Chin, Brannan, Kallos, Reynoso, Powers, Van Bramer, Ayala, Menchaca, Perkins, Rivera, Richards, Levin, the Public Advocate, Ampry-Samuel, Levine, Cumbo, and Espinal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 136-A amends the City’s Human Rights Law to include protections for freelancers and independent contractors. It would also alter the time frame for the four-employee threshold that triggers the application of the City’s Human Rights Law. Pursuant to this bill, the New York City Human Rights Law would apply to any employer that employs four or more employees at any time during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice. An employer’s parent, spouse, domestic partner or child if employed by an employer would now also be included in the employee count.

EFFECTIVE DATE: This local law would take effect 90 days after it becomes 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 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 because it does not impose any requirements on the City.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: City Council Finance Division

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Rebecca Chasan, Senior Counsel
Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head

LEGISLATIVE HISTORY: This legislation was introduced to the Council on January 31, 2018 as Intro. No. 136 and was referred to the Committee on Civil and Human Rights (Committee). On June 18, 2018 the Committee heard the legislation, and the legislation was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 136-A, will be considered by the Committee at a hearing on September 12, 2019. Upon successful vote by the Committee, Proposed Intro. No. 136-A will be submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 9, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 136-A:)

Int. No. 136-A

By Council Members Lander, Rosenthal, Rose, Chin, Brannan, Kallos, Reynoso, Powers, Van Bramer, Ayala, Menchaca, Perkins, Rivera, Richards, Levin, the Public Advocate (Mr. Williams), Ampry-Samuel, Levine, Adams, Cumbo and Espinal.

A Local Law to amend the administrative code of the city of New York, in relation to protections for workers under the city’s human rights law

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York, as amended by local law 98 for the year 2018, is amended to read as follows:

Employer. For purposes of subdivisions 1, 2, 3, 11-a, and 22, subparagraph 1 of paragraph a of subdivision 21, [and] paragraph e of subdivision 21 *and subdivision 23* of section 8-107, the term "employer" does not

include any employer [with] *that has* fewer than four persons in the employ of such employer *at all times during the period beginning twelve months before the start of an unlawful discriminatory practice and continuing through the end of such unlawful discriminatory practice*, provided however, that in an action for unlawful discriminatory practice based on a claim of gender-based harassment pursuant to subdivision one of section 8-107, the term "employer" shall include any employer, including those with fewer than four persons in their employ. For purposes of this definition, (i) natural persons [employed as independent contractors to carry out work] *working as independent contractors* in furtherance of an employer's business enterprise [who are not themselves employers] shall be counted as persons in the employ of such employer *and (ii) the employer's parent, spouse, domestic partner or child if employed by the employer are included as in the employ of such employer.*

§ 2. Paragraph (f) of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended local law 63 for the year 2018, is amended to read as follows:

(f) The provisions of this subdivision [shall] *do* not govern the employment by an employer of the employer's parents, spouse, domestic partner, or children; provided, however, that such family members shall be counted as persons employed by an employer for the purposes of the definition of employer set forth in section 8-102.

§ 3. Subdivision 23 of section 8-107 of the administrative code of the city of New York, as added by local law number 9 for the year 2014, is amended to read as follows:

23. *Additional provisions relating to employment.* The [provisions] *protections* of this chapter relating to employees [shall] apply to interns, *freelancers and independent contractors.*

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

MATHIEU EUGENE, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, BILL PERKINS; Committee on Civil and Human Rights, September 12, 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 Contracts

Report for Int. No. 1293-B

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

The Committee on Contracts, to which the annexed proposed amended local law was referred on December 11, 2018 (Minutes, page 4842), respectfully

REPORTS:

I. INTRODUCTION

On September 12, 2019 the Committee on Contracts, chaired by Council Member Benjamin Kallos will vote on the following legislation: Introductory Number 1293-B ("Int. No. 1293") A local law to amend the administrative code of the city of New York, in relation to minority and women-owned business enterprises; and Introductory Number 1452-A ("Int. No. 1452") a local law to amend the administrative code of the city of New York, in relation to minority and women-owned business enterprises. The Committee previously heard these bills on June 20, 2019, where the administration and members of the public provided testimony.

II. BACKGROUND

According to the United States Small Business Administration, New York is home to millions of small businesses, which collectively employ over 3.9 million people and represent the diversity of the City.¹ Despite the large presence of M/WBEs in the City, these businesses have historically struggled with participation in City contracting. The City's M/WBE program was originally established following a 1989 voter referendum approving the establishment of a program to assist M/WBEs.² The M/WBE disparity study conducted pursuant to the program examined the number of M/WBEs that operate in the city compared to rates of procurement of government contracts and found substantial underutilization of M/WBEs.³ The study revealed that M/WBEs were underutilized in the awarding of both prime contracts and subcontracts.⁴

In 2005, the Council passed Local Law 129, which re-established the City's M/WBE program to "address the impact of discrimination on the city's procurement process, and to promote the public interest in avoiding fraud and favoritism in the procurement process, increasing competition for city business, and lowering contract costs." Local Law 129 set aspirational goals for City agencies to increase their contracting with MWBEs, set target percentages for certain types of contracts, and established an M/WBE certification program, which provides greater access to information about contracting opportunities through classes, networking events, targeted solicitations, and includes an online directory for certified businesses within the City that promotes M/WBE businesses to purchasers.⁵

In 2013, the City passed Local Law 1⁶, which made a number of significant changes to the city's M/WBE program, including: (i) removing the requirement that M/WBE goals only apply to contracts valued at one million dollars or less; (ii) the creation of "M/WBE stat," an accountability program that requires agency M/WBE officers to convene quarterly to discuss progress with reaching M/WBE goals; (iii) requiring M/WBE reports from MOCS on a quarterly basis instead of semi-annually (as was required under Local Law 129 of 2005); and (iv) overall, improving and increasing education and outreach regarding the MWBE program and city contracting.⁷

III. FINDINGS OF THE 2018 NYC M/WBE DISPARITY STUDY

In May 2018, the independent consulting firm MGT Consulting Group ("MGT") released the *City of New York Disparity Study* ("Disparity Study"), which analyzed the utilization rate of M/WBEs in city contracting in order to inform the city in its establishment of future aspirational goals for the M/WBE program.⁸ The critical question posed by the Disparity Study was whether there was "statistical evidence of disparity between the availability and utilization of M/WBE firms" by city agencies in their contracting processes.⁹ In the course of its analysis for the Disparity Study, MGT considered agency procurement data from 2006 – 2015, and reviewed contracting opportunities and awards in several procurement categories to determine whether there was a statistical disparity of data for particular groups identified by the M/WBE program.¹⁰

The three primary recommendations from MGT in the Disparity Study were:

¹ United States Small Business Administration, *Small Business Profile: New York* https://www.sba.gov/sites/default/files/advocacy/New_York.pdf

² Pursuant to *City of Richmond v. J.A. Croson Company*, 488 U.S. 469, 470-499 (1989), in which the Court held that a "race-based relief" program for public contracting requires a jurisdiction to demonstrate "identified discrimination" in government contracting against parties for whom relief is sought, and that the remedy be narrowly tailored to meet a compelling government interest.

³ See United States Small Business Administration, *Small Business Profile: New York*, at 10-4 available at https://www.sba.gov/sites/default/files/advocacy/New_York.pdf.

⁴ *Id.*

⁵ New York City Department of Small Business Services, "Minority and Women-owned Business Enterprise (M/WBE) Certification Program," <https://www1.nyc.gov/nycbusiness/description/minority-and-womenowned-business-enterprise-certification-program-mwbe> (last visited Oct 9, 2018).

⁶ L.L. 1/2013

⁷ *Id.*

⁸ See MGT Consulting Group, "City of New York Disparity Study," May 2018 available at <https://www1.nyc.gov/assets/mwbe/business/pdf/NYC-Disparity-Study-Report-final-published-May-2018.pdf>.

⁹ *Id.* At 1-2

¹⁰ See *id.*

1. Revising the State's 100,000 cap on goods or commodities purchased from M/WBE firms;
2. Crediting Asian-American firms in the Professional Services category towards M/WBE participation goals;
3. Expanding the minority categories to include Native American firms¹¹

Much of the data analyzed in the Disparity Study was done in light of the administration's stated aspirational goal of achieving 30% M/WBE utilization in procurement, as part of the OneNYC Plan.¹² The utilization rates revealed in the Disparity Study are consistent with the continuation of the citywide M/WBE program in accordance with federal requirements.¹³

A more up-to-date analysis of M/WBE procurement citywide is provided in the next section and includes data up to and including Q4 of fiscal year 2018.

IV. FISCAL YEAR 2018 M/WBE UTILIZATION

In Fiscal Year 2018 ("FY18") the City's total contracting budget was \$19.8 billion dollars.¹⁴ Of the City's total contracting budget, \$5.3 billion dollars was subject to the M/WBE program.¹⁵ In FY18, the City achieved a combined prime and subcontract M/WBE utilization rate of 19% amongst contracts subject to Local Law 1¹⁶, an increase from 11.4% in FY17.¹⁷ FY18 was the highest combined utilization rate under the City's M/WBE Program. M/WBEs were awarded 16% (\$835.3 million) of prime contracts in FY18 and 51% (\$258 million) of subcontracts subjected to the program.¹⁸

Although 35 agencies are subject to M/WBE participation goals, a significant percentage of the total dollar value of citywide awards to M/WBEs were made by three agencies, consistent with prior years.¹⁹ The Department of Design and Construction ("DDC"), the Department of Parks and Recreation ("DPR"), and the Department of Environmental Protection ("DEP") collectively awarded 72% of all prime and 67.75% of subcontracts awarded to M/WBEs.²⁰ In recent years, awards made by DDC have accounted for a significant proportion of both prime and subcontract awards. In FY18, DDC awarded 467.6 million in prime contracts to M/WBEs²¹, an increase from \$91.7 million in FY17, more than any other agency.²²

While certain agencies have contributed significantly to the City's M/WBE efforts, analyzing each agency solely by the total dollar value of their awards does not present an indicative assessment of that agencies

¹¹ See *id* at 6-3.

¹² See *Croson*, note 2 *supra*.

¹³ *Id.*

¹⁴ City of New York, Mayor's Office of Contract Services, *Agency Procurement Indicators: Fiscal Year 2018* available at <https://www1.nyc.gov/site/mocs/reporting/citywide-indicators/how-the-city-spends-its-money.page>

¹⁵ *Id.*

¹⁶ City of New York, Mayor's Office of Contract Services, *Minority and Women-Owned Business Enterprise Program Annual Report for Fiscal Year 2018* available at https://www1.nyc.gov/assets/sbs/downloads/pdf/about/mwbe-reports/fy18_final_mwbe_compliance_rpt.pdf

¹⁷ City of New York, Mayor's Office of Contract Services, *Agency Procurement Indicators: Fiscal Year 2017* available at https://www1.nyc.gov/assets/mocs/downloads/pdf/MWBEReports/2017_AgencyProcurementIndicators.pdf

¹⁸ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report" available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

¹⁹ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report" available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²⁰ City of New York, Mayor's Office of Contract Services, *Minority and Women-Owned Business Enterprise Program Annual Report for Fiscal Year 2018* available at https://www1.nyc.gov/assets/sbs/downloads/pdf/about/mwbe-reports/fy18_final_mwbe_compliance_rpt.pdf

²¹ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report" available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²² City of New York, Mayor's Office of Contract Services, *Agency Procurement Indicators: Fiscal Year 2017* available at https://www1.nyc.gov/assets/mocs/downloads/pdf/MWBEReports/2017_AgencyProcurementIndicators.pdf

success in awarding M/WBE contracts compared to other agencies. Since many agencies have budgets that are substantially larger than others, it is an incomplete comparison. It is important to note that while DDC awarded the greatest dollar value in awards to M/WBEs, the agencies prime and subcontract awards represents a very small fraction of the agency's total contracting budget subject to the M/WBE program.²³

In FY18, DDC had the largest prime contracting budget, compared to all other agencies at \$2.3 billion.²⁴ While DDC awarded 19.69% (\$467.6 million) to M/WBEs, the agency also awarded \$1.9 billion to non-certified firms.²⁵ Understandably, agencies with larger budgets face different challenges than agencies with smaller budgets. Generally, agencies with smaller budgets have awarded a greater share of contracts to M/WBEs and have higher utilization rates, compared to agencies, like DDC, with considerably larger budgets. For example, the agency that awarded the highest percentage of its budget in prime contracts to M/WBE firms in FY18 was the NYC Commission on Human Rights ("CCHR").²⁶ CCHR awarded M/WBE firms 77.94% of its \$1.2 million in prime contracts.²⁷ Notably, the Department of Health and Mental Hygiene (DOHMH) awarded 99.84% of its \$6.3 million in subcontracts to M/WBE firms.²⁸ However, some agencies with substantial budgets do have high utilization rates. In FY18, the New York City Police Department awarded M/WBEs nearly 50% of its \$131 million dollar budget.²⁹ Comparatively, the Department of Transit, which had the second largest contracting budget subject to the program, awarded 98% (\$632 million) to non-certified firms and just 2% (\$13 million) to M/WBE firms.³⁰ The charts below illustrate the agencies with the highest and lowest M/WBE utilization rates, with budgets greater than one million dollars in FY18.

Agencies with the Highest M/WBE Utilization Rates of Fiscal Year 2018*

Agency	Total FY18 Budget Subject to M/WBE Goals	% Awarded to M/WBEs
NYC Commission on Human Rights (CCHR)	\$1.2 Million	77.94%
Department of Small Business Services (SBS)	\$3.2 Million	74.43%
Department of Buildings (DOB)	\$2.4 Million	64.88%
New York City Police Department (NYPD)	\$131.8 Million	49.95%
Department of Housing, Preservation, and Development	\$27 Million	47.73%
Department of Probation (DOP)	\$1.2 Million	45.99%
NYC Human Resources Administration (HRA)	\$16.9 Million	34.87%
Department of Parks & Recreation (DPR)	\$315.2 Million	29.82%

²³ City of New York, Mayor's Office of Contract Services, Minority and Women-Owned Business Enterprise Program Annual Report for Fiscal Year 2018 available at https://www1.nyc.gov/assets/sbs/downloads/pdf/about/mwbe-reports/fy18_final_mwbe_compliance_rpt.pdf

²⁴ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²⁵ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²⁶ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²⁷ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²⁸ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

²⁹ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

³⁰ See "Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

Department of Investigations (DOI)	\$2 Million	28.07%
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* includes agencies with budgets greater than \$1 million dollars, subject to the program.

Agencies with the Lowest M/WBE Utilization Rates of Fiscal Year 2018*

Agency	Total FY18 Budget Subject to M/WBE Goals	% Awarded to M/WBEs
Department of Transportation	\$645.5 Million	2.04%
Department of Information & Telecommunications	\$513.1 Million	4.27%
Department of City Planning (DCP)	\$5.6 Million	4.43%
FDNY	\$148.5 Million	4.84%
Department of Sanitation (DSNY)	\$220.4 Million	7.68%
Department of Environmental Protection (DEP)	\$533.5 Million	8.16%
Law Department	\$38 Million	8.67%
Department of Youth & Child Development (DYCD)	\$8.7 Million	11.07%
Department of Corrections (DOC)	\$38.6 Million	12.35%
DOHMH	\$58.5 Million	15.09%
New York City Emergency Management (\$8.8 Million	17.44%
Administration for Children Services (ACS)	\$42.5 Million	18.53%
Department of Finance (DOF)	\$4.8 Million	19.38%
Department of Design and Construction (DDC)	\$2.3 Billion	19.69%
Department of Homeless Services (DHS)	\$57.3 Million	22.16%

* includes agencies with budgets greater than \$1 million dollars, subject to the program.

V. DISPARITIES WITHIN CITY-CONTRACTING OF M/WBEs

Awards by Certification & Industry

Firms included in the M/WBE Program can be certified as either a minority owned-business (“MBE”) or a women-owned business (“WBE”). Businesses owned by women of color can be certified as both and are listed as MBE/WBE. As part of the M/WBE program, participation goals are attached to four industries: construction, goods, professional services, and standard services. Of the \$835 million in prime contracts awarded to M/WBE firms, 50% derived from goods contracts, 20.51% from professional services contracts, 10.93% from construction contracts, and 7.80% from standard services contracts.³¹ Of the \$258 million in subcontract awards, 77% standard services contracts, 54.88% derived from professional services contracts and 46% from construction contracts.³² In FY18, no subcontracts for goods contracts were awarded to M/WBEs, consistent with prior years.³³

³¹ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table G- Prime Contract M/WBE Utilization Final Report available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

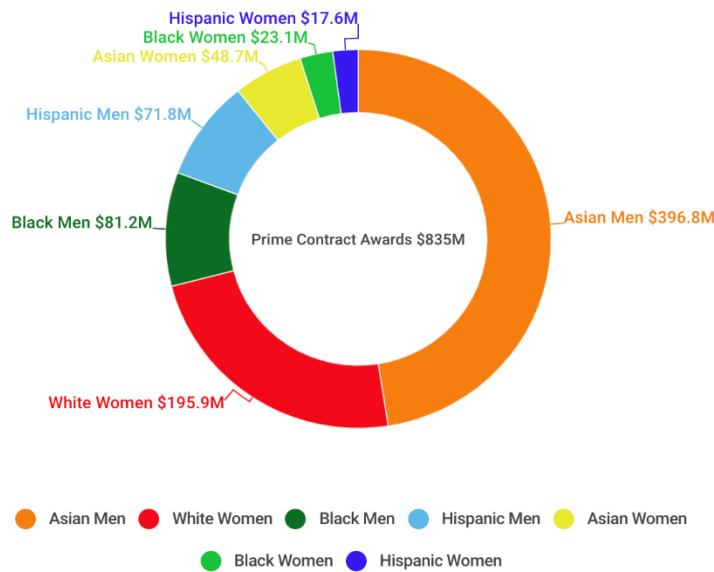
³² See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

³³ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

Awards by Race and Gender

While the City has generally improved its contracting with M/WBE firms, disparities exist among the type of MWBEs awarded contracts across industries. Of the \$835 million in prime contracts awarded to M/WBEs in FY18, nearly half was awarded to businesses owned by Asian Male-owned firms.³⁴ Of the total dollar value of prime contracts awarded to M/WBEs in FY18, 47.50% were awarded to Asian Male-owned firms, 23.46% were awarded to White Women-owned firms, 9.73% to Black Male-owned firms, 8.59% to Hispanic Male-owned firms, 5.83% to Asian Women-owned firms, 2.77% to Black Women-owned firms, and 2.13% were awarded to Hispanic Women-owned firms.³⁵ The pie chart below depicts the distribution of prime contract awards to M/WBEs by race and gender.³⁶

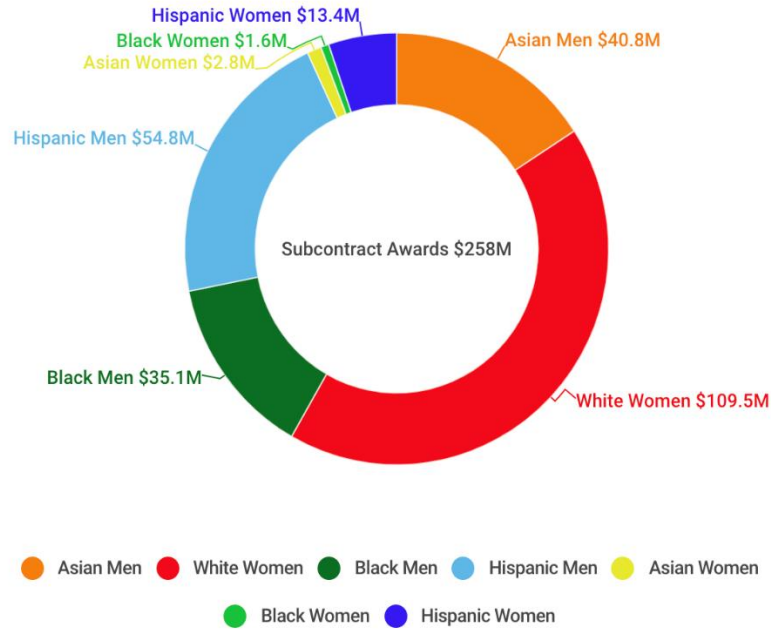
FY18- Total Dollar Value of Prime Awards to M/WBEs by Race and Gender



Of the \$258 million in subcontracts awarded to M/WBE firms, 42.45% were awarded to White Women-owned firms, 21.23% to Hispanic Male-owned firms, 15.84% to Asian Male owned firms, 13.60% to Black Male-owned firms, 5.18% to Hispanic Women-owned firms, 1.08% to Asian Women-owned firms, and 0.61% to Black Women-owned firms.³⁷ The pie chart below depicts the distribution of subcontract awards to M/WBEs by race and gender.³⁸

³⁴ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>
³⁵ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>
³⁶ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>
³⁷ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>
³⁸ See “Fiscal 2018 M/WBE Report Appendices Final Report: Table I- MWBE Subcontracting on Primes Final Report Prime available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-appendices.page>

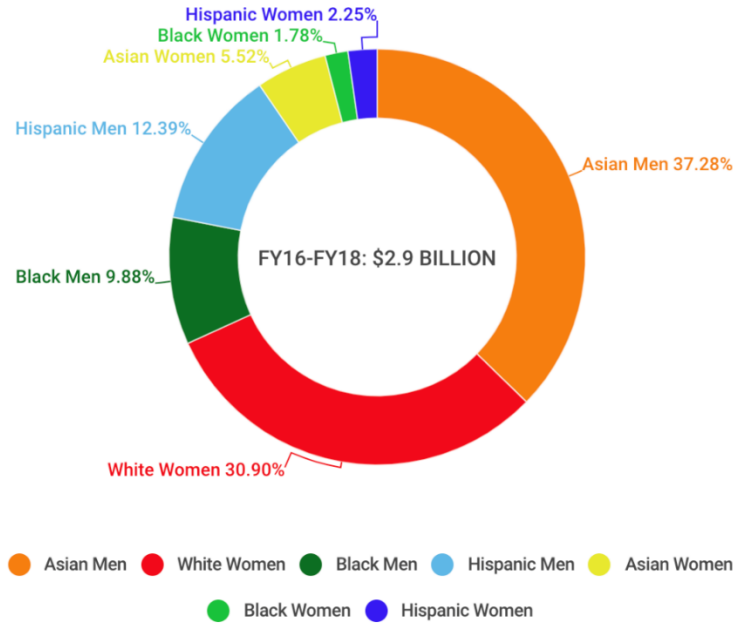
FY18- Total Dollar Value of Subcontract Awards to M/WBEs by Race and Gender



In the last three fiscal years, a significant share of the total value of contracts awarded to certified M/WBE firms has been awarded to businesses owned by Asian Men and White Women.³⁹ In Fiscal Years 2016, 2017, and 2018 combined, the City awarded M/WBE firms a total of \$2.3 billion dollars in prime contracts and \$532 million in subcontracts.⁴⁰ Asian Male and White Women-owned businesses were collectively awarded 68% of the total value in prime and subcontracts awards to M/WBEs between FY16 and FY18.⁴¹ Businesses owned by Asian Men and White Women have benefited most often from the City’s M/WBE program while businesses owned by women of color have seen minimal impact. Of the total value of all contracts awarded to M/WBE firms between FY16 and FY17, 1.78% were awarded to businesses owned by Black Women, 2.25% to Hispanic Women, and 5.52% to Asian Women owned firms.⁴² The chart below illustrates the distribution of all contract awards to M/WBEs between FY16 and FY18.⁴³

³⁹ See “M/WBE Reports” Fiscal Years 2016, 2017, and 2018 available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-reports.page>
⁴⁰ See “M/WBE Reports” Fiscal Years 2016, 2017, and 2018 available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-reports.page>
⁴¹ See “M/WBE Reports” Fiscal Years 2016, 2017, and 2018 available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-reports.page>
⁴² See “M/WBE Reports” Fiscal Years 2016, 2017, and 2018 available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-reports.page>
⁴³ See “M/WBE Reports” Fiscal Years 2016, 2017, and 2018 available at <https://www1.nyc.gov/site/mocs/partners/m-wbe-reports.page>

Total Dollar Value of Prime/Subcontracts Awarded to M/WBEs in FY16, FY17, and FY18



From the data provided by the administration, it is unclear how the proportion of certified firms and the services they provide reflect the distribution of awards. For example, more White-Women and Asian Male owned firms could be certified in particular industries than other groups, which could possibly explain why they are awarded a greater share of contracts. Additionally, there are a myriad of challenges M/WBEs experience when trying to contract with the City. These findings and trends may provide a deeper understanding of which M/WBEs need targeted support and capacity building.

VI. CITY PROGRAMS TO ASSIST M/WBES

The Department of Small Business Services (“SBS”) offers several programs to assist small businesses and M/WBES toward approval and completion of city projects. In recent years, the administration has sought to create programs that assist M/WBES with the financing.

A. Contract Financing Loan Fund

The Contract Financing Loan Fund is administered by SBS and is offered to small businesses and M/WBES that have been awarded city projects.⁴⁴ The fund loans up to \$500,000 at an annual interest rate of 3% to existing prime or subcontracting firms that are applying for financing toward a contract with a city agency or city-funded entity.⁴⁵

⁴⁴ See NYC Business, “Contract Financing Loan Fund,” <https://www1.nyc.gov/nycbusiness/article/contract-financing-loan-fund> (last visited Oct. 3, 2018).

⁴⁵ See *id.*

B. Bond Readiness Program

The Bond Readiness Program is a 3-month intensive program offered by SBS for M/WBE-certified and small construction firms.⁴⁶ The program provides a variety of financial management training and one-on-one guidance towards obtaining surety bonds and expanding bond capacity on city construction projects.⁴⁷ SBS connects program participants to a network of surety companies, and provides training on the surety bonding process and guidance on how to qualify for bonding.⁴⁸

C. Construction Mentorship Program

The Construction Mentorship Program is a four-month intensive program offered by SBS to M/WBE-certified construction firms to assist in navigating city contracting opportunities and expanding professional networking.⁴⁹ The program offers one-on-one business mentoring, specialized education and training, bidding assistance, and customized business needs assessment and growth plans to qualified M/WBE-certified construction firms.⁵⁰

D. NYC Goods and Services Mentorship Program

The NYC Goods and Services Mentorship Program is a four-month intensive program offered by SBS to M/WBE-certified firms in non-construction industries.⁵¹ The program is designed to assist non-construction M/WBEs toward expanding their businesses and successfully bidding on city contracts.⁵² The program offers tailored business development courses, bidding assistance for city contracts, one-on-one mentoring with management consultants, and customized business assessments and growth plans.⁵³ The target businesses of this program are certified M/WBEs looking to provide goods or professional or standard services to city agencies.⁵⁴

VII. LEGISLATIVE ANALYSIS OF PROPOSED INT. NO. 1293-B

Proposed Int. No. 1293-B would amend the definition of “Minority Group” for purposes of the city’s M/WBE program to include Native Americans in all covered procurement categories and add Asian Americans in the category for professional service contracts. The bill would also update citywide procurement goals for all minority groups across all procurement categories in accordance with the findings in the most recent citywide disparity study.

VIII. LEGISLATIVE ANALYSIS OF INT. NO. 1452-A

Int. No. 1452-A would improve agency performance in meeting M/WBE contract participation goals. This bill would require the city’s chief procurement officer, in conjunction with the mayor’s office of minority and women’s-owned businesses, to more frequently update operational protocols for the city’s M/WBE program, as well as facilitate additional agency and contractor training of M/WBE program implementation. The bill

⁴⁶ See NYC Business, “Bond Readiness Program,” <https://www1.nyc.gov/nycbusiness/article/bond-readiness-program> (last visited Oct. 3, 2018).

⁴⁷ *Id.*

⁴⁸ *Id.*

⁴⁹ See NYC Business, “NYC Construction Mentorship,” <https://www1.nyc.gov/nycbusiness/article/nyc-construction-mentorship> (last visited Oct. 3, 2018).

⁵⁰ See *id.*

⁵¹ See NYC Business, “NYC Goods and Services Mentorship,” <https://www1.nyc.gov/nycbusiness/article/nyc-goods-and-services-mentorship> (last visited Oct. 3, 2018).

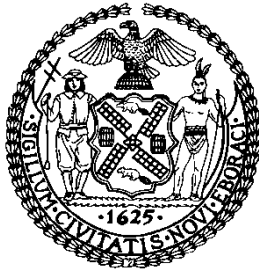
⁵² See *id.*

⁵³ See *id.*

⁵⁴ See *id.*

would also empower agency chief contracting officers to require contracting agencies to identify M/WBEs that those agencies intend to employ for certain contracts. Lastly, the bill would enable the chief procurement officer to exempt portions of certain contracts from the M/WBE program in instances where, after an exhaustive search by a contracting agency, it is determined that there are no eligible M/WBE firms eligible to perform the work required.

(The following is the text of the Fiscal Impact Statement for Int. No. 1293-B:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1293-B

COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to minority and women-owned business enterprises.
SPONSORS: Council Members Rose, Cornegy, Brannan, Ayala, Levin, Rosenthal, Adams, King, Kallos, Chin, Lander and Louise.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1293-B would amend the definition of “Minority group” for purposes of the City’s minority and women-owned business enterprise (M/WBE) program to add Native Americans. The bill would also update citywide procurement goals for all minority groups and for women-owned businesses across all procurement categories.

EFFECTIVE DATE: This local law would take effect 180 days after becoming law, except that the Department of Small Business Services (SBS) would take such measures as are necessary for the implementation of this local law before such date.

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 as SBS already has necessary existing resources to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Andrew Wilber, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Rebecca Chasan, Senior Counsel
Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1293 on December 11, 2018 and referred to the Committee on Contracts (Committee). The legislation was subsequently amended and the Committee heard the amended legislation, Proposed Intro. No. 1293-A, on June 20, 2018 and it was laid over. The legislation was subsequently amended a second time, and the most recently amended legislation, Proposed Intro. No. 1293-B, will be considered by the Committee at a hearing on September 12, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1293-B will be submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 9, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1293-B:)

Int. No. 1293-B

By Council Members Rose, Cornegy, Brannan, Ayala, Levin, Rosenthal, Adams, King, Kallos, Chin, Lander, Louis, Miller and Rivera.

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

Be it enacted by the Council as follows:

Section 1. Paragraph 26 of subdivision c of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

(26) "Minority group" means Black Americans[;], Asian Americans, [and] Hispanic Americans *and Native Americans*, provided that the commissioner shall be authorized to add additional groups to this definition upon a finding that there is statistically significant disparity between the availability of firms owned by individuals in such a group and the utilization of such firms in city procurement.

§ 2. Subdivision d of Section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, is amended to read as follows:

d. Citywide goals. (1) The citywide contracting participation goals for MBEs, WBEs and EBEs, which may be met through awards of prime contracts or subcontracts as described in subdivision j of this section, shall be as follows:

For construction contracts:

Category:	Participation goal:
Black Americans	[8]12% of total annual agency expenditures on such contracts
Asian Americans	[8]11.1% of total annual agency expenditures on such contracts
Hispanic Americans	[4]17.95% of total annual agency expenditures on such contracts
<i>Native Americans</i>	<i>0.56% of total annual agency expenditures on such contracts</i>
Women	[18]25.66% of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

For professional services contracts:

Category:	Participation goal:
Black Americans	[12]11.81% of total annual agency expenditures on such contracts
<i>Asian Americans</i>	<i>9.4% of total annual agency expenditures on such contracts</i>
Hispanic Americans	[8]8.99% of total annual agency expenditures on such contracts
<i>Native Americans</i>	<i>0.65% of total annual agency expenditures on such contracts</i>
Women	[37]36.67% of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

For standard services contracts:

Category:	Participation goal:
Black Americans	[12]14.32% of total annual agency expenditures on such contracts
Asian Americans	[3]9.88% of total annual agency expenditures on such contracts
Hispanic Americans	[6]10.2% of total annual agency expenditures on such contracts
<i>Native Americans</i>	<i>0.03% of total annual agency expenditures on such contracts</i>
Women	[10]29.26% of total annual agency

	expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

For goods contracts under one [hundred thousand] *million* dollars:

Category:	Participation goal:
Black Americans	[7]5.94% of total annual agency expenditures on such contracts
Asian Americans	[8]10.59% of total annual agency expenditures on such contracts
Hispanic Americans	[5]7.07% of total annual agency expenditures on such contracts
<i>Native Americans</i>	<i>2.44% of total annual agency expenditures on such contracts</i>
Women	[25]30.51% of total annual agency expenditures on such contracts
Emerging	6% of total annual agency expenditures on such contracts

§ 3. This local law takes effect 180 days after it becomes law, except that the department of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, BILL PERKINS, INEZ D. BARRON; Committee on Contracts, September 12, 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. 1452-A

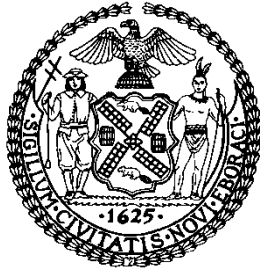
Report of the Committee on Contracts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York in relation to minority and women-owned business enterprises.

The Committee on Contracts, to which the annexed proposed amended local law was referred on February 28, 2019 (Minutes, page 656), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Contracts for Int. No. 1293-B printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1452-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO. 1452-A

COMMITTEE: Contracts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to minority and women-owned business enterprises
SPONSORS: Council Members Cornegy, Kallos and Lander

SUMMARY OF LEGISLATION: Proposed Intro. No. 1452-A would require the City’s Chief Procurement Officer, in conjunction with the Director of the Mayor’s Office of Minority and Women’s-Owned Businesses (M/WBE), to more frequently update operational protocols for the City’s M/WBE program, as well as facilitate additional agency and contractor training of M/WBE program implementation. The bill would also empower agency chief contracting officers to require contracting agencies to identify M/WBE or emerging business enterprises (EBEs) that such agencies intend to employ for certain contracts. Lastly, the bill would enable agencies to exempt portions of certain contracts from the M/WBE program requirements in instances where, after an exhaustive search by a contracting agency, the Director of the Mayor’s Office of MWBEs has determined that there are no eligible M/WBE or EBE firms available to perform the work required.

EFFECTIVE DATE: This local law would take effect immediately, except that the provisions in the local law related to exemption portions of contracts would take effect on the effective date of the rules adopted by the Department of Small Business Services to implement the requirements of those provisions.

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 as the Mayor’s Office of Contract Services and the Mayor’s Office of M/WBEs already have necessary resources to implement the requirements of the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Andrew Wilber, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Rebecca Chasan, Senior Counsel
Regina Poreda Ryan, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1452 on February 28, 2019 and referred to the Committee on Contracts (Committee). The Committee heard the legislation on June 20, 2019 and it was laid over. The legislation was subsequently amended and the amended legislation, Proposed Intro. No. 1452-A, will be considered by the Committee at a hearing on September 12, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1452-A will be submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 9, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1452-A:)

Int. No. 1452-A

By Council Members Cornegy, Kallos, Lander, Miller and Rivera (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

Be it enacted by the Council as follows:

Section 1. Paragraph 10 of subdivision e of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, and paragraph 14 of such subdivision, as amended by local law number 113 for the year 2016, are amended to read as follows:

(10) Each fiscal year the division, in consultation with the city chief procurement officer *and the director*, shall audit at least 5% of all open contracts for which contractor utilization plans have been established in accordance with subdivision i of this section and 5% of all contracts awarded to MBEs, WBEs, and EBEs to assess compliance with this section. All solicitations for contracts for which contractor utilization plans are to be established shall include notice of potential audit.

(14) The division, in consultation with the city chief procurement officer, shall conduct, coordinate and facilitate mandatory trainings for agency chief contracting officers and agency M/WBE officers to assist such officers in pursuing the objectives of this section. Each agency chief contracting officer shall undergo such training on or before the ninetieth day after he or she becomes an agency chief contracting officer, and every [two years] *year* thereafter. Each agency M/WBE officer shall undergo such training on or before the ninetieth day after he or she becomes an agency M/WBE officer pursuant to subdivision (f) of this section, and every [two years] *year* thereafter. [Agency chief contracting officers and M/WBE officers that have already undergone such training within the two years prior to the effective date of the local law that added this paragraph will be determined to be in compliance with the initial training required pursuant to this paragraph.] The city chief procurement officer will report to the speaker of the council on an annual basis, and shall post on the City's website, information regarding each agency's compliance with this paragraph.

§ 2. Paragraph 4 of subdivision f of section 6-129 of the administrative code of the city of New York, as renumbered by local law number 1 for the year 2013, paragraph 10 of such subdivision, as renumbered and amended by local law number 1 for the year 2013, and paragraph 11 of such subdivision, as added by local law number 1 for the year 2013, are amended to read as follows:

(4) ensuring that agency bid solicitations and requests for proposals, *and opportunities to be added to prequalified lists*, are sent to MBEs, WBEs, and EBEs in a timely manner, consistent with this section and rules of the procurement policy board;

(10) providing to the city chief procurement officer information for the reports required in subdivision l of this section and providing any other plans and/or reports required pursuant to this section or requested by the director and/or the city chief procurement officer; [and]

(11) participating in meetings required pursuant to subdivision m of this section;

§ 3. Subdivision f of section 6-129 of the administrative code of the city of New York is amended by adding new paragraphs 12, 13 and 14 to read as follows:

(12) *facilitating training of agency staff;*

(13) *developing and maintaining agency standard operating protocols for the M/WBE program; and*

(14) *promptly disseminating information, tools, and resources that support the agency's meeting of the requirements of this section.*

§ 4. Paragraphs 1, 3, 5 and 6 of subdivision i of section 6-129 of the administrative code of the city of New York, as amended by local law 1 for the year 2013, and paragraph 2 of such subdivision, as added by local law number 129 for the year 2005, are amended to read as follows:

(1) Prior to issuing the solicitation of bids or proposals for individual contracts *that present opportunities for participation by certified firms*, agencies shall establish participation goals for MBEs, WBEs and/or EBEs. Such goals may be greater than, less than or the same as the relevant citywide goal or goals established pursuant to subdivision d of this section. Taking into account the factors listed in this subdivision, an agency may establish a goal for a procurement that may be achieved by a combination of prime contract and subcontract dollars, *and/or* a combination of construction and services performed *by a contractor or subcontractor* pursuant to the contract, and/or a combination of MBEs, WBEs and/or EBEs. [Alternatively, an] An agency may establish specific goals for particular types of *goods or services to be provided by the prime contractor or subcontractors*, and/or goals for particular types of certified firms. In determining the participation goals for a particular contract, an agency shall consider the following factors:

(a) the scope of work;

(b) the availability of MBEs, WBEs and EBEs able to perform the particular tasks required in the contract;

(c) the extent to which the type and scale of work involved in the contract present prime contracting and subcontracting opportunities for amounts within the capacity of MBEs, WBEs and EBEs;

(d) the agency's progress to date toward meeting its annual participation goals through race-neutral, gender-neutral and other means, and the agency's expectations as to the effect such methods will have on participation of MBEs, WBEs and EBEs in the agency's future contracts; and

(e) any other factors the contracting agency deems relevant.

(2) A contracting agency shall not be required to establish participation goals [for]

[(i)](a) for procurements described in subdivision q of this section; [or]

[(ii)](b) when the agency has already attained the relevant goal in its annual utilization plan, or expects that it will attain such goal without the use of such participation goals; or

[(iii)](c) for a procurement to be made in a year for which the director determines that the city has already attained the relevant goal for the industry as set forth in subdivision d of this section.

(3) (a) For each contract in which a contracting agency has established participation goals, such agency shall state in the solicitation for such contract that bidders and/or proposers shall be required to agree as a material term of the contract that the contractor shall meet the participation goals unless such goals are waived or modified by the agency in accordance with this section.

(b) A contractor that is an MBE, WBE or EBE shall be permitted to count its own participation toward fulfillment of the relevant participation goal, provided that the value of such a contractor's participation shall

be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors.

(c) A contractor that is a qualified joint venture shall be permitted to count a percentage of its own participation toward fulfillment of the relevant participation goal. The value of such a contractor's participation shall be determined by subtracting from the total value of the contract any amounts that the contractor pays to direct subcontractors, and then multiplying the remainder by the percentage to be applied to total profit to determine the amount to which an MBE, WBE or EBE is entitled pursuant to the joint venture agreement. Notwithstanding any provision of this paragraph to the contrary, a contractor's achievement of participation goals shall be determined as described in paragraph two of subdivision j of this section.

(d) *Where the agency chief contracting officer determines that it is practicable in light of the nature of goods or services being procured and the expected duration of the contract, a contracting agency shall require bidders or proposers to identify in their bids or proposals the MBEs, WBEs or EBEs they intend to use in connection with the performance of the contract, including their names, addresses and telephone numbers, and require that any substitutions may only be made with the approval of the contracting agency, which shall only be given when the contractor has proposed to use a firm that would satisfy the goals established for the procurement to the same extent as the firm previously identified, unless the contracting agency determines that the contractor has met the standards for establishing reasonable, good faith efforts as provided in paragraph 12 of subdivision i.*

(5) For each contract for which participation goals are established, the contractor shall be required to submit with its bid or proposal a contractor utilization plan indicating:

(a) whether the contractor is an MBE, WBE, EBE, or a qualified joint venture;

(b) the percentage of work it intends to award to direct subcontractors; [and]

(c) in cases where the contractor intends to award direct subcontracts, a description of the type and dollar value of work designated for participation by MBEs, WBEs and/or EBEs, and the time frames in which such work is scheduled to begin and end; *and*

(d) *if required by the contracting agency pursuant to subparagraph d of paragraph 3 of this subdivision, the identity of the MBEs, WBEs or EBEs the contractor intends to use in connection with the contractor's performance of the contract, including their names, addresses and telephone numbers.*

When the contractor utilization plan indicates that the bidder or proposer does not intend to meet the participation goals, the bid or proposal shall not be deemed responsive unless the agency has granted a pre-award request for change pursuant to paragraph 11 of this subdivision.

(6) (a) For each contract for which a contractor utilization plan has been submitted, the contracting agency shall require that within thirty days of the issuance of notice to proceed, and at least [once] *twice* per year thereafter, the contractor submit a list of persons to which it intends to award subcontracts within the next twelve months. In the event that a contracting agency disapproves a contractor's selection of a subcontractor or subcontractors, the contracting agency shall allow such contractor a reasonable time to propose alternate subcontractors.

(b) The contracting agency may also require the contractor to report periodically about the contracts awarded by its direct subcontractors to indirect subcontractors.

§ 5. Clause (iii) of subparagraph a of paragraph 12 of subdivision i of section 6-129 of the administrative code of the city of New York, as amended by local law 1 for the year 2013, is amended to read as follows:

(iii) The contractor sent written notices, by certified mail, [or] facsimile, *electronic mail or other electronic format,* in a timely manner, to advise MBEs, WBEs or EBEs that their interest in the contract was solicited;

§ 6. Subparagraphs c and d of paragraph 1 of subdivision j of section 6-129 of the administrative code of the city of New York, as added by local law number 1 for the year 2013, and subparagraph h of such paragraph 1, as relettered by local law 1 for the year 2013, are amended, and a new subparagraph h-1 is added to such paragraph, to follow subparagraph h, to read as follows:

(c) In the case of contracts of the types identified pursuant to subparagraph (l) of this paragraph, the total dollar amount that a prime contractor of an agency has paid or is obligated to pay a direct subcontractor that is an MBE, WBE, or EBE, reduced by the dollar amount the direct subcontractor has paid or is obligated to pay its indirect subcontractors upon completion of work, shall be credited toward the relevant goal. Where such a

contractor has paid or is obligated to pay a direct [contractor] *subcontractor* that is both an MBE and a WBE, such amount shall be credited toward the relevant goal for MBEs or the goal for WBEs.

(d) In the case of contracts of the types identified pursuant to subparagraph (l) of this paragraph, the total dollar amount that a direct subcontractor of the prime contractor has paid or is obligated to pay to an indirect subcontractor that is an MBE, WBE or EBE shall be credited toward the relevant goal. Where such a contractor has paid or is obligated to pay an indirect [contractor] *subcontractor* that is both an MBE and a WBE, such amount shall be credited toward the relevant goal for MBEs or the goal for WBEs.

(h) No credit shall be given for the participation in a contract by any [company]*firm* that has not been certified as an MBE, WBE or EBE in accordance with section 1304 of the charter.

(h-1) Notwithstanding any provision of this section to the contrary, credit shall be given for work by a contractor or subcontractor that is certified as a minority or women-owned business enterprise pursuant to the executive law where such credit is required by section 311 of the charter or other provision of law, including but not limited to the New York City Rikers Island Jail Complex Replacement Act, part KKK of chapter 59 of the laws of 2018, and the New York City BQE Design-Build Act, part QQQ of chapter 59 of the laws of 2018.

§ 7. Subparagraph c of paragraph 2 of subdivision j of section 6-129 of the administrative code of the city of New York, as relettered and amended by local law number 1 for the year 2013, is amended and a new subparagraph c-1 is added to follow subparagraph c of such section, to read as follows:

(c) No credit shall be given to the contractor for the participation of a [company]*firm* that is not certified in accordance with section 1304 of the charter before the date that the [subcontractor] *firm* completes the work under the subcontract.

(c-1) Notwithstanding any provision of this section to the contrary, credit shall be given for work by a contractor or subcontractor that is certified as a minority or women-owned business enterprise pursuant to the executive law where such credit is required by section 311 of the charter or other provision of law, including but not limited to the New York City Rikers Island Jail Complex Replacement Act, part KKK of chapter 59 of the laws of 2018, and the New York City BQE Design-Build Act, part QQQ of chapter 59 of the laws of 2018.

§ 8. Paragraph 8 of subdivision o of section 6-129 of the administrative code of the city of New York, as added by local law number 129 for the year 2015, is amended to read as follows:

(8) A contractor's record in implementing its contractor utilization plan shall be a factor in the evaluation of its performance. Whenever a contracting agency determines that a contractor's compliance with a contractor utilization plan has been unsatisfactory, the agency shall, after consultation with the city chief procurement officer, file an advice of caution form for inclusion in [VENDEX] *the computerized data system maintained pursuant to subdivision b of section 6-116.2, or any successor to such system,* as caution data.

§ 9. Paragraphs 7 and 8 of subdivision q of section 6-129 of the administrative code of the city of New York, as amended by local law number 1 for the year 2013, are amended and a new paragraph 9 is added to read as follows:

(7) contracts for human services; [and]

(8) contracts awarded to not-for-profit organizations; *and*

(9) portions of a contract that the director determines should be exempt because, after an extensive search conducted by the contracting agency, it appears that there are not MBE, WBE or EBE firms available to perform the work. Upon making such a determination the director may specify portions of the contract representing opportunities for participation by subcontractors that are not exempt. The division shall promulgate rules setting forth the criteria that agencies shall consider in making such requests for exemption.

§ 10. This local law takes effect immediately, except that subdivision 9 of this local law takes effect on the effective date of the rules adopted by the department of small business services to implement the requirements of subdivision 9 of this local law.

BEN KALLOS, *Chairperson*; HELEN K. ROSENTHAL, BILL PERKINS, INEZ D. BARRON, KALMAN YEGER Committee on Contracts, September 12, 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. 560-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law in relation to a pilot program to review school start times to reduce adolescent sleep deprivation.

The Committee on Education, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 790), respectfully

REPORTS:

INTRODUCTION

On Tuesday, September 10, 2019, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Proposed Introduction Number 560-A, sponsored by Council Member Mark Treyger; Proposed Introduction Number 1348-A, sponsored by Council Member Laurie Cumbo; Resolution Number 238, sponsored by Council Member Fernando Cabrera; Resolution Number 632, sponsored by Council Member Inez Barron; and Proposed Resolution Number 716-A, sponsored by Council Member Stephen Levin. 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 September 10, 2019, the Committee passed Proposed Int. No. 560-A, Proposed Int. No. 1348-A, Res. No. 632 and Proposed Res. No. 716-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions; and passed Res. No. 238 by a vote of fourteen in the affirmative, one in the negative, with zero abstentions.

BACKGROUND

School health education programs teach students basic skills and information about healthy lifestyles, and provide an opportunity to engage in healthy behaviors, such as participating in physical activity and eating nutritious meals.² Research shows that establishing healthy behaviors in younger people is easier and more effective than efforts to change unhealthy behaviors already established in adults.³ Research has also found a positive impact of health education on academic achievement and on health outcomes.⁴ All students in New York City schools must participate in health and wellness instruction, based on federal and State guidance and requirements.

Federal Guidance and Requirements

Federal law requires that every school district, or local educational agency (“LEA”), that participates in the National School Lunch Program or other federal Child Nutrition programs must establish a local school wellness policy for all schools under its jurisdiction.⁵ Stakeholders including parents, students, representatives of the school food authority, physical education teachers, school health professionals, school administrators,

¹ Hearing held on January 16, 2019.

² American Cancer Society, American Diabetes Association, and American Heart Association’ “Health Education in Schools – The Importance of Establishing Healthy Behaviors in our Nation’s Youth,” accessed 1/7/19 at http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_308679.pdf.

³ *Id.*

⁴ *Id.*

⁵ U.S. Department of Agriculture (USDA) Food and Nutrition Service website, “Team Nutrition: Local School Wellness Policy” accessed 1/7/19 at <https://www.fns.usda.gov/tn/local-school-wellness-policy>.

and the general public must be able to participate in the development, implementation, review, and update of the local wellness policy.⁶ In addition to setting nutrition policies and guidelines, the wellness policy must establish “[s]pecific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness.”⁷ LEAs are required to review and consider “evidence-based strategies” in determining these goals.⁸

Additionally, the U.S. Centers for Disease Control and Prevention (CDC) has recognized that “[s]chools play a critical role in promoting the health and safety of young people and helping them establish lifelong healthy behaviors.”⁹ The CDC developed the Whole School, Whole Child, Whole Community (“WSCC”) model for addressing health in schools, which emphasizes the role of the community in supporting the school, the connections between health and academic achievement and the importance of evidence-based school policies and practices.¹⁰ The DOE has incorporated content and service areas recommended in the WSCC model in its Citywide Wellness Policy.¹¹

The CDC also developed National Health Education Standards (“NHES”) in 1995 to “provide a framework for teachers, administrators, and policy makers in designing or selecting curricula, allocating instructional resources, and assessing student achievement and progress.”¹² The NHES are written expectations for what students should know and be able to do by various grade levels to promote personal, family, and community health.¹³ DOE’s health education program follows the NHES.¹⁴

State Laws and Regulations Regarding Health Education

New York State Education Law (“SEL”) requires all schools to provide health education including mental health and the relation of physical and mental health as well as instruction “to discourage the misuse and abuse of alcohol, tobacco and other drugs and promote attitudes and behavior that enhance health, well being, and human dignity.”¹⁵ In addition, SEL requires instruction regarding methods of prevention and detection of certain cancers, including but not limited to breast cancer, skin cancer and testicular cancer, at the high school level.¹⁶ Beyond these required elements, the law calls on the State Education Commissioner to create regulations that allow health curricula to vary across the state to “meet the needs of particular school districts” and authorizes the Commissioner to, every three years, recommend inclusion of the most up to date information regarding drugs, including heroin and opioids, and other substances that are more prevalent among school aged youth.¹⁷ In addition, SEL states that the Commissioner “shall make available an interpersonal violence prevention education package for grades kindergarten through twelve” and “encourage the use of such material” in health education curricula.¹⁸ SEL also authorizes the inclusion of instruction regarding child development and parental skills and responsibility as part of home economics or health education in secondary schools.¹⁹

According to State Education Commissioner’s regulations, elementary schools are required to provide a sequential health education program for all pupils, grades K-6, taught by regular classroom teachers.²⁰ The

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ U.S. Centers for Disease Control and Prevention (CDC) website, “Health & Academics” accessed 1/7/19 at https://www.cdc.gov/healthyyouth/health_and_academics/index.htm.

¹⁰ CDC website, “Whole School, Whole Community, Whole Child (WSCC)” accessed 1/7/19 at <https://www.cdc.gov/healthyschools/wsc/index.htm>.

¹¹ DOE, “Department of Education Wellness Policy,” accessed 1/7/19 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>.

¹² CDC website, “National Health Education Standards” accessed 1/7/19 at <https://www.cdc.gov/healthyschools/sher/standards/index.htm>.

¹³ *Id.*

¹⁴ DOE, “Health Education Requirements,” accessed 1/7/19 at <https://www.schools.nyc.gov/school-life/learning/subjects/health-education/health-education-requirements>.

¹⁵ SEL §804.1 & 2.

¹⁶ *Id.* §804.5.

¹⁷ *Id.* §804.6(a).

¹⁸ *Id.* §804.6(b).

¹⁹ SEL §804-B

²⁰ 8 NYCRR §135.3 (b)(1).

health education program must include instruction regarding the acquired immune deficiency syndrome (“AIDS”) for all pupils, grades K-6.²¹ Similarly, health education is required for all pupils in the junior and senior high school grades and must be taught by teachers certified to teach health.²² Instruction regarding AIDS is also a required part of health education courses in grades 7-8 and in grades 9-12.²³

As in any subject, the New York State Education Department sets learning standards for health education that describe what students should know and be able to do at each grade level. For health education, there are three overall learning standards: Standard 1: Personal Health and Fitness; Standard 2: A Safe and Healthy Environment; and Standard 3: Resource Management.²⁴ Each of these general standards includes subcomponents regarding areas of study for students, broken down by elementary, intermediate and high school level.²⁵

NYC Department of Education Health and Wellness Instruction

DOE’s Office of School Wellness Programs (“OSWP”) is responsible for overseeing physical and health education instruction and other wellness programs.²⁶ OSWP develops DOE’s Wellness Policy in collaboration with a District Wellness Advisory Council consisting of representatives including, but not limited to: parents, students, representatives of SchoolFood, physical education teachers, health education teachers, school health professionals, mental health and social services staff, school administrators and other community partners and stakeholders.²⁷ The Wellness Policy includes sections on Comprehensive Health Education, including “Nutrition Education; Physical Education and Physical Activity; Health Services; School Food and Nutrition Promotion; and Other Activities that Promote Wellness.”²⁸ According to the Wellness Policy, “the NYC DOE requires standards-based Comprehensive Health Education in elementary, middle, and high school that is medically accurate, age- and developmentally appropriate, culturally inclusive, and provided in a safe and supportive learning environment where all students feel valued.”²⁹ Schools are expected to take a skills-based approach to teaching comprehensive health education addressing a variety of topics, such as tobacco, alcohol, and drug abuse; healthy eating/nutrition; mental and emotional health; personal health and wellness; physical activity; safety and injury prevention; and violence prevention.³⁰ New York State also requires that all students K-12 receive a certain number of lessons annually on the nature, methods of transmission, and methods of prevention of HIV/AIDS.³¹

Time requirements for health education and AIDS instruction are as follows:

Students in grades K-5 must have health instruction every year. There is no specific time requirement.

Students in grades K-6 must have five HIV/AIDS lessons per year.

Middle school students must have health education every day for one semester, which must add up to 54 hours.

Students in grades 7 – 8 must have six HIV/AIDS lessons per year.

High school students must have health education every day for one semester, which must add up to 54 hours.

All high school students must earn the equivalent of one credit in Health Education to graduate.

²¹ 8 NYCRR §135.3 (b)(2).

²² 8 NYCRR §135.3 (c)(1).

²³ 8 NYCRR §135.3 (c)(2).

²⁴ NYSED, *Learning Standards for Health, Physical Education, and Family and Consumer Science at Three Levels*, accessed 1/7/19 at <http://www.nysed.gov/common/nysed/files/programs/curriculum-instruction/healthpefaclearningstandards.pdf>.

²⁵ *Id.*

²⁶ DOE, “Department of Education Wellness Policy,” accessed 1/7/19 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *Id.*

All high school students must have six HIV/AIDS lessons per year.³²

Although not required by the State, in 2011, then-Chancellor Dennis Walcott mandated that sex education be taught in middle and high schools.³³ Currently, DOE requires all students in grades 6-12 to have sexual health education that is age-appropriate, skills-based and medically accurate as part of their comprehensive health education lessons.³⁴ Sexual health education must also be LGBTQ-inclusive.³⁵ Parents may opt their child out of certain HIV lessons and certain sexual health education lessons having to do with methods of prevention.³⁶

According to DOE's website, while health education must be taught by a certified health education teacher in middle and high school, "[i]n some cases, schools may allow a teacher who does not have a health education certificate to teach one health class."³⁷ In elementary schools, certified health education teachers or classroom teachers may provide health education instruction.³⁸

DOE provides research-based, recommended health education curricula for elementary, middle and high school levels, and offers teachers free training throughout the year.³⁹ However, if a school selects another curriculum, it must fulfill State and local health education requirements and should align with National Health Education Standards, and the National Sexuality Education Standards.⁴⁰ Although DOE's website does not currently include any information about curriculum, from 2007 through at least 2015, DOE recommended the use of *HealthSmart*⁴¹ and *Reducing the Risk*⁴² curricula in New York City.⁴³ According to DOE's Wellness Policy, DOE was expected to publish a K-12 Health Education Scope and Sequence in the 2017-2018 school year "to help schools provide sequential, skills-based and age-appropriate health education."⁴⁴

ISSUES AND CONCERNS

Recent data shows that DOE is failing to fulfill State health education requirements. In fact, while state law requires that middle and high school students receive one semester of health education provided by a licensed health instructor, 97% of middle and high school health instructors are not licensed, according to a 2017 Comptroller Scott M. Stringer report ("the Comptroller's report"), though many may have State

³² DOE website, "Health Education Requirements," accessed 1/7/19 at <https://www.schools.nyc.gov/school-life/learning/subjects/health-education/health-education-requirements>.

³³ Fernanda Santos and Anna M. Phillips, "New York City will Mandate Sex Education," *The New York Times*, August 9, 2011, accessed 1/11/19 at <https://www.nytimes.com/2011/08/10/nyregion/in-new-york-city-a-new-mandate-on-sex-education.html>

³⁴ DOE website, "Health Education Requirements," accessed 1/7/19 at <https://www.schools.nyc.gov/school-life/learning/subjects/health-education/health-education-requirements>.

³⁵ DOE, "Department of Education Wellness Policy," accessed 1/7/19 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>

³⁶ *Id.*

³⁷ DOE website, "Health Education Requirements," accessed 1/7/19 at <https://www.schools.nyc.gov/school-life/learning/subjects/health-education/health-education-requirements>.

³⁸ *Id.*

³⁹ DOE, "Department of Education Wellness Policy," accessed 1/7/19 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>.

⁴⁰ *Id.* See also <http://www.futureofsexed.org/nationalstandards.html>, accessed 1/11/19. The National Sexuality Education Standards (the "NSE Standards") are a set of guidelines developed in 2007 by a partnership of national sexual education advocates, and have been used in school districts in 32 states, including New York.

⁴¹ HealthSmart is a comprehensive K-12 health education program developed by Education, Training and Research (ETR). More information is available here: <http://www.etr.org/healthsmart/>

⁴² Reducing the Risk is a 16 class curriculum created by the ETR, currently in its 5th edition. More information available here: <https://www.etr.org/store/product/reducing-the-risk-basic-set/>.

⁴³ See Committee Report of the New York City Council Committees on Education, Health and Women's Issues, "Sex Education in New York City Schools," October 27, 2015, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2482683&GUID=67F77C4E-7208-4EFB-819A-732104264723&Options=Advanced&Search=>.

⁴⁴ DOE, "Department of Education Wellness Policy," accessed 1/7/19 at <https://infohub.nyced.org/reports-and-policies/policies/doe-wellness-policy>.

certification.⁴⁵ Furthermore, 28% of 6-8th grade middle schools do not have an assigned teacher to teach health, and only 57% of 8th graders received one semester of health education, as required by State law.⁴⁶

Sexual Health Education

Despite sexual health statistics suggesting a need for sexual health education, recent data shows that DOE is failing to provide many students with sex education.⁴⁷ According to the Comptroller's report, however, there is a lack of clear standards and accountability to ensure schools are actually teaching sex education, resulting in schools not meeting such expectations.⁴⁸ Recognizing the gaps that exist in providing students with sex education, the New York City Council passed, and Mayor Bill de Blasio signed, Local Law 90 of 2017, which established a Sexual Health Education Task Force ("the Task Force") to evaluate the current state of sexual health education in DOE schools.⁴⁹ The Task Force, which included parents, students, health experts, and administration appointees, was also charged with developing recommendations to improve sex education.⁵⁰ In July 2018, the Task Force published the following 11 recommendations:

Establish a district-wide philosophy and vision of comprehensive health education, including sexual health education that is developed by central NYCDOE leadership and modeled in all schools.

Ensure school staff have basic competencies around inclusivity and respect, and can link students to appropriate sexual health resources outside the school setting

Increase broad community buy-in of sexual health education through public awareness campaigns and informational sessions

Require schools to provide health education from a certified or otherwise qualified health instructor, with demonstrable sexual health education teaching competencies

Invest in policies and programs that increase the number of certified health education teachers

Require professional development for instructors assigned to teach health education, in order to ensure students receive high-quality health education from a prepared and knowledgeable teacher

Expand support and resources for rigorous curriculum review, development, and implementation by NYCDOE Office of School Wellness Programs and NYC District Wellness Advisory Council

Increase the mandated quantity of sexual health education across all grade levels

Create district- and school-level accountability for sexual health education

Develop systems to assess the quantity, implementation and delivery, and student experience of health education and sexual health education

Engage external stakeholders and experts to study sexual health education in NYC and make quality improvement recommendations⁵¹

⁴⁵ Office of the Comptroller, "Healthy Relationships: A Plan for Improving Health and Sexual Education in New York City Schools," September 14, 2017, accessed at <https://comptroller.nyc.gov/reports/healthy-relationships-a-plan-for-improving-health-and-sexual-education-in-new-york-city-schools/> at p. 5.

⁴⁶ *Id.*

⁴⁷ In 2016, there were 10,525 reported incidences of chlamydia among New York females aged 15-19 years old, representing an increase from the previous year. During this same period, nearly 40 percent of new HIV cases in New York City were among individuals aged 13-29 years old, with the majority of cases being gay and bisexual men. According to a Department of Health and Mental Hygiene report, in 2015 there were more than 9,000 pregnancies among youth aged 15-19 and nearly eight out of 10 were unintended pregnancies. In addition to challenges that come with sexual intercourse, New York City youth report some of the highest rates of intimate partner violence in the country. According to a 2016 CDC report, 12 percent of New York City students reported experiencing physical violence in the year before they were surveyed.

⁴⁸ Office of the Comptroller, "Healthy Relationships: A Plan for Improving Health and Sexual Education in New York City Schools," September 14, 2017, accessed at <https://comptroller.nyc.gov/reports/healthy-relationships-a-plan-for-improving-health-and-sexual-education-in-new-york-city-schools/> at p. 5.

⁴⁹ *Id.*

⁵⁰ Sexual Health Education Task Force, "Sexual Health Education in New York City," July 17, 2018, accessed at <https://www1.nyc.gov/assets/genderequity/downloads/pdf/Sex-Ed-Task-Force-Report-2018.pdf> at p. 1.

⁵¹ *Id.* at pp. 13-23.

Despite the need for more effective sexual health education, DOE has not implemented any of the recommendations proposed by the Task Force. DOE's inaction on this matter prevents students from receiving valuable information that could keep them safe.

Opioid Epidemic

Recent reports show that New York City, just like cities across the nation, is experiencing an opioid crisis.⁵² In 2016, citywide, about 1,300 individuals died from a drug overdose, and approximately 80% of such overdoses involved the use of opioids.⁵³ According to the 2017 Youth Risk Behavior Survey, the percentage of students who ever used heroin nearly quadrupled over the past eighteen years, increasing from 1% in 1999 to 3.9% in 2017.⁵⁴ While data on the fatality rates of opioid usage among New York City's young adults is limited, the CDC notes that in 2015, fatality rates for overdoses of individuals aged 15-19 were highest for opioids.⁵⁵ Advocates have called for DOE schools to prioritize teaching opioid awareness, and be equipped with naloxone, which is a medication designed to quickly reverse opioid overdose.⁵⁶

Nutrition Education

According to State regulation, instruction on nutrition is a required part of health education.⁵⁷ But many schools have difficulty providing enough nutrition education due to other academic requirements and limited staff expertise, so they often turn to nutrition education programs (NEPs) operated by outside organizations such as nonprofits, hospitals, and universities.⁵⁸ A 2018 report by the Tisch Food Center at Teachers College, Columbia University found that the majority of organizations that operate NEPs are nonprofits and these organizations cited limited time during the school day and space within schools as the two greatest challenges to their programs.⁵⁹ According to the report, 1025 schools, which is 56% of New York City public schools, have at least one NEP and some have more than one, while 815 schools, or 44%, lack even one NEP.⁶⁰ Further, elementary schools have the highest rate of at least one NEP and high schools have the lowest.⁶¹

CONCLUSION

Today's hearing will provide an opportunity to review DOE's provision of health and wellness instruction, including the department's plans for and progress towards meeting State health education requirements. This hearing will also allow the Committee to consider legislation that will promote participation in healthy behaviors for all students. Finally, the Committee will hear the concerns and recommendations of parents,

⁵² Office of the Mayor, "Healing NYC: Preventing Overdoses, Saving Lives," 2017, accessed at <https://www1.nyc.gov/assets/home/downloads/pdf/reports/2017/HealingNYC-Report.pdf> a p. 8.

⁵³ *Id.* p. 9.

⁵⁴ NYC Department of Health, "2017 Youth Risk Behavior Survey Results," accessed at <https://www1.nyc.gov/assets/doh/downloads/pdf/episrv/trend-report-yrbs-2017.pdf>.

⁵⁵ Centers for Disease Control and Protection, "Drug Overdose Deaths Among Adolescents Aged 15–19 in the United States: 1999–2015," August 2017, accessed at <https://www.cdc.gov/nchs/products/databriefs/db282.htm>.

⁵⁶ CBS News, Proposed Bill Would Require Teaching Children About Opioids" Feb, 27, 2018, accessed at <https://newyork.cbslocal.com/2018/02/27/bill-to-teach-kids-about-opioids/>. See also National Institute on Drug Abuse, "Opioid Overdose Reversal with Naloxone (Narcan, Evzio)," April 2018, accessed at <https://www.drugabuse.gov/related-topics/opioid-overdose-reversal-naloxone-narcan-evzio>.

⁵⁷ 8 NYCRR §135.1 (j).

⁵⁸ Koch PA, McCarthy JE, Uno C, Gray HL, Simatou G., *A is for Apple: The State of Nutrition Education Programs in New York City Schools*, Laurie M. Tisch Center for Food, Education & Policy, Program in Nutrition at Teachers College, Columbia University, March 2018, accessed at <https://www.tc.columbia.edu/media/centers/tisch/NEP-Report-March-22-2018.pdf>.

⁵⁹ *Id.* at 8.

⁶⁰ *Id.*

⁶¹ *Id.*

community groups, and advocates regarding the City's efforts to provide comprehensive health education and to meet State health education requirements.

BILL ANALYSIS

Proposed Int. 560-A - A Local Law in relation to a pilot program to review school start times to reduce adolescent sleep deprivation

This bill would establish a task force to study school start times in middle school and high school. The members of the task force would be appointed by the Mayor and the Speaker, and would include, at least, a high school student, a parent of a middle school student, and a parent of a high school student, a middle school teacher, a high school teacher, an administrator, a labor union representative, and a department of education representative. The task force would submit an annual report with recommendations to the Mayor and the Speaker for five years. The bill would take effect immediately after it becomes law, and would be repealed after five years.

Update to A version: The bill was amended to reflect that DOE is already engaged in a pilot program regarding school start times. The bill would require DOE to report on the pilot program including the names of participating schools, the start times, community outreach engagement and key findings, including whether the department intends to continue the pilot program or recommend changes to start times system wide.

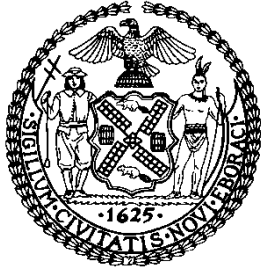
Proposed Int. 1348-A - A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding sexual health education

This bill would require the DOE to report annually on the amount of health education, including HIV/AIDS education and sexual health education, received by students in each grade at each school. The bill would also require DOE to report on the amount of compliance with state health education requirements at each school, and the number of certified health education instructors at each school. The bill would take effect immediately after it becomes law.

Update to A version: The bill was amended to include additional reporting requirements. Those new reporting data points include the disaggregation of the total number of licensed health instructors at each school by full- and part-time status; the number of instructors providing health education at each school on an incidental basis pursuant to New York State regulations and the number of incidental teaching applications submitted by DOE to the state education commissioner on an annual basis. Per state law, incidental teaching occurs when a teacher is assigned to teach a subject outside of the teacher's certification area for a limited period of time.

UPDATE: On September 10, 2019, the Committee passed Proposed Int. No. 560-A, Proposed Int. No. 1348-A, Res. No. 632 and Proposed Res. No. 716-A by a vote of fifteen in the affirmative, zero in the negative, with zero abstentions; and passed Res. No. 238 by a vote of fourteen in the affirmative, one in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 560-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

INT. NO: 560-A

COMMITTEE: Education

TITLE: A Local Law in relation to a pilot program to review school start times to reduce adolescent sleep deprivation.

SPONSOR(S): By Council Members Treyger, Lander, Grodenchik, Cohen, Ayala, Cumbo and Kallos.

SUMMARY OF LEGISLATION: Proposed Intro. No. 560-A would require the Department of Education (DOE or department) to report on its school start time pilot program to determine the effect of school start times on adolescent health and well-being. The report would include the names of participating schools, the start times, community outreach engagement and key findings, including whether the department intends to continue or expand the pilot program or recommend changes to start times system wide. DOE would be required to submit a report to the Mayor and the Speaker of the City Council of the key findings of the pilot program and recommendations on or before September 30, 2020.

EFFECTIVE DATE: This local law would take effect immediately and would expire and deemed repealed 120 days after submission of the report.

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 as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenses resulting from the enactment of this legislation because DOE would use existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Intro. No. 560 on February 14, 2018 and was referred to the Committee on Education (Committee). A hearing was held by the Committee on January 16, 2019, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 560-A, will be considered by the Committee on September 10, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 560-A will be submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 6, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 560-A:)

Int. No. 560-A

By Council Members Treyger, Lander, Grodenchik, Cohen, Ayala, Cumbo, Kallos, Barron, Rose and Rivera.

A Local Law in relation to a pilot program to review school start times to reduce adolescent sleep deprivation

Be it enacted by the Council as follows:

Section 1. School start time reporting. a. On or before September 30, 2020, the department of education shall submit to the mayor and the speaker of the council a report regarding the department's pilot program to review school start times and to determine the effect of such start times on adolescent health and well-being.

b. Such report shall contain the following information:

1. The name of each school that participated in the pilot program;
2. The start times of each school that participated in the pilot program;
3. How such schools were selected for participation in the pilot program, including a description of any community outreach conducted in the selection of schools; and
4. The results of the pilot program, including but not limited to:
 - (a) Whether the department of education solicited feedback from the students, teachers and staff at the schools participating in the pilot program, and a summary of any such feedback, disaggregated by each school;
 - (b) Key findings regarding the effects of changing the start times at the schools participating in the pilot program, including any effects on student attendance and lateness and other applicable outcomes;
 - (c) A description of any community outreach regarding the results of the pilot program conducted by the department of education in the communities in which the schools participating in the pilot program are located, and a summary of any feedback received based on such outreach;
 - (d) Whether the department of education intends to continue or expand the pilot program;
 - (e) Whether the department of education recommends changes to start times system wide; and
 - (f) Any recommendations regarding whether continued reporting on the topic of school start times is necessary and appropriate.

§ 2. This law takes effect immediately and is deemed repealed 120 days after submission of the report required by section 1 of this local law.

MARK TREYGER, *Chairperson*;; DANIEL DROMM, BRADFORD S. LANDER, Jr., DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, JOSEPH C. BORELLI;; Committee on Education, September 10, 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. 1348-A

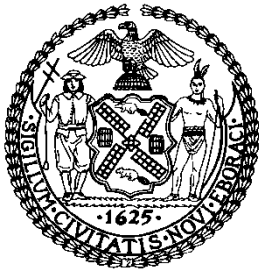
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding sexual health education.

The Committee on Education, to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 265), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 560-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1348-A:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

INT. NO: 1348-A

COMMITTEE: 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 information regarding sexual health education.

SPONSOR(S): By Council Members Cumbo, Treyger, Lander, Cohen, Rosenthal, Vallone, Chin, Kallos, Louis and Dromm.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1348-A would amend the required Department of Education (DOE) annual reporting on the amount of health education, including HIV/AIDS education and sexual health education, received by students in each grade at each school. The bill would expand reporting to include the number of certified health education instructors at each school, disaggregated by full-time and part-time licensed instructors, and the number of instructors that teach on an incidental basis. Per state law, incidental teaching occurs when a teacher is assigned to teach a subject outside of the teacher's certification area for a limited period of time.

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 there would be no impact on revenues as a result of this legislation.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenses resulting from the enactment of this legislation because DOE would use existing resources to implement the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Dohini Sompura, Unit Head

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

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Education (Committee) as a Preconsidered Introduction on January 16, 2019 and the legislation was laid over. The legislation was then introduced to the full Council as Intro. No. 1348 on January 24, 2019 and was referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1348-A, will be considered by the Committee on September 10, 2019. Upon a successful vote by the Committee, Proposed Intro. No. 1348-A will be submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 6, 2019.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1348-A:)

Int. No. 1348-A

By Council Members Cumbo, Treyger, Lander, Cohen, Rosenthal, Vallone, Chin, Kallos, Louis, Dromm, Barron, Rose, Ayala and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information regarding sexual health education

Be it enacted by the Council as follows:

Section 1. Section 21-966 of the administrative code of the city of New York, as added by local law number 14 for the year 2016, is amended to read as follows:

§ 21-966. Reporting on health education. a. For the purposes of this section, the following term has the following meaning:

Health education. The term “health education” means health education instruction, including sexual health education and HIV/AIDS education, consistent with learning standards for health education found in regulations promulgated by the New York state commissioner of education and in the department's requirements.

b. Not later than December 1, 2016, and on or before [the] December 1 annually thereafter, the department shall submit to the speaker *of the council* and post conspicuously on the department's website in a manner searchable by individual school, a report for the preceding academic year for each community school district and school within such district, which shall include, but not be limited to the following:

1. The total number and percentage of students in grades six through twelve who have completed at least one semester of health education;

2. Starting in the report for the [2017-2018] *2019-2020* school year and for every subsequent school year thereafter, [the total number and percentage of students in grade six who have completed at least 5 lessons in HIV/AIDS education;

3. Starting in the report for the 2017-2018 school year and for every subsequent school year thereafter, the total number and percentage of students in grades seven through twelve who have completed at least 6 lessons in HIV/AIDS education;

4.] *for each grade level in each school containing any combination of grades six through 12, data specifying the number and percentage of students who are receiving the amount of HIV/AIDS instruction required by section 135.3 of titles 8 of the New York codes, rules and regulations;*

3. Information regarding the implementation of health education instruction including, but not limited to: (i) how the department tracks compliance with health education and HIV/AIDS education requirements; (ii) how principals monitor teacher compliance with the sexual health knowledge benchmarks as outlined by the department [and, and]; (iii) how the efficacy of the health education curriculum recommended by the department is evaluated; *and (iv) what methods the department employs to solicit student feedback regarding health education;*

[5.] 4. Information regarding health education which specifically addresses lesbian, gay, bisexual, transgender, and questioning (LGBTQ) students, and other non-heterosexual sexual orientations or non-cisgender gender identities, including but not limited to, sexual health knowledge for same-sex relationships;

5. *The number of instructors providing health education instruction at each school;*

6. *The number of full-time licensed health instructors providing health education at each school;*

7. *The number of part-time licensed health instructors providing health education at each school; and*

8. *The number of instructors providing health education at each school on an incidental basis in accordance with section 80-5.3 of title 8 of the New York codes, rules and regulations; and*

9. *The total number, disaggregated by community school district, of the following:*

(a) *Incidental teaching applications submitted to the commissioner of state education pursuant to section 80-5.3 of title 8 of the New York codes, rules and regulations;*

(b) *Such applications denied by the commissioner of state education;*

(c) *Incidental teaching renewal applications submitted to the commissioner of state education pursuant to section 80-5.3 of title 8 of the New York codes, rules and regulations; and*

(d) *Such renewal applications denied by the commissioner of state education; and*

c. All information required to be reported by this section shall be aggregated citywide, as well as disaggregated by city council district, community school district and school.

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 interests of law enforcement. If a category contains between [0] *one* and [9] *five* students, or allows another category to be narrowed to between [0] *one* and [9] *five* students, the number shall be replaced with a symbol. *A category that contains zero students 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.

MARK TREYGER, *Chairperson*;; DANIEL DROMM, BRADFORD S. LANDER, Jr., DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, JOSEPH C. BORELLI; Committee on Education, September 10, 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 Immigration

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

Report for Int. No. 1690-A

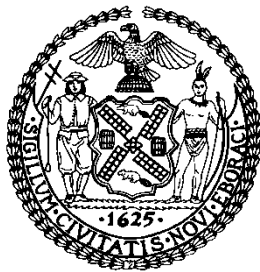
Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of social services/human resources administration to provide legal assistance providers information.

The Committee on Immigration, to which the annexed preconsidered and amended proposed local law was referred on September 12, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int. No. 1707-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1707-A:



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

PRECONSIDERED INTRO. NO: 1690-A

COMMITTEE: Immigration

TITLE: A local law in relation to requiring the department of social services/human resources administration to provide legal assistance providers information. **SPONSORS:** Council Member Cabrera.

SUMMARY OF LEGISLATION: This Preconsidered Intro. 1690-A would require the Department of Social Services/Human Resources Administration to develop and provide materials to legal services organizations with which it contracts to inform individuals about public benefits in relation to the federal regulations relating

to inadmissibility on public charge grounds. The Mayor’s Office of Immigrant Affairs would be required to provide a dedicated telephone number for referrals to legal services for assistance with questions regarding the federal regulations.

EFFECTIVE DATE: This local law would take effect immediately and be deemed repealed two years after it becomes 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 anticipated that the proposed legislation would not impact revenues.

IMPACT ON EXPENDITURES: It is anticipated that the proposed legislation would not impact expenditures because DSS/HRA will utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Unit Head, NYC Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Rebecca Chasan, Senior Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Immigration (Committee) as a Preconsidered Introduction 1690-A on September 3, 2019 and the legislation was laid over. The Preconsidered Intro. 1690-A will be voted on by the Committee at a hearing on September 12, 2019. Upon a successful vote by the Committee, the Preconsidered Intro. 1690-A will be introduced and submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 5, 2019.

(For text of the original Int. No. 1690, please refer to the Council website at www.council.nyc.gov and see the attachments section of the [Int. No 1690 of 2019 file](#))

Accordingly, this Committee recommends its adoption, as preconsidered and amended.

(The following is the text of Int. No. 1690-A:)

Preconsidered Int. No. 1690-A

By Council Members Cabrera, Kallos, Yeger, Barron, Ayala and Rivera.

A Local Law in relation to requiring the department of social services/human resources administration to provide legal assistance providers information

Be it enacted by the Council as follows:

Section 1. a. The department of social services/human resources administration shall, in consultation with the office of immigrant affairs, develop and provide materials to legal services organizations with which it contracts to inform individuals about public benefits in relation to the federal regulations relating to inadmissibility on public charge grounds as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register.

b. The mayor's office of immigrant affairs shall, in consultation with the department of social services, provide a dedicated telephone number for referrals to legal services providers for assistance with questions regarding the federal regulations described in this section, and monitor to ensure callers will not encounter unreasonably long waiting periods. The department of social services shall provide such telephone number to clients with questions regarding such federal regulations.

§ 2. This local law takes effect immediately, and is deemed repealed 2 years after it becomes law.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, MARK GJONAJ, FRANCISCO P. MOYA; Committee on Immigration, September 12, 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 and amended* by the Committee on Immigration and had been favorably reported for adoption.

Report for Int. No. 1707-A

Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds.

The Committee on Immigration, to which the annexed preconsidered and amended proposed local law was referred on September 12, 2019, respectfully

REPORTS:

INTRODUCTION

On September 12, 2019, the Committee on Immigration, chaired by Council Member Carlos Menchaca, will hold a second hearing and a vote on the following legislation: Proposed Int. No. 1707-A, sponsored by Council Member Menchaca, in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds; Preconsidered Int. No. 1708, sponsored by Council Member Rivera, in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds; Preconsidered Int. No. 1711, sponsored by Council Member Moya, in relation to requiring the distribution of information on local emergency feeding programs; Proposed Int. No. 1690-A, sponsored by Council Member Cabrera, in relation to requiring the department of social services/human resources administration to provide legal assistance providers information; and Preconsidered Res. No. 1047, sponsored by Council Member Levin, calling on the United

States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds.” The committee first heard this package of legislation, including prior versions of Proposed Int. No.1707 -A (Menchaca) and Proposed Int. No. 1690-A (Cabrera), on September 3, 2019.

BACKGROUND

Immigrants in New York City

New York City is home to 3.2 million immigrants, the largest number in the city’s history. Immigrants comprise nearly 37.1 percent of the city population and make up more than 44 percent of the City’s workforce.¹ As of 2013, more than half of New Yorkers (6-in-10) were either foreign-born or children of immigrants,² and as of 2019, MOIA reports that 60 percent of New Yorkers live in households with at least one immigrant,³ with over one million New Yorkers living in households with at least one undocumented immigrant.⁴ While the majority of foreign-born New Yorkers are naturalized U.S. Citizens (56.2 percent), MOIA estimates that another 660,000 immigrant New Yorkers are lawful permanent residents currently eligible to naturalize, with a slightly smaller undocumented population of approximately 477,000.⁵

In addition to making up a critical mass of New York City’s population, immigrants are major contributors to the City’s economy. In their 2019 report, MOIA found that immigrants contributed an estimated \$228 billion to the City’s Gross Domestic Product (GDP), or about 25.8 percent of the City’s total GDP.⁶ While the workforce participation rates among immigrants are comparable to their U.S.-born counterparts, undocumented immigrants have a higher rate of workforce participation at 77.4 percent compared to 64.9 percent for U.S.-born citizens and approximately 63.2 percent for all documented immigrants.⁷ Immigrants are also entrepreneurial, making up a majority of the business owners in New York City.⁸ Nationally, immigrants own businesses at a higher rate (10.5 percent) than their U.S. born counterparts (9.3 percent).⁹ Immigrants in New York pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes every year.¹⁰

Public Charge Inadmissibility Rule

On August 14, 2019, the federal administration published a final rule, titled “Inadmissibility on Public Charge Grounds,” that amends Department of Homeland Security (DHS) regulations by prescribing how DHS will determine whether a noncitizen applying for admission or adjustment of status is inadmissible to the United States under Section 212(a)(4) of the Immigration and Nationality Act (INA), because they are likely at any time to become a “public charge.” This final rule is effective at 12:00 a.m. Eastern Time on October 15, 2019. The final rule follows a Notice of Proposed Rulemaking (NPRM) originally published on October 18, 2018, to which more than 266,000 public comments were submitted for review prior to the rule being finalized. As written, the rule expands the circumstances under which an individual will be considered a

¹ Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2018*, (Mar. 15, 2019), https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf

² New York City, Department of City Planning. (2013). *The Newest New Yorkers: Characteristics of the City’s Foreign-born Population*. Accessed at: https://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf

³ Mayor’s Office of Immigrant Affairs, *State of Our Immigrant City: MOIA Annual Report for Calendar Year 2018*, (Mar. 15, 2019), https://www1.nyc.gov/assets/immigrants/downloads/pdf/moia_annual_report%202019_final.pdf

⁴ Id.

⁵ Id.

⁶ Id.

⁷ Id.

⁸ New York City, Office of Comptroller Scott M. Stringer. (2017). *Our Immigrant Population Helps Power NYC Economy*. Accessed at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Our-Immigrant-Population-Helps-Power-NYC-Economy.pdf>

⁹ U.S. Small Business Administration, Office of Advocacy. (2012). *Immigrant Entrepreneurs and Small Business Owners, and their Access to Financial Capital*. Accessed at: <https://www.sba.gov/sites/default/files/rs396tot.pdf>

¹⁰ New York City, Office of Comptroller Scott M. Stringer. (2017). *Our Immigrant Population Helps Power NYC Economy*. Accessed at: <https://comptroller.nyc.gov/wp-content/uploads/documents/Our-Immigrant-Population-Helps-Power-NYC-Economy.pdf>

“public charge,” and therefore inadmissible when applying for admission or adjustment of status.¹¹ The proposed rule would apply to individuals seeking admission to the U.S. from abroad on immigrant or nonimmigrant visas, individuals seeking to adjust their status to that of lawful permanent resident from within the U.S., and individuals within the U.S. who hold a temporary visa and seek to either extend their stay in the same nonimmigrant classification or to change their status to a different nonimmigrant classification.¹² Individuals exempt from the public charge rule would be groups of noncitizens that Congress specifically exempted from the public charge ground of inadmissibility, including refugees, asylees, Afghans and Iraqis with special immigrant visas, nonimmigrant trafficking and crime victims, individuals applying under the Violence Against Women Act, and special immigrant juveniles.¹³ Additionally, the rule excludes consideration of benefits received by U.S. citizen children of noncitizens who will acquire citizenship under either section 320 or 322 of the INA, and by noncitizen service members of the U.S. Armed Forces and their families.¹⁴

The final rule vastly expands: (1) the definitions for public charge and public benefits, and changes the standard that DHS uses when determining whether a noncitizen is likely to become a “public charge” at any time in the future and is therefore inadmissible and ineligible for admission or adjustment of status; (2) allows noncitizens who want to adjust their status to post a bond and obtain adjustment of status, despite being determined inadmissible on public charge grounds and in certain circumstances, allows a noncitizens to obtain a waiver of the public charge ground of inadmissibility; and (3) makes nonimmigrants who have received, since obtaining the nonimmigrant status they are seeking to extend or for which they are seeking to change, designated public benefits for more than 12 months in the aggregate within any 36-month period generally ineligible for change of status and extension of stay.¹⁵ The expanded definition for public charge would have DHS look at five factors¹⁶ more closely in determining whether a noncitizen is likely to become a public charge in the future, even if the individual has never used benefits in the past. The expanded definition of public benefits would include programs that were previously excluded from public charge determinations, such as Non-emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and several housing support programs.¹⁷

Notable differences from the NPRM in the final rule are as follows:¹⁸

The exhaustive list of public benefits listed excludes the Medicare Part D Low-Income Subsidy Program and institutionalization for long-term care at government expense;¹⁹

Public benefits use that would trigger grounds for inadmissibility will be based solely on benefit receipt for a duration of 12 months in the aggregate within a 36-month timeframe;²⁰

In addition to foreign-born individuals eligible for immigration benefits on humanitarian grounds, the rule exempts the following categories of foreign-born individuals from public charge determinations: individuals serving in the Armed Forces or Ready Reserve and their children and spouses,²¹ individuals receiving benefits under the Disabilities Education Act,²² certain individuals receiving school-based benefits,²³ children and

¹¹ U.S. Citizenship and Immigration Services. (2019). Inadmissibility on Public Charge Grounds. Accessed at: <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>.

¹² Id.

¹³ Id.

¹⁴ Id.

¹⁵ Id.

¹⁶ Public charge has always required a totality of circumstances balancing test, among five criteria: (1) age; (2) health; (3) family status; (4) assets, resources, financial status; (5) education and skills.

¹⁷ U.S. Citizenship and Immigration Services. (2019). Inadmissibility on Public Charge Grounds. Accessed at: <https://www.uscis.gov/legal-resources/final-rule-public-charge-ground-inadmissibility>.

¹⁸ U.S. Citizenship and Immigration Services. (2018). Notice of Proposed Rulemaking: Inadmissibility on Public Charge Grounds. *Federal Register*. Accessed at: <https://www.govinfo.gov/content/pkg/FR-2018-10-10/pdf/2018-21106.pdf>.

¹⁹ Id.

²⁰ Id.

²¹ Id.

²² Id.

²³ Id.

adoptees of U.S. Citizens who would be eligible for derived citizenship,²⁴ any individual under the age of 21,²⁵ and pregnant women including a period of 60 days after the pregnancy;²⁶

The totality of circumstances test applied when making a public charge determination will account for a foreign-born individual's role as primary caregiver of another member of the household and subsequent inability to show an income that meets the threshold.²⁷ The rule also considers an individual's private health insurance, so long as the individual does not receive tax credits ("subsidies") under the Affordable Care Act;²⁸

DHS will only offer public charge bonds of unlimited duration, and the minimum bond was lowered in the final rule to \$8,100 from a proposed \$10,000 minimum.²⁹

Estimated Impact on New Yorkers

While final estimations of the rule's impact on New Yorkers are still being assessed, this rule will unequivocally effect a significant population. Department of Homeland Security data shows that 1.1 million individuals obtained legal permanent resident status in 2017.³⁰ Of these individuals, about 550,000 were living within the U.S. and about 580,000 entered the U.S. as a new arrival.³¹ Of those who originally entered the U.S. without legal permanent resident status, 94 percent have at least one characteristic that could potentially weigh negatively in a public charge determination.³²

Under the provisions included in the NPRM, MOIA identified three groups of New York City residents who would be affected by the proposed rule. Aforementioned changes to the provisions that were ultimately published in the final rule may alter the size of the groups described in (1) and (2), detailed below:

The approximately 75,000 foreign-born individuals currently eligible for benefits detailed in the proposed rule who will need to choose between remaining enrolled and facing adverse immigration consequences;

The approximately 400,000 foreign-born individuals not currently eligible for benefits detailed in the proposed rule, who will nevertheless face adverse immigration consequences due to their (1) age; (2) health; (3) family status; (4) assets, resources, financial status; (5) education and skills; and,

The hundreds of thousands of New Yorkers, currently eligible for benefits detailed in the proposed rule and not subject to a public charge determination, who will dis-enroll from critical benefits out of fear.

Chilling Effect in New York City

Before the final rule regarding inadmissibility on public charge grounds was published, evidence of a chilling effect among immigrant New Yorkers was already well-documented. At the November 15, 2018 hearing of the Committees on Immigration, General Welfare, and Health, over 40 advocates representing community-based organizations operating in New York City discussed the various fearful and frantic questions related to public charge they were fielding from their constituencies.³³ Worse yet, organizations were already documenting drops in enrollment for public benefits, regardless of the fact that the rule was not yet finalized and that not all public benefits were included in the NPRM.³⁴ The Legal Aid Society reported fielding panicked calls from clients regarding whether they should apply for benefits, or even discontinue benefits for

²⁴ Id.

²⁵ Id.

²⁶ Id.

²⁷ Id.

²⁸ Id.

²⁹ Id.

³⁰ Henry J. Kaiser Family Foundation. (2018). Estimated Impacts of the Proposed Public Charge Rule on Immigrants and Medicaid.

Accessed at: <https://www.kff.org/report-section/estimated-impacts-of-the-proposed-public-charge-rule-on-immigrants-and-medicare-key-findings/>

³¹ Id.

³² Id.

³³ New York City Council Joint Hearing of the Committees on Immigration, General Welfare and Health from November 15, 2018, at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=645052&GUID=91E0C8FE-D38A-478B-BAA2-C5A6BC8CEDC2&Options=info&Search=>

³⁴ Id.

which they or their children are eligible.³⁵ Even before the proposed rule was introduced, their clients, including those who are exempt from public charge consideration, had expressed fear of accessing benefits that they are eligible for and in some cases that they need desperately to address health concerns, food shortages, and housing emergencies.³⁶ Many community-based organizations that work within immigrant communities and are trusted resources for immigrant communities shared examples of the immense fear among their service populations. The Arab-American Family Support Center stated that in light of ongoing threats to public charge and fear of deportation, they have seen their community members give up needed social services, jeopardizing the safety of themselves and their children, even in situations when they may not be directly impacted.³⁷ The Chinese-American Planning Council, Inc. (CPC) witnessed seniors coming into their community centers since February, when the rumors of the public charge rule started, asking to withdraw from their SNAP benefits because they were worried it would hurt their adjustment of status application or their children's, despite it being a critical support.³⁸ They have also had community members decline to enroll their children in high quality early childhood education centers, even with subsidies, and community members who have removed themselves from waiting lists for public housing, despite already waiting on lists for years.³⁹ Additionally, the CPC noted that annual enrollment in health insurance was lower than usual, and they have fielded questions from community members asking if medication usage will affect their green card applications.⁴⁰ The Chinese Progressive Association (CPA) has stated that some LPR students in their citizenship classes expressed fear at applying for citizenship at this time even though they are eligible because they are receiving public benefits.⁴¹ These individuals planned to dis-enroll from their public benefits and then apply for citizenship at a later time.⁴²

In June 2019, the New York City Department of Social Services (DSS), in partnership with MOIA, published a fact sheet on SNAP Enrollment Trends in New York City.⁴³ The data shows that non-citizen immigrants eligible for SNAP benefits have either disenrolled or failed to enroll, at a higher rate when compared to U.S. citizen SNAP recipients.⁴⁴ This change in SNAP caseload for non-citizens began in 2016, but accelerated since 2017⁴⁵ (when the first draft of a public charge proposal was leaked to the public⁴⁶). City SNAP enrollment data paired with reports from surveyed community-based organizations and constituent calls to the New Americans hotline related to the issue of public charge seem to indicate a plausible connection between fear of inadmissibility on public charge grounds and avoidance of SNAP benefits.⁴⁷ There is no

³⁵ The Legal Aid Society *testimony at New York City Council Joint Hearing of the Committees on Immigration, General Welfare and Health* from November 15, 2018, at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=645052&GUID=91E0C8FE-D38A-478B-BAA2-C5A6BC8CEDC2&Options=info&Search=>

³⁶ *Id.*

³⁷ The Arab-American Family Support Center *testimony at New York City Council Joint Hearing of the Committees on Immigration, General Welfare and Health* from November 15, 2018, at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=645052&GUID=91E0C8FE-D38A-478B-BAA2-C5A6BC8CEDC2&Options=info&Search=>

³⁸ The Chinese-American Planning Council *testimony at New York City Council Joint Hearing of the Committees on Immigration, General Welfare and Health* from November 15, 2018, at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=645052&GUID=91E0C8FE-D38A-478B-BAA2-C5A6BC8CEDC2&Options=info&Search=>

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ Chinese Progressive Association *testimony at New York City Council Joint Hearing of the Committees on Immigration, General Welfare and Health* from November 15, 2018, at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=645052&GUID=91E0C8FE-D38A-478B-BAA2-C5A6BC8CEDC2&Options=info&Search=>

⁴² *Id.*

⁴³ NYC Department of Social Services and Mayor's Office of Immigrant Affairs (June 2019). Fact Sheet: SNAP Enrollment Trends in New York City. Accessed at: <https://www1.nyc.gov/assets/immigrants/downloads/pdf/Fact-Sheet-June-2019.pdf>

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Hauslohner, Abigail (January 31, 2017). Trump Administration Circulates More Draft Immigration Restrictions, Focusing on Protecting U.S. Jobs. The Washington Post. Accessed at: https://www.washingtonpost.com/world/national-security/trump-administration-circulates-more-draft-immigration-restrictions-focusing-on-protecting-us-jobs/2017/01/31/38529236-e741-11e6-80c2-30e57e57e05d_story.html?postshare=2611485889175975

⁴⁷ NYC Department of Social Services and Mayor's Office of Immigrant Affairs (June 2019). Fact Sheet: SNAP Enrollment Trends in New York City. Accessed at: <https://www1.nyc.gov/assets/immigrants/downloads/pdf/Fact-Sheet-June-2019.pdf>

reason to believe that the SNAP caseload of non-citizens will not continue to drop, especially following the publication of the final rule.

LEGISLATIVE ANALYSIS

Proposed Int. No. 1707-A (Council Member Menchaca): A Local Law in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds

Proposed Int. No. 1707-A (Council Member Menchaca) would require the Mayor's Office of Immigrant Affairs to conduct training on the federal regulations relating to inadmissibility on public charge grounds. The training would include information on the public benefits programs and individuals covered by the federal regulations, and information on how to refer individuals to immigration legal services to address issues related to the federal regulations. The training would be made available to appropriate employees in the Department of Social Services/Human Resources Administration, the Department of Homeless Services, the Department of Housing Preservation and Development, and the New York City Housing Authority. The bill was amended to clarify that such training would be provided for all employees whose primary responsibilities involve interacting with the public in a client service role in relation to public benefits.

The bill would require that the Mayor's Office of Immigrant Affairs submit a report to the Speaker of the City Council no later than October 15, 2019. Such report would include information on the trainings undertaken by the listed agencies, such as the number of employees trained, the agency for which these employees work, and the date(s) such training took place. This bill would take effect immediately after it became law, and would be deemed repealed two years after it became law.

Pre-considered Int. No. 1711 (Council Member Moya): A Local Law in relation to requiring the distribution of information on local emergency feeding programs

Pre-considered Int. No. 1711 (Council Member Moya) would add a new section 21-143 to the Administrative Code. This bill would require the Department of Social Services (DSS) to distribute information by mail or email regarding all city-funded emergency feeding programs to all individuals who received Supplemental Nutrition Assistance Program (SNAP) benefits with cases that closed on or after January 1, 2016. Information about city-funded emergency feeding programs would also be distributed to individuals currently receiving SNAP benefits at the time the individual receives a SNAP benefit recertification notice. This information would also be required to be made readily accessible through DSS's online portal and any related mobile applications. This local law would take effect on October 15, 2019.

Pre-considered Int. No. 1708 (Council Member Rivera): A Local Law in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds

Pre-considered Int. No. 1708 (Council Member Rivera) would require the Mayor's Office of Immigrant Affairs (MOIA) to create educational materials on the federal regulations relating to inadmissibility on public charge grounds. These materials would include information on the federal regulations and instructions on how to access immigration legal services to address issues related to the federal regulations. MOIA would be required to make these materials available to the Department of Education (DOE) for distribution to every school within its jurisdiction. DOE would be required to distribute these materials in hard copy and electronically (if distribution of similar documents occurs electronically) and ensure that the written materials

are available in a central office in each school in a manner accessible for students and parents. This bill would take effect immediately after it became law, and would be deemed repealed two years after it became law.

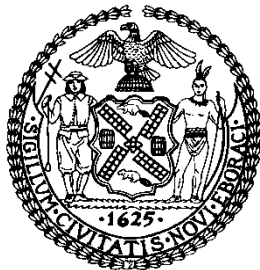
Proposed Int. No. 1690-A (Council Member Cabrera): A Local Law in relation to requiring the department of social services/human resources administration to provide legal assistance providers information

Proposed Int. No. 1690-A (Council Member Cabrera), as amended, would require the Department of Social Services/Human Resources Administration (DSS/HRA), in consultation with the Mayor's Office of Immigrant Affairs (MOIA) to develop and provide materials to legal services organizations with which it contracts to inform individuals about the federal regulations relating to inadmissibility on public charge grounds. The bill was also amended to require the Mayor's Office of Immigrant Affairs to provide a dedicated telephone number for referrals to legal service providers for assistance with questions related to the federal regulations on public charge. This phone number would be provided by DSS to clients who have questions regarding the federal regulations. This bill would take effect immediately after it became law and would be deemed repealed two years after it became law.

Pre-considered Res. No. 1047 (Council Member Levin and the Public Advocate, Mr. Jumaane Williams): A Resolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, "Inadmissibility on Public Charge Grounds"

Pre-considered Res. No. 1047 (Council Member Levin and the Public Advocate, Mr. Jumaane Williams) calls on the United States Congress to take legislative action in order to stop the enactment of the federal rule, "Inadmissibility on Public Charge Grounds." Effective on October 15, 2019, the final rule would greatly expand the reach of the existing public charge determination in several critical ways, including expanding the definition of public benefits and putting additional weight on the five factor test already administered to determine if an individual is likely in the future to become a public charge. The rule will force foreign-born individuals, eligible for public benefits, to choose between receiving life-saving and sustaining public benefits and risking adverse immigration consequences. The rule will have devastating consequences on immigrant New Yorkers, including U.S. citizens, and will negatively impact the health and economic well-being of New York City.

(The following is the text of the Fiscal Impact Statement for Int. No. 1707-A:)



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

PROPOSED INTRO. NO: 1707-A

COMMITTEE: Immigration

TITLE: A local law in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds.

SPONSORS: Council Member Menchaca and Lander.

SUMMARY OF LEGISLATION: Proposed Intro. 1707-A would require that the Mayor's Office of Immigrant Affairs (MOIA) conduct trainings for City employees on the federal regulations relating to inadmissibility on

public charge grounds. Training shall cover at least the following: (a) information on the public benefits programs and individuals covered; and (b) information on how to connect individuals to immigration legal services. This training shall be provided to appropriate employees, including those whose primary responsibilities include interacting with members of the public in connection with a public benefits program, from the following agencies: the Department of Social Services/Human Resources Administration, the Department of Homeless Services, and the Department of Housing Preservation and Development. MOIA would also be required to submit a report to the Council by October 15, 2019 on the progress of the trainings.

EFFECTIVE DATE: This local law would take effect immediately after it becomes law and is deemed repealed two years after it becomes 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 anticipated that the proposed legislation would not impact revenues.

IMPACT ON EXPENDITURES: It is anticipated that the proposed legislation would not impact expenditures as City agencies will use existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Unit Head, NYC Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Rebecca Chasan, Senior Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Immigration (Committee) as a Preconsidered Introduction on September 3, 2019 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1707-A, will be voted on by the Committee at a hearing on September 12, 2019. Upon a successful vote by the Committee, the Proposed Intro. 1707-A will be introduced and submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 5, 2019.

(For text of the original unamended Int. No. 1707, please refer to the Council website at www.council.nyc.gov and see the attachments section of the [Int. No. 1707 of 2019](#) file)

(For text of Int. No. 1707-A, please see below; for text of the remaining bills and their Fiscal Impact Statements, please see the Reports of the Committee on Immigration for Int. Nos. 1690-A, 1708, and 1711, respectively; for text of the resolution, please see the Report of the Committee on Immigration for Res. No. 1047 printed in the voice-vote Resolutions Calendar section of these Minutes)

Accordingly, this Committee recommends the adoption of Int. No. 1707-A, 1690-A, 1708, 1711, and Res. No. 1047.

(The following is the text of Int. No. 1707-A:)

Preconsidered Int. No. 1707-A

By Council Members Menchaca, Lander, Kallos, Chin, Barron, Ayala and Rivera.

A Local Law in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds

Be it enacted by the Council as follows:

Section 1. The office of immigrant affairs shall conduct training on the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register. At a minimum, such training shall include: (i) information on the public benefits programs and individuals covered by such federal regulations; and (ii) information on how to refer individuals to immigration legal services to address issues related to such federal regulations. Such training shall be made available to appropriate employees of the following agencies, as determined by such agencies: the department of social services/human resources administration, the department of homeless services, and the department of housing preservation and development. Such departments, in consultation with the office of immigrant affairs, shall ensure that all employees whose primary responsibilities include interacting with members of the public in a client service role in connection with a public benefits program receive training based on the training provided by the office of immigrant affairs. In addition, the office of immigrant affairs shall make such training available to the New York city housing authority.

§2. No later than October 15, 2019, the office of immigrant affairs shall submit to the speaker of the council a report on such office's actions taken pursuant to section 1 of this local law, including the number of employees trained, the agency for which they worked, and the date or dates when such training or trainings were conducted.

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

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, MARK GJONAJ, FRANCISCO P. MOYA; Committee on Immigration, September 12, 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 Immigration and had been favorably reported for adoption.

Report for Int. No. 1708

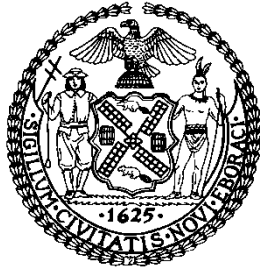
Report of the Committee on Immigration in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to requiring the distribution of information on local emergency feeding programs.

The Committee on Immigration, to which the annexed preconsidered proposed local law was referred on September 12, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int. No. 1707-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1708:



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

PRECONSIDERED INTRO. NO: 1708

COMMITTEE: Immigration

TITLE: A local law to amend the administrative code of the city of New York, in relation to requiring the distribution of information on local emergency feeding programs. **SPONSORS:** Council Members Moya and Yeger.

SUMMARY OF LEGISLATION: This Preconsidered Intro. 1708 would require that the Department of Social Services/Human Resources Administration (DSS/HRA) inform individuals of local emergency feeding programs when enrollment in Supplemental Nutrition Assistance Program (SNAP) if their benefits were canceled or lapsed since January 1, 2016. DSS/HRA shall also make this information readily accessible through their online portal and any related mobile applications.

EFFECTIVE DATE: This local law would take effect October 15, 2019.

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 anticipated that the proposed legislation would not impact revenues.

IMPACT ON EXPENDITURES: It is anticipated that the proposed legislation would not impact expenditures because DSS/HRA will utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Unit Head, NYC Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division

Rebecca Chasan, Senior Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Immigration (Committee) as a Preconsidered Introduction 1708 on September 3, 2019 and the legislation was laid over. The Preconsidered Intro. 1708 will be voted on by the Committee at a hearing on September 12, 2019. Upon a successful vote by the Committee, the Preconsidered Intro. 1708 will be introduced and submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 5, 2019

Accordingly, this Committee recommends its adoption.

. (The following is the text of Int. No. 1708:)

Preconsidered Int. No. 1708

By Council Members Moya, Yeger, Kallos, Lander, Barron, Ayala and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the distribution of information on local emergency feeding programs

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 21-143 to read as follows:

§ 21-143 Information on local emergency feeding programs. The department shall distribute by mail or email information regarding all city-funded emergency feeding programs as defined in section 21-131 to all individuals who have received supplemental nutrition assistance program benefits whose case closed on or after January 1, 2016. The department shall also distribute such information to individuals currently in receipt of such benefits at the time such an individual receives a recertification notice for such benefits. Such information shall also be made readily accessible through such department's online portal and any related mobile applications.

§ 2. This local law takes effect October 15, 2019.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, MARK GJONAJ, FRANCISCO P. MOYA; Committee on Immigration, September 12, 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 Immigration and had been favorably reported for adoption.

Report for Int. No. 1711

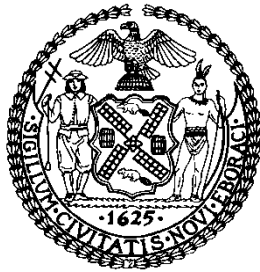
Report of the Committee on Immigration in favor of approving and adopting, a Local Law in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds.

The Committee on Immigration, to which the annexed preconsidered proposed local law was referred on September 12, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int. No. 1707-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1711:



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

PRECONSIDERED INTRO. NO: 1711

COMMITTEE: Immigration

TITLE: A local law in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds.

SPONSORS: Council Member Rivera.

SUMMARY OF LEGISLATION: This Preconsidered Intro. 1711 would require that the Department of Education distributes educational materials created by the Mayor’s Office of Immigrant Affairs on the federal government’s public charge proposal to students and parents. At minimum, materials shall include (a) description of such proposed regulations; (b) information on the public benefits programs and individuals covered by such federal regulations; and (c) instructions on how to access immigration legal services.

EFFECTIVE DATE: This local law would take effect on the effective date of the federal regulations relating to inadmissibility on public charge grounds and be deemed repealed two years after it becomes 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 anticipated that the proposed legislation would not impact revenues.

IMPACT ON EXPENDITURES: It is anticipated that the proposed legislation would not impact expenditures because DOE will utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Crilhien R. Francisco, Unit Head, NYC Council Finance Division

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director, NYC Council Finance Division
Rebecca Chasan, Senior Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: This legislation was considered by the Committee on Immigration (Committee) as a Preconsidered Introduction 1711 on September 3, 2019 and the legislation was laid over. The Preconsidered Intro. 1711 will be voted on by the Committee at a hearing on September 12, 2019. Upon a successful vote by the Committee, the Preconsidered Intro. 1711 will be introduced and submitted to the full Council for a vote on September 12, 2019.

DATE PREPARED: September 5, 2019.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 1711:)

Preconsidered Int. No. 1711

By Council Members Rivera, Kallos, Lander, Chin, Barron and Ayala.

A Local Law in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds

Be it enacted by the Council as follows:

Section 1. The office of immigrant affairs shall create educational materials regarding the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register. At a minimum, such materials shall include: (i) a description of such regulations; and (ii) instructions on how to access immigration legal services to address issues related to such regulations.. Such office shall make such materials available to the department of education for distribution to every school within its jurisdiction. Such department shall distribute such materials, in hard copy and electronically if distribution of other similar documents occurs electronically, and ensure that such written materials are available in the main or central office in each school in a manner accessible for students and parents.

§ 2. This local law takes effect on the effective date of the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register and is deemed repealed 2 years after it becomes law.

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, DANIEL DROMM, MARK GJONAJ, FRANCISCO P. MOYA; Committee on Immigration, September 12, 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 Land Use

Report for L.U. No. 507

Report of the Committee on Land Use in favor of approving Application No. 20195689 TCQ (Sabor Latino) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Sabor Latino I, Corp. d/b/a Sabor Latino, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 9535 40th Road, Borough of Queens, Council District 21, Community District 4. 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.

The Committee on Land Use, to which the annexed Land Use item was referred on August 14, 2019 (Minutes, page 2764) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 4

20195689 TCQ

Application pursuant to Section 20-226 of the Administrative Code of the City of New York concerning the petition of Sabor Latino I, Corp., d/b/a Sabor Latino, for a renewal revocable consent to continue, operate, and use an unenclosed sidewalk cafe located at 95-35 40th Road in the Borough of Queens.

INTENT

To allow an eating or drinking place located on a property which abuts the street to continue, operate, and use an unenclosed service area on the sidewalk of such street.

PUBLIC HEARING

DATE: September 4, 2019

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 4, 2019

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

Moya, Levin, Richards, Lancman, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 12, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca. Gibson. Barron. Deutsch. Koo, Lancman. Reynoso. Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1051

Resolution approving the petition for a renewal consent for an unenclosed sidewalk café located at 95-35 40th Road, Borough of Queens (Non-ULURP No. 20195689 TCQ; L.U. No. 507).

By Council Members Salamanca and Moya.

WHEREAS, the Department of Consumer Affairs filed with the Council on July 26, 2019 its approval dated July 22, 2019 of the petition of Sabor Latino I, Corp., d/b/a Sabor Latino, for a renewal consent to continue, operate, and use an unenclosed sidewalk café located at 95-35 40th Road, Borough of Queens,

Community District 4 (the "Petition"), pursuant to Section 20-226 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 20-226(f) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on September 4, 2019; and

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

RESOLVED:

Pursuant to Section 20-226 of the Administrative Code, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 12, 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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 512

Report of the Committee on Land Use in favor of approving Application No. 20195068 SCQ (3,079-Seat High School Q472) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for approval of a site selection for a new, approximately 3,079-Seat High School Facility to be located on Block 1192, Lots 41, 47, 48, and 54, in the Borough of Queens, Community School District 30, Council District 26, Community District 2.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on September 12, 2019 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

20195068 SCQ

Application pursuant to Section 1732 of the New York School Construction Authority Act, concerning the proposed site selection for a new, approximately 3,079-Seat High School Facility, Q472 located at 51-30 Northern Boulevard (Block 1192, Lot 41, 47, 48, and 54), Borough of Queens, Community

School District No. 30

INTENT

To approve the site plan for the construction of a new, approximately 3,079-Seat High School Facility, Q472 in the Woodside neighborhood of Queens to accommodate students in Community School District No. 30.

PUBLIC HEARING

DATE: September 4, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 4, 2019

The Subcommittee recommends that the Land Use Committee approve the Site Plan.

In Favor:

Adams, Barron, Koo, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 12, 2019

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, Rivera.

Against:

Abstain:

None None

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

Res. No. 1052

Resolution approving the site plan for a new, approximately 3,079-Seat High School Facility, Q472 located at 51-30 Northern Boulevard (Block 1192, Lots 41, 47, 48, and 54), Community District 2, Borough of Queens (Non-ULURP No. 20195068 SCQ; Preconsidered L.U. No. 512).

By Council Members Salamanca and Adams.

WHEREAS, the New York City School Construction Authority submitted to the Council on August 30, 2019, a site plan pursuant to Section 1732 of the New York State Public Authorities Law for a new, approximately 3,079-Seat High School Facility, known as H.S. Q472 located at 51-30 Northern Boulevard (Block 1192, Lots 41, 47, 48, and 54), Community District 2, Borough of Queens to accommodate students in Community School District No. 30 (the “Site Plan”);

WHEREAS, the Site Plan is subject to review and action by the Council pursuant to Section 1732 of the New York State Public Authorities Law;

WHEREAS, upon due notice, the Council held a public hearing on the Site Plan on September 4, 2019;

WHEREAS, the Council has considered the relevant environmental issues, including the statement of findings issued on July 22, 2019, (SEQR Project Number 19-017) (the “Statement of Findings”); and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Site Plan.

RESOLVED:

The Council finds that the action is one which minimizes or avoids adverse environmental impacts to the maximum extent possible by incorporating, as conditions to the decision, those mitigative measures which were identified as practicable as set forth in the Statement of Findings.

Pursuant to Section 1732 of the Public Authorities Law, the Council approves the Site Plan.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, DONOVAN J. RICHARDS, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 12, 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 Rules, Privileges and Elections

Report for M-178

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Mayor of Jarrod E. Whittington as a member of the New York City Environmental Control Board.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on August 14, 2019 (Minutes, page 2517) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-179, printed below in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to §§ 31 and 1049-a of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Jarrod E. Whittington as a member of the New York City Environmental Control Board to serve for the remainder of a four-year term expiring on March 5, 2023.

The matter was referred to the Committee on August 14, 2019.

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

Res. No. 1053

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF JARROD E. WHITTINGTON AS A MEMBER OF THE NEW YORK CITY ENVIRONMENTAL CONTROL BOARD.

By Council Member Koslowitz.

RESOLVED, That pursuant to §§ 31 and 1049-a of the *New York City Charter*, the Council does hereby approve the appointment by the Mayor of Jarrod E. Whittington as a member of the New York City Environmental Control Board for the remainder of a four-year term expiring on March 5, 2023.

KAREN KOSLOWITZ, Chairperson; MARGARET S. CHIN, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, September 12, 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 M-179

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment of Everardo Jefferson as a member of the New York City Landmarks Preservation Commission.

The Committee on Rules, Privileges and Elections, to which the annexed Mayor's Message was referred on August 14, 2019 (Minutes, page 2518) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: New York City Landmarks Preservation Commission – (Candidate nominated by the Mayor for appointment, upon the advice and consent of the Council)

Everardo Jefferson [M-179]

Pursuant to the *New York City Charter* (“*Charter*”) §3020, the New York City Landmarks Preservation Commission (“LPC”) is responsible for establishing and regulating landmarks, portions of landmarks, landmark sites, interior landmarks, scenic landmarks, and historic districts. The LPC also regulates alterations to designated buildings.

The LPC consists of eleven (11) members. The membership of this commission must include at least three architects, one historian qualified in the field, one city planner or landscape architect, and one realtor; and shall include at least one resident from each of the five boroughs. The mayor appoints the members of the LPC with the advice and consent of the Council. When appointing a member to this commission who must be an architect, historian, city planner, or landscape architect, the mayor may consult with the Fine Arts Federation of New York or any other similar organization. These members are appointed for staggered three-year terms. Each member continues to serve as a commissioner until his or her successor is appointed and qualified. The mayor also designates one member to serve as the LPC Chair, and designates another member to serve as LPC Vice Chair. These particular LPC members shall serve until a successor is designated. The LPC members, with the exception of the Chair, serve without compensation, but are reimbursed for necessary expenses incurred in the course of performing their duties. The current Chair's salary is \$212,044.00.

The LPC must appoint a full-time executive director and may also employ technical experts and other employees necessary to perform day-to-day operations within the appropriations therefor.

As enumerated in the *Charter*, the LPC is required to provide opportunities for comment in advance of any hearing, regarding a proposed landmark designation, landmark site, interior landmark, scenic landmark, or historic district.¹ Notices of proposed designations must be sent to the New York City Planning Commission (“CPC”), all affected Community Boards, and the Office of the Borough President, for the borough where the property or district is located.

The LPC also has a duty to provide certain notices to the Council. The LPC is required to file a copy of any designation with the Council and the CPC, within ten days of making the designation. Furthermore, within 60 days after such filing, CPC must hold a public hearing on any such designation of a historic district and submit a report to the Council, with respect to the relation of any such designation to the *Zoning Resolution*, projected public improvements, and any plans for the development, growth, improvement or renewal of the area involved, whether it relates to the designation of a historic district or a landmark. The CPC

¹ Landmarks are not always buildings. A landmark may be a bridge, a park, a water tower, a pier, a cemetery, a building lobby, a sidewalk clock, a fence, or even a tree. A property or object is eligible for landmark status when at least part of it is thirty years old or older.

must include in this report, its recommendation, if any, for the Council's action with respect to the historic district designation.

The Council may modify or disapprove of any LPC designation by a majority vote, within 120 days from date that a copy of such designation is filed with the Council, provided that either the CPC has submitted the required report on the designation or at least sixty days has elapsed since the filing of the designation with the Council. The Council's vote shall be filed with the mayor, by the Council. The mayor has five days following the filing of the Council's vote, to disapprove of the Council's action. If the mayor fails to disapprove of the Council's action during this time, the Council's action becomes final. If the mayor disapproves of the Council's action, the mayor must file his/her disapproval with the Council. Thereafter, the Council may choose to override the mayor's disapproval within ten days of the filing of the mayor's disapproval, with a two-thirds vote from the Council.

In addition to the designation of landmarks, pursuant to *Administrative Code* § 25-303(i), the LPC also has the ability to make recommendations to CPC at any time, regarding amendments to the provisions in the *Zoning Resolution*, which are applicable to improvements in the historic districts. Moreover, pursuant to *Administrative Code* § 25-307, the LPC also has the responsibility of determining whether a proposed alteration or demolition affecting a landmark, is consistent with the *Landmarks Preservation and Historic Districts* chapter of the *Administrative Code*. In instances where LPC determines that the proposed change complies with the *Code*, it may grant a *Certificate of Appropriateness*. Otherwise, the LPC may deny the applicant's request.

A Hardship Appeals Panel also exists that consists of five members appointed by the mayor, with the Council's advice and consent. This panel operates independently of the LPC, and reviews appeals of LPC determinations, denying applications for *Certificates of Appropriateness*, brought to this panel on the grounds or basis of hardship, concerning demolitions, alterations, or reconstructive improvements. However, this panel only has the power to review applications involving tax-exempt properties.

Mr. Jefferson is scheduled to appear before the Committee on Rules, Privileges and Elections on Thursday, September 12, 2019. If Mr. Jefferson, a resident of Manhattan, receives the advice and consent of the Council, he will be eligible to complete the remainder of a three-year term, expiring on June 28, 2020. Copies of Mr. Jefferson's résumé and report/resolution are attached to this Briefing paper.

Topic II: New York City Environmental Control Board – (Candidate for appointment by the Mayor upon advice and consent of the Council)

Jarrod E. Whittington [M-178]

Within the New York City Office of Administrative Trials and Hearings ("OATH") there is an Environmental Control Board ("ECB") that adjudicates notices of violation issued by various city agencies including the Departments of Environmental Protection, Police, Sanitation, Health and Mental Hygiene, Fire and Buildings. ECB has the power to render decisions and orders and to impose civil penalties under law provided for such violations. ECB may apply to a court of competent jurisdiction for enforcement of any decision, order or subpoena that it issues. ECB's responsibilities and structure are outlined in New York City Charter section 1049-a.

Among the provisions of law enforced by ECB are those relating to the cleanliness of city streets; the disposal of wastes; the provision of a pure, wholesome and adequate supply of water; the prevention of air, water and noise pollution; the regulation of street peddling; and the city response to emergencies caused by releases or threatened releases of hazardous substances. ECB has the authority to make, amend or rescind such rules and regulations to carry out its duties. Also, ECB has concurrent jurisdiction with the Board of Health to

enforce those provisions of the health code and the rules and regulations relating thereto that the Board of Health shall designate.

ECB consists of the Commissioners of the Departments of Environmental Protection, Sanitation, Health and Mental Hygiene, Buildings, Police, Fire and the Chief Administrative Law Judge of OATH, as well as six persons appointed by the Mayor with the advice and consent of the Council. The Chief Administrative Judge of OATH serves as Chair of ECB. Within its appropriation, ECB may appoint an Executive Director and such hearing officers, including non-salaried hearing officers and other employees as it finds necessary, to properly perform its duties.

Members other than agency Commissioners may not be employed by the City. Five of the six non-Commission members must possess broad general background and experience, one in each of the following areas: air pollution control, water pollution control, noise pollution control, real estate, or the business community. The sixth non-Commissioner member represents the general public. Members other than the agency Commissioners are compensated and receive a \$175.10 per-diem when performing the work of ECB. Member terms are for four years.

Mr. Whittington is scheduled to appear before the Committee on Rules, Privileges and Elections on Thursday, September 12, 2019. If Mr. Whittington, a resident of Brooklyn, receives the advice and consent of the Council, he will serve for the remainder of a four-year term that will expire on March 5, 2023, as the ECB member with experience in the field of noise pollution control. Copies of Mr. Whittington's résumé and report/resolution are attached to this Briefing paper.

PROJECT STAFF

Charles W. Davis III, Chief Compliance Officer
 Andre Johnson Brown, Legislative Investigator
 Julius Caranda, Senior Legislative Investigator
 Lance Polivy, Counsel

(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee Jarrod E. Whittington [M-178], please see, the Report of the Committee on Rules, Privileges and Elections for M-178 printed in these Minutes; for nominee Everardo Jefferson [M-179], please see immediately below:)

The Committee on Rules, Privileges and Elections, which was referred to the Committee on August 14, 2019, respectfully reports:

Pursuant to §§ 31 and 3020 of the *New York City Charter*, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Mayor of Everardo Jefferson as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three-year term that expires on June 28, 2020.

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

Res. No. 1054

RESOLUTION APPROVING THE APPOINTMENT BY THE MAYOR OF EVERARDO JEFFERSON AS A MEMBER OF THE NEW YORK CITY LANDMARKS PRESERVATION COMMISSION.

By Council Member Koslowitz.

RESOLVED, that pursuant to Section 31 and Section 3020 of the *New York City Charter*, the Committee on Rules, Privileges and Elections hereby approves the appointment by the Mayor of Everardo Jefferson as a member of the New York City Landmarks Preservation Commission to serve for the remainder of a three-year term, which will expire on June 28, 2020.

KAREN KOSLOWITZ, Chairperson; MARGARET S. CHIN, VANESSA L. GIBSON, RAFAEL L. ESPINAL, Jr., RORY I. LANCMAN, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, September 12, 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 Int. No. 1281-A

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

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

REPORTS:

(For text of report, please see the Report of the Committee on for Consumer Affairs and Business Licensing for Int. No. 1281-A printed in the Minutes of the Stated Meeting of July 23, 2019)

Accordingly, this Committee recommends its adoption, as amended.

RAFAEL L. ESPINAL, Jr., *Chairperson*; MARGARET S. CHIN, KAREN KOSLOWITZ, BRADFORD S. LANDER, KEITH POWERS; Committee on Consumer Affairs and Business Licensing, July 22, 2019.

Recommitted to the Committee on Consumer Affairs and Business Licensing.

Report for L.U. No. 479 & Res. No. 1055

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 180164 ZMK (273 Avenue U Rezoning) submitted by Ciarafour Realty, LLC, pursuant to Sections 197-c

and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c, changing from an R5B District to an R6A District property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, for property located in the Borough of Brooklyn, Council District 47, Community District 11

The Committee on Land Use, to which the annexed Land Use item was referred on July 23, 2019 (Minutes, page 2505) and which same Land Use item was coupled with the resolution shown below, was previously before the Council at the August 14, 2019 Stated Meeting (Minutes, page 2683) and was referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-11 – TWO APPLICATIONS RELATED TO 273 AVENUE U REZONING

C 180164 ZMK (Pre. L.U. No. 479)

City Planning Commission decision approving an application submitted by Ciarafour Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 28c changing from an R5B District to an R6A District property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 11, 2019, and subject to the conditions of CEQR Declaration E-525.

N 180165 ZRK (Pre. L.U. No. 480)

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

INTENT

To approve the amendment to rezone the project area from R5B/C2-3 to an R6A/C2-3 district and amend zoning text to modify Appendix F and map the Project Area as a Mandatory Inclusionary Housing (MIH) area utilizing Option 2, to facilitate the construction of a new four-story, approximately 16,930-square-foot, mixed-use building with nine apartments and ground floor commercial space at 273 Avenue U (Block 7103, Lot 40,42 and 138 and parts of 36, 38C, and 49) in the Gravesend neighborhood of Brooklyn, Community District 11.

PUBLIC HEARING

DATE: July 16, 2019

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** August 14, 2019

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission ("CPC") on Pre. L.U. No. 479 and approve with modifications the decision on Pre.LU. No. 480.

In Favor:

Moya, Levin, Richards, Lancman, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** August 14, 2019

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Diaz, Moya, River.

Against:

None

Abstain:

None.

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated August 27, 2019, with the Council on September 11, 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. 1055

Resolution approving the decision of the City Planning Commission on ULURP No. C 180164 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 479).

By Council Members Salamanca and Moya.

WHEREAS, Ciarafour Realty, LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 28c, changing from an R5B District to an R6A District property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, which in conjunction with the related action would facilitate the development of a new four-story, approximately 16,390-square-foot, mixed-use building with nine apartments and ground floor commercial space, at 273 Avenue U (Block 7103, Lot 42), in the Gravesend neighborhood of Brooklyn, Community District 11 (ULURP No. C 180164 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on July 12, 2019, its decision dated June 19, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to application N 180165 ZRK (Pre. L.U. No. 480), a zoning text amendment to Appendix F to establish 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 July 16, 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 negative declaration issued February 11th, 2019 (CEQR No. 18DCP104K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-525) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-525) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 180164 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 28c, changing from an R5B District to an R6A District property bounded by a line 100 feet northerly of Avenue U, McDonald Avenue, Avenue U, and Lake Street, Borough of Brooklyn, Community District 11, as shown on a diagram (for illustrative purposes only) dated February 11, 2019 and subject to the conditions of CEQR Declaration E-525.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANCHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, August 14, 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 Land Use in favor of approving, as modified, Application N 180165 ZRK (273 Avenue U Rezoning) submitted by Ciarafour Realty, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Council District 47, Community District 11.

The Committee on Land Use, to which the annexed Land Use item was referred on July 23, 2019 (Minutes, page 2505) and which same Land Use item was coupled with the resolution shown below, was previously before the Council at the August 14, 2019 Stated Meeting (Minutes, page 2685) and was referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 479 printed above in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1056

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 180165 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 480).

By Council Members Salamanca and Moya.

WHEREAS, Ciarafour 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, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 2, which in conjunction with the related action would facilitate the construction of a new four-story, approximately 16,930-square-foot, mixed-use building with nine apartments and ground floor commercial space at 273 Avenue U in the Gravesend neighborhood of Brooklyn, Community District 11 (Application No. N 180165 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on July 12, 2019 its decision dated June 19, 2019 (the "Decision"), on the Application;

WHEREAS, the Application is related to application C 180164 ZMK (Pre. L.U. No. 479), a zoning map amendment to change R5B/C2-3 district to R6A/C2-3 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 July 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 negative declaration issued February 11th, 2019 (CEQR No. 18DCP104K), which includes an (E) designations to avoid the potential for significant adverse impacts related to hazardous materials and air quality (E-525) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-525) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 180165 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

- Matter underlined is new, to be added;
 - Matter ~~struck out~~ is to be deleted;
 - Matter 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.

* * *

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

* * *

BROOKLYN

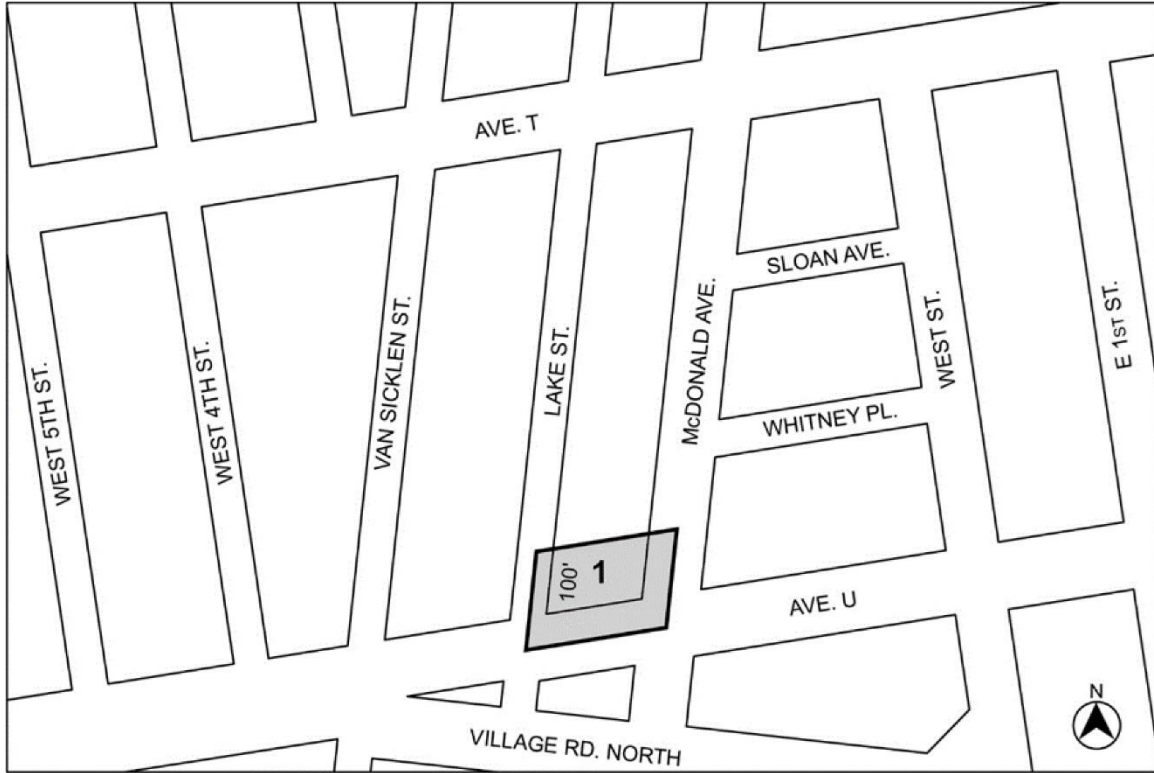
* * *

Brooklyn Community District 11

* * *

Map [] – (date of adoption)

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*

Area **1** - [date of adoption] MIH Program Option ~~2~~ 1

Portion of Community District 11, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, VANCHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, August 14, 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:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Matthew Donaghy	99 Avenue B, Apt 1C New York, New York 10009	2
Samantha Santana	309 E Houston St, 6A New York, New York 10002	2
Lisa Olmo	328 E 73rd Street, Apt 2B New York, New York 10021	5
Alexandra Bretenaides	601 W 136th Street, Apt 2	7

	New York, New York 10031	
Gina Dobbs	2190 Madison Ave, Apt 6A New York, New York 10037	9
Ana Rosario	2125 Amsterdam Ave #41 New York, New York 10032	10
Monica Minkins	2973 Edson Ave, 1 FL Bronx, New York 10469	12
Anita Henry	171 Echo Place Bronx, New York 10453	14
Deon Berrien	775 Concourse Village E, 16K Bronx, New York 10451	16
Akhtem Esatov	133-05 Booth Memorial Ave, B1 Queens, New York 11355	20
Michael Talisayan	21-36 33rd Road #7C Long Island City, New York 11106	22
Elizabeth Torres	65-45 Parsons Blvd Queens, New York 11365	24
Yessenia Flores	223-18 113th Ave Queens, New York 11429	27
Michelle Flores	65-31 70th Ave Queens, New York 11385	30
Esme Trontz	137 Calyer St Brooklyn, New York 11222	30
Jacqueline Manginelli	566 Morgan Ave, Apt 4R Brooklyn, New York 11222	30
Noah Kim	127 Grand Street, Apt 12 Brooklyn, New York 11249	34
Noa Street-Sachs	273 Carroll Street Brooklyn, New York 11231	39
Ebony Stewart	368 East 45th Street Brooklyn, New York 11203	41
KellyAnn Perrotte-David	762 MacDonough Street, 2R Brooklyn, New York 11233	41
Reid April	225 Vandalia Ave, 4D Brooklyn, New York 11239	42

Ross Cosbert	2118 Schenectady Ave Brooklyn, New York 11234	46
Lyudmila Pak	2580 Ocean Pkwy #1H Brooklyn, New York 11235	47
Oleksii Reznik	3030 Emmons Ave, #3M Brooklyn, New York 11235	48

Approved Reapplicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
Bonny S. Wong	410 Grand Street #16E New York, New York 10002	1
Jeffrey Douglas	100 Beekman Street #17F New York, New York 10038	1
Peter C. Deluca	199 Bleecker Street New York, New York 10012	1
Doris Williams	50 Columbia St #11C New York, New York 10002	2
Madlyn I. Solivan	747 10th Avenue #18F New York, New York 10019	3
Diane Kay Krouse	301 East 78th Street #3E New York, New York 10021	5
Alan Robert Bell	322 Central Park West #2B New York, New York 10025	6
Rowena Ingram	502 West 143rd Street #5D New York, New York 10031	7
Diana Perez	715 Fox Street #1B Bronx, New York 10455	8
Roberta Jackson	500 Southern Blvd #1F Bronx, New York 10455	8
Sylvia Colon	324 East 108th Street #13B New York, New York 10029	8
Jean M. Hockaday	161 West 140th Street #63 New York, New York 10030	9
Kennetha Robinson	385 Edgecombe Avenue #56 New York, New York 10031	9

Shirley L. Guerrant	158 West 144th Street #5D New York, New York 10030	9
Amarilis Ruiz	130 Gale Place #2C Bronx, New York 10463	11
Joyce Martinez	3433 Dekalb Avenue #5D Bronx, New York 10467	11
Mark McCormack	5790 Mosholu Avenue Bronx, New York 10471	11
Mark D. Goret	474 West 238th Street #2H Bronx, New York 10463	11
Alfredo Figueroa	1010 East 232nd Street Bronx, New York 10466	12
Bolanle B. Adewole	1020 East 229th Street Bronx, New York 10466	12
Dagny J. McDaniel	3317 Tiemann Avenue Bronx, New York 10469	12
Arianna L. Walvin	2223 Wallace Avenue #1 Bronx, New York 10467	13
Chris Kirka	2500 Hering Avenue Bronx, New York 10469	13
Doris Maranon	3121 Middletown Road #12N Bronx, New York 10461	13
Maria G. Pagan c/o DiStefano	396 King Ave Bronx, New York 10464	13
Olga Rodriguez	1935 Hobart Avenue, 1st Fl Bronx, New York 10461	13
Susan Beperet	2719 Laconia Avenue #1 Bronx, New York 10469	13
Destiny Torres	1749 Grand Concourse #13C Bronx, New York 10453	14
Elmira Roberson	1865 University Avenue #2G Bronx, New York 10453	14
Ann M. Progler	665 Thwaites Place #4J Bronx, New York 10467	15

Charlene Bunche	1624 Adams Street Bronx, New York 10460	15
Angela I. Dunlop	209 East 165th Street #4D Bronx, New York 10456	16
Dahlia A. Williams	790 Concourse Village West #16M Bronx, New York 10451	16
Isabel Ramos	1143 Woody Crest Avenue #BA Bronx, New York 10452	16
Samuel O. Oladeru	1831 Trafalgar Place Bronx, New York 10460	17
Frankie Curry	950 Underhill Avenue #5B Bronx, New York 10473	18
Gina DeGori	23-42 College Point Blvd College Point, New York 11356	19
Terrence T. Cannon	33-05 164th Street Flushing, New York 11358	19
Neil Robert Berzak R.A.	195-04 56th Avenue Queens, New York 11365	20
Dhyan Pal Singh	244-34 90th Avenue Queens, New York 11426	23
Simone B. Eisenberg-Blaut	77-60 269th Street Queens, New York 11040	23
Sudhakar Ramnauth	89-39 210th Street Queens, New York 11427	23
Valerie Chung	150-38 Union Turnpike #10A Flushing , New York 11367	24
Lisa O'Hara	51-01 39th Avenue #L42 Queens, New York 11104	26
Yenny C. Diaz	21-15 35th Avenue #5A Astoria, New York 11106	26
Betty Gayle	164-01 Foch Blvd #2A Queens, New York 11434	28
Edith McKenzie	163-29 130th Avenue Queens, New York 11434	28
Esthel Francis	163-17 130th Avenue #12D	28

	Jamaica, New York 11434	
Melvin Geiger Sr.	163-35 130th Avenue #8G Jamaica, New York 11434	28
Marcita A. Suazo	224-03 137th Ave Queens, New York 11413	31
Gloria J. Scheuermann	99-49 164th Rd Howard Beach, New York 11414	32
Josephine A. Miele	161-36 85th Street Howard Beach, New York 11414	32
Marlene N. Seara	149-49 114th Street Queens, New York 11420	32
Sarah M. Arriaga	92-10 92nd Avenue Woodhaven, New York 11421	32
Wayne Ruggiere	89-11 Jamaica Avenue Queens, New York 11421	32
Douglas W. Elliott	118 Pierrepont Street Brooklyn, New York 11201	33
Victor Marshall Jr.	271 Cadman Plaza East #20-0735 Brooklyn, New York 11202	33
Charlie Hartford	220 Boerum St, Apt 2L Brooklyn, New York 11206	34
Jennifer E. Mazzio	410 Seneca Avenue #3L Ridgewood, New York 11385	34
Wilfredo Garcia	274 South 2nd Street #7 Brooklyn, New York 11211	34
Abraham A. Brikman	679 Montgomery Street #3L Brooklyn, New York 11213	35
Stephen H. Serota	217 Washington Avenue Brooklyn, New York 11205	35
Molly Golden	14 Stuyvesant Avenue Brooklyn, New York 11221	36
Reesha C. Stephens	884 Greene Avenue #113 Brooklyn, New York 11221	36
Briseida J. Stokes	113 Truxton Street Brooklyn, New York 11233	37

Jamal M. Asad	191 32nd Street Brooklyn, New York 11232	38
Alexander Dorosh	609 Greenwood Avenue Brooklyn, New York 11218	39
Angel L. Rivera	568 Pacific Street #1C Brooklyn, New York 11217	39
Daniel Giansante	311 Lincoln Place #15A Brooklyn, New York 11238	39
Carolyn Nixon	903 Lenox Road #D10 Brooklyn, New York	41
Carol Y. Telfair	51 Malta Street #3B Brooklyn, New York 11207	42
Gwendolyn Mattocks	861 Rockaway Avenue #2C Brooklyn, New York 11212	42
Frank Cassara	7524 15th Avenue Brooklyn, New York 11228	43
Lorraine Leader	1228 80th Street Brooklyn, New York 11228	43
Martha Hamboussi	9021 3rd Avenue Brooklyn, New York 11209	43
Ephraim Nierenberg	966 East 23rd Street Brooklyn, New York 11210	45
Hughes J. William	1310 East 37th Street Brooklyn, New York 11210	45
Irma R. Kramer	1083 East 21st Street Brooklyn, New York 11210	45
Lailani Raphael!	4723 Beverly Road Brooklyn, New York 11203	45
Phillip Feigel	1327 East 54th Street Brooklyn, New York 11234	46
Betti Altieri	2430 85th Street Brooklyn, New York 11214	47
Lillian Benezra	2348 Knapp Street Brooklyn, New York 11229	48
Nataliia Petrychuk	2649 East 23rd Street #1A	48

	Brooklyn, New York 11235	
Angela Buttafuoco	193 Morrison Avenue Staten Island, New York 10310	49
Dorothy Raffo	20 Herkimer Street Staten Island, New York 10301	49
Jerry J. Cocozello	275 Pelton Avenue Staten Island, New York 10310	49
Bruce Gonsky	89 Elson Street Staten Island, New York 10314	50
Carolyn Rodriguez	71 Forest Street Staten Island, New York 10314	50
Danielle M. Costello	62 Kirshon Ave Staten Island, New York 10314	50
Joan Baldwin	301 Humbert Street Staten Island, New York 10305	50
Julie Moll	186 Arthur Avenue Staten Island, New York 10305	50
Largime Mujovic	159 Buel Avenue Staten Island, New York 10305	50
Saralynn Halbreich	396 Hawthorne Avenue Staten Island, New York 10314	50
Carmen G. Sherlock	45 Raily Court Staten Island, New York 10312	51
Diane Delorenzo	48 Fenway Circle Staten Island, New York 10308	51
Elizabeth Cardiello	160 Nicolosi Drive Staten Island, New York 10312	51
Ingrid A. Sima	22 Ovas Court Staten Island, New York 10312	51
Jenny Schwartzbaum	300 Loretto Street Staten Island, New York 10307	51
Marietta M. Cirillo	496 Alverson Avenue Staten Island, New York 10309	51
Robin Jacknow	17 Deborah Loop Staten Island, New York 10312	51

Tracey Grieco

764 Stafford Avenue
Staten Island, New York 10309

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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-178 & Res 1053 - | Jarrold E. Whittington for appointment as a member of the New York City Environmental Control Board. |
| (2) M-179 & Res 1054 - | Everado Jefferson for appointment as a member of the New York City Landmarks Preservation Commission. |
| (3) Int 136-A - | Protections for workers under the city's human rights law. |
| (4) Int 560-A - | A pilot program to review school start times to reduce adolescent sleep deprivation. |
| (5) Int 1293-B - | Minority and women-owned business enterprises. |

- (6) **Int 1348-A -** Department of Education to report information regarding sexual health education.
- (7) **Int 1452-A -** Minority and women-owned business enterprises.
- (8) **Int 1690-A -** Provide legal assistance providers information.
- (9) **Int 1707-A -** Training for certain employees.
- (10) **Int 1708 -** Information on local emergency feeding programs.
- (11) **Int 1711 -** Distribution of educational materials about the Federal regulations relating to inadmissibility on public charge grounds.
- (12) **L.U. 479 & Res 1055 -** App. C **180164 ZMK (273 Avenue U Rezoning)** Brooklyn, Council District 47, Community District.
- (13) **L.U. 480 & Res 1056 -** App. N **180165 ZRK (273 Avenue U Rezoning)** Brooklyn, Council District 47, Community District 11.
- (14) **L.U. 507 & Res 1051 -** App. **20195689 TCQ (Sabor Latino)** Queens, Council District 21, Community District 4.
- (15) **L.U. 512 & Res 1052 -** App. **20195068 SCQ (3,079-Seat High School Q472)** Queens, Community School District 30, Council District 26, Community District 2.
- (16) **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, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, 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) – **50**.

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

The following was the vote recorded for **Int. No. 136-A**:

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

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

The following was the vote recorded for **Int. No. 1293-B**:

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

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

The following was the vote recorded for **Int. No. 1348-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, 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) – **49**.

Abstain – Deutsch – **1**.

The following was the vote recorded for **Preconsidered Int. No. 1690-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, 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) – **49**.

Negative – Holden – **1**.

The following was the vote recorded for **Preconsidered Int. Nos. 1707-A and 1711**:

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Deutsch, Diaz, Dromm, Espinal, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, 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) – **47**.

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

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 136-A, 560-A, 1293-B, 1348-A, 1452-A, 1690-A, 1707-A, 1708, and 1711.*

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. 238

Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to ban processed meats from being served in New York City public schools.

The Committee on Education, to which the annexed resolution was referred on March 22, 2018 (Minutes, page 1280), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 560-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 238:)

Res. No. 238

Resolution calling upon the New York City Department of Education to ban processed meats from being served in New York City public schools.

By Council Members Cabrera, Rosenthal, Brannan, Vallone, Rivera, King, Menchaca, Maisel, Levine, Chin, Levin, Perkins, Deutsch, Cumbo, Reynoso, Cornegy, Torres, Ampry-Samuel, Koslowitz, Lander, Cohen, Louis, Barron and Rose (by request of the Brooklyn Borough President).

Whereas, The Office of School Food (SchoolFood) of the New York City Department of Education (DOE), is responsible for serving school meals within the New York City public school system, serving around 850,000 meals to students daily; and

Whereas, According to SchoolFood's menus, New York City public schools administer numerous food menus containing processed meats, including hot dogs, ham, bacon and sausage; and

Whereas, According to Harvard's T.H. Chan School of Public Health, processed meat, like hot dogs, ham, bacon and sausage, is meat that has been transformed through salting, curing, fermentation, smoking, or other processes to enhance flavor or improve preservation; and

Whereas, According to Harvard's T.H. Chan School of Public Health, meat processing methods like curing, smoking or cooking can lead to the formation of potentially cancer-causing (carcinogenic) chemicals such as N-nitroso compounds (NOCs), polycyclic aromatic hydrocarbons (PHAs), heterocyclic aromatic amines (HAAs) and polycyclic aromatic hydrocarbons (PAHs), all of which can adversely affect one's health; and

Whereas, In 2015, the World Health Organization's (WHO) International Agency for Research on Cancer (IARC) announced that consumption of processed meat is "carcinogenic to humans," which can lead to increased risk of colorectal cancer, pancreatic cancer, prostate cancer, coronary heart disease, stroke and type II diabetes, among other diseases; and

Whereas, In the IARC's 2015 report, experts concluded that each 50 gram portion of processed meat eaten daily increased the risk of colorectal cancer by 18%; and

Whereas, According to a 2017 report by the American Institute for Cancer Research, an estimated 47% of United States colorectal cancer could be prevented each year through healthy lifestyles changes, such as eating more fiber and exercising properly; and

Whereas, According to a 2017 article in the Agricultural Research and Technology Open Access Journal, livestock production, which is responsible for adding to the supply of processed meats, is an important cause of various environmental problems such as increasing greenhouse gas (GHG) emissions, agricultural land expansion and associated deforestation, surface water eutrophication, terrestrial biodiversity loss, and nutrient imbalances; and

Whereas, In 2017, New York City public schools launched "Meatless Mondays," a program that eliminates meat being served on Mondays within specific public schools, as well as added vegan lunch options in 1,200 New York City public schools, however a full ban on processed meats being served in public schools is necessary to ensure New York City public schools offer healthy food choices, while also helping the environment; and

Whereas, Banning processed meats from being served throughout all New York City public schools can help ensure that students stay healthy; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to ban processed meats from being served within New York City public schools

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE,

BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS; Committee on Education, September 10, 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 3 Council Members formally noted their intention to vote negative against this item:
Council Members Borelli, Ulrich, and the Minority Leader (Council Member Matteo).

The following Council Member formally noted his intention to abstain from voting on this item:
Council Member Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 632

Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to create a diabetes and prediabetes health based curriculum.

The Committee on Education, to which the annexed resolution was referred on November 28, 2018 (Minutes, page 4517), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 560-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 632:)

Res. No. 632

Resolution calling upon the New York City Department of Education to create a diabetes and prediabetes health based curriculum.

By Council Members Barron, Miller, Cohen, Cumbo, Chin, Louis, Rose, Ampry-Samuel, Ayala and Rivera.

Whereas, Diabetes is a group of diseases that result in high blood glucose, which is too much sugar in the blood; and

Whereas, The most common forms of diabetes include Type 2 diabetes, a chronic condition that affects the way the body processes blood sugar, and Type 1 diabetes, a chronic condition in which the pancreas produces little or no insulin; and

Whereas, Prediabetes is a condition in which blood sugar is high, but not high enough to be Type 2 diabetes; and

Whereas, According to the American Diabetes Association (ADA), in 2015, 30.3 million Americans, or 9.4% of the overall population, had diabetes and 84.1 million Americans age 18 and older had prediabetes; and

Whereas, Additionally, more than 25% of Americans age 65 and older have diabetes and one in eight American adults, about 29 million, have Type 2 diabetes; and

Whereas, According to the New York City Department of Health and Mental Hygiene (DOHMH), an estimated 987,000 City residents have diabetes, and 19% among them don't know they have it; and

Whereas, DOHMH also estimates that 40% of elementary school children in New York City are overweight, which puts them at risk for diabetes; and

Whereas, People with diabetes are two to four times more likely to develop cardiovascular disease than those without diabetes; and

Whereas, Diabetes also increases the risk of other serious conditions, including nerve damage, known as neuropathy, as well as damage to kidneys, eyes, bones and feet, skin conditions, hearing impairment, Alzheimer's disease and depression; and

Whereas, Further, diabetes remains the 7th leading cause of death in the United States, although the figure may be even higher as diabetes may be underreported as an underlying cause of death, according to the ADA; and

Whereas, In addition, the ADA estimates that people with diabetes spend 2.3 times more on medical expenses than people without the disease; and

Whereas, However, in many cases, prediabetes and diabetes are preventable or reversible; and

Whereas, Preventive education can help reduce the risks for youth; and

Whereas, Under New York State Law and the Regulations of the Commissioner of Education, all schools under the jurisdiction of the State Education Department must provide a program of health and physical education including health and safety education; and

Whereas, However, neither the New York State Education Department (NYSED) nor the New York City Department of Education (DOE) currently explicitly requires instruction in diabetes or prediabetes or their prevention as part of the health education curriculum; and

Whereas, The DOE recommended health curricula, called HealthSmart, does contain lessons on preventing serious health problems that result from common chronic diseases such as diabetes; and

Whereas, However, these lessons do not begin until 5th grade and occur only in a few grades thereafter and it is unclear whether such lessons fully address diabetes or prediabetes; and

Whereas, Further, the DOE recommends, but does not require, all schools to use the HealthSmart curricula, instead requiring schools that choose not to use the curricula to select a curricula meeting NYSED health education requirements; and

Whereas, Protecting our children and youth from the damaging effects of diabetes and prediabetes is too important to leave up to chance; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to create a diabetes and prediabetes health based curriculum.

MARK TREYGER, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, Jr., DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, JOSEPH C. BORELLI; Committee on Education, September 10, 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. 716-A

Report of the Committee on Education in favor of approving, as amended, a Resolution calling upon the New York City Department of Education to adopt all of the policy recommendations of the Mayor's Sexual Health Education Task Force and provide comprehensive sexual health education on a regular basis, across all grade levels.

The Committee on Education, to which the annexed resolution was referred on January 9, 2019 (Minutes, page 85), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 560-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 716-A:)

Res. No. 716-A

Resolution calling upon the New York City Department of Education to adopt all of the policy recommendations of the Mayor’s Sexual Health Education Task Force and provide comprehensive sexual health education on a regular basis, across all grade levels.

By Council Members Levin, Treyger, Cumbo, Levine, Rivera, Ampry-Samuel, Chin, Ayala, Salamanca, Rosenthal, Koslowitz, Lander, Cohen, Dromm, Powers, Kallos, Louis, Barron and Rose.

Whereas, In 2011, the New York City Department of Education (“DOE”) made sexual health education a mandatory component of the comprehensive health education courses required in middle and high schools; and

Whereas, Nonetheless, data reveals troubling statistics regarding young people’s access to sexual health education, including a 2017 report released by New York City Comptroller Scott Stringer that showed only 43 percent of eighth graders had completed the one credit, or 54 hours, of health education required by New York State law; and

Whereas, According to the Centers for Disease Control and Prevention, from 2012 to 2016, primary and secondary syphilis cases in New York City increased 31.9 percent among 15- to 19-year-olds and 55.7 percent among 20- to 24-year-olds; and

Whereas, In 2016, nearly 39 percent (882 of 2,279) of new HIV diagnoses in New York City were among 13- to 29-year-olds; and

Whereas, Data from the New York City Department of Health and Mental Health (“DOHMH”) shows that in 2015, eight in 10 pregnancies among 15- to 19-year-olds were unintended; and

Whereas, Recognizing these significant statistics, the New York City Council (“the Council”) passed Local Law 90 of 2017 (“Local Law 90”), sponsored by Council Member Laurie Cumbo, to ensure students get a comprehensive sexual health education that includes medically-accurate and age-appropriate lessons on sexual health; and

Whereas, Local Law 90 created a Sexual Health Education Task Force (“the Task Force”), responsible for reviewing information about the current recommended sexual health education curricula and the implementation of sexual health education in New York City public schools, as well as issuing a report with findings and recommendations for the improvement and expansion of the curricula and implementation in grades kindergarten through twelve; and

Whereas, The Task Force was comprised of 28 members, including students, educators, parents, a principal, a school psychologist, sexual health education experts, LGBTQ health experts, representatives from DOE, representatives from DOHMH, and representatives from the Council; and

Whereas, The Task Force met over the course of six months, and published its findings and recommendations in July 2018; and

Whereas, The Task Force identified four broad strategies to bolster sexual health education in New York City, which included prioritizing a culture of sexual wellness and inclusivity in all schools; ensuring all

students are served by well-equipped and supported health education instructors; improving the content, substance, and methods of sexual health education; and strengthening accountability and reporting; and

Whereas, The Task Force also developed 11 nonbinding recommendations to strengthen student, school, family, and community participation in implementing meaningful, culturally responsive, inclusive, and sustainable sexual health education; and

Whereas, The Task Force recommendations include expanding instruction so that sexual health education lessons covering healthy relationships, sexuality, consent, and bodily autonomy are taught at least once to students in kindergarten through second grade and at least once again in grades three through five; and

Whereas, The recommendations also include avoiding the use of, and actively dismantling, cisnormative, heteronormative, and ethnocentric frameworks; and

Whereas, The recommendations also call for health lessons in all city schools to be delivered by teachers who have received high-quality training in sexual health education, and the Task Force urges DOE to explore adding a required certification for all teachers on inclusivity and consent; and

Whereas, The Task Force report framed sexual health education as an essential element to developing and maintaining healthy relationships throughout life; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to adopt all of the policy recommendations of the Mayor's Sexual Health Education Task Force and provide comprehensive sexual health education on a regular basis, across all grade levels.

MARK TREYGER, *Chairperson*;; DANIEL DROMM, BRADFORD S. LANDER, Jr., DEBORAH L. ROSE, ANDY L. KING, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, JOSEPH C. BORELLI; Committee on Education, September 10, 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 5 Council Members formally noted their intention to vote negative against this item:
Council Members Borelli, Deutsch, Diaz, Holden, and the Minority Leader (Council Member Matteo).

The following 3 Council Members formally noted their intention to abstain from voting on this item:
Council Members King, Ulrich, and Yeger.

Adopted by the Council by voice-vote.

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

Report for voice-vote item Res. No. 1047

Report of the Committee on Immigration in favor of approving a Resolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, "Inadmissibility on Public Charge Grounds".

The Committee on Immigration, to which the annexed resolution was referred on September 12, 2019, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Immigration for Int. No. 1707-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1047:)

Preconsidered Res. No. 1047

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds”.

By Council Members Levin, the Public Advocate (Mr. Williams), Kallos, Lander, Chin, Barron, Ayala and Rivera.

Whereas, Prior to August 2019, immigration agencies relied on a public charge determination to identify whether an individual was, or was likely to become, primarily dependent on the United States (U.S.) government for subsistence; and

Whereas, At the time, public charge determinations were based on the reliance on or use of Temporary Assistance for Needy Families (TANF), Supplemental Security Income, or institutionalization for long-term care; and

Whereas, The public charge determination was made when an individual filed for admission to the U.S. and for adjustment of status to become a lawful permanent resident; and

Whereas, If DHS determined that an individual was likely at any time to become a public charge, the individual could be considered inadmissible, and therefore ineligible for admission or adjustment of status; and

Whereas, On October 10, 2018, DHS issued a Notice of Proposed Rulemaking (NPRM) titled “Inadmissibility on Public Charge Grounds,” which was published in the Federal Register for a 60-day comment period, and subsequently received over 266,000 public comments for agency consideration; and

Whereas, On August 14, 2019, DHS published the final rule entitled “Inadmissibility on Public Charge Grounds” that codifies regulations governing the application of the public charge inadmissibility ground under INA section 212(a)(4), following review of comments received; and

Whereas, Effective on October 15, 2019, the final rule will greatly expand the reach of the existing public charge determination in several critical ways; and

Whereas, The final rule extends a public charge determination to individuals using, or likely to use at any point in the future, non-Emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and housing assistance through public housing and Section 8 housing assistance; and

Whereas, Use of public benefits for 12 months in the aggregate within a 36-month timeframe will be a qualifying factor for inadmissibility on public charge grounds; and

Whereas, The final rule will more heavily weigh five factors in making the public charge determination, specifically assessing an individual’s (1) age, (2) health, (3) family status, (4) assets, resources, financial status, and (5) education and skills; and

Whereas, The final rule could harm as many as 475,000 New York City residents; and

Whereas, Up to 75,000 immigrant New Yorkers could need to decide whether to access benefits for which they are legally eligible or face possibly adverse immigration consequences; and

Whereas, Further, up to 400,000 immigrant New Yorkers could face adverse immigration consequences due to increased scrutiny of the five factors; and

Whereas, Immigrants in New York pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes ever year; and

Whereas, In a 2019 Report, the Mayor’s Office of Immigrant Affairs found that immigrant New Yorkers contributed an estimated \$228 billion to the City’s Gross Domestic Product (GDP), or about 26 percent of the City’s total GDP; and

Whereas, A 2018 Migration Policy Institute Report indicates that noncash benefits make up the bulk of benefits accessed by immigrant families, and this rule will have far-reaching chilling effects, leading to a broad withdrawal from public-benefits programs; and

Whereas, The rule could have a detrimental effect on New York City's economy as well as our national economy; and

Whereas, If just 20 percent of noncitizen New Yorkers currently receiving benefits withdraw from participation, the City could lose annual disbursements of \$235 million in SNAP, Cash Assistance and Supplemental Security Income and the State supplement (SSI/SSP) funding, and an additional loss of \$185 million in related economic activity; and

Whereas, Reducing program participation in benefits programs that are commonly viewed as work supports will likely result in higher poverty levels; and

Whereas, Efforts to prevent families from accessing benefits related to healthcare will result in an increase in severe and chronic health issues; and

Whereas, Confusion and fear about the rule could lead hundreds of thousands of immigrant New Yorkers, including U.S. citizens, to drop out of benefit programs or choose not to use them, which will significantly impact access to health and social services for children and families in New York City; therefore, be it,

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, "Inadmissibility on Public Charge Grounds."

CARLOS MENCHACA, *Chairperson*; MATHIEU EUGENE, MARGARET S. CHIN, DANIEL DROMM, MARK GJONAJ, FRANCISCO P. MOYA; Committee on Immigration, September 12, 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 3 Council Members formally noted their intention to vote negative against this item:
Council Members Borelli, Holden, and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1682

By The Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to repealing subchapter 19 of chapter 5 of title 20

Be it enacted by the Council as follows:

Section 1. Subchapter 19 of chapter 5 of title 20 of the administrative code of the City of New York is REPEALED.

§ 2. This local law takes effect immediately and is retroactive to and deemed to have been in effect as of September 12, 2019.

Referred to the Committee on Civil and Human Rights.

Int. No. 1683

By Council Members Ayala and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring parks enforcement patrol officers to be equipped with opioid antagonists

Be it enacted by the Council as follows:

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

§ 18-156 Opioid antagonist administration training. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Opioid. The term “opioid” means an opiate as defined in section 3302 of the public health law.

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

Opioid antagonist administration training. The term “opioid antagonist administration training” means a program with the purpose of training individuals encountering a suspected opioid overdose about the steps to take in order to prevent a fatality, including contacting emergency medical services, and administering an opioid antagonist.

b. Opioid antagonist administration. 1. Each parks enforcement patrol officer shall be equipped with an opioid antagonist when on duty.

2. The department shall ensure each such officer receives opioid antagonist administration training.

3. The department shall ensure each such officer receives opioid antagonist administration refresher training every two years.

4. No later than July 31, 2020, and by July 31 of each year thereafter, the commissioner shall submit to the mayor and the speaker of the council an annual report containing the following information from the previous fiscal year:

(a) The number of such officers who have completed opioid antagonist administration training;

(b) The number of such officers who have completed opioid antagonist administration refresher training; and

(c) The number of times an opioid antagonist was administered by such officers, disaggregated by borough, council district and community board.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of parks and recreation 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 Parks and Recreation.

Int. No. 1684

By Council Members Ayala, Chin, Louis, Kallos, Eugene, Diaz, Vallone and Rose.

A Local Law in relation to requiring the commission on human rights to create a poster on age discrimination and requiring city agencies to display the poster

Be it enacted by the Council as follows:

Section 1. The commission on human rights shall include as part of its regular outreach and education efforts informational resources on age discrimination. Such informational resources shall include a poster created by the commission that describes age discrimination, provides examples of prohibited conduct and explains how to file a complaint. Such poster shall also include information on additional resources on age discrimination. Such additional resources shall be made available on the commission's website.

§ 2. Every city agency shall conspicuously display the poster created by the commission on human rights on age discrimination in employee breakrooms or other common areas for employees. For purposes of this local law, the term "agency" has the same meaning as such term is defined in section 1150 of the New York city charter and shall include the offices of the borough presidents, the comptroller and the public advocate.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 1685

By Council Members Ayala, Chin, Louis, Kallos, Eugene, Diaz, Vallone and Rose.

A Local Law to amend the administrative code of the city of New York, in relation to providing age discrimination training to city agencies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 8 of the administrative code of the city of New York is amended by adding a new section 8-133 to read as follows:

§ 8-133 Age discrimination training. *a. Definitions. For purposes of this section, the following terms have the following means:*

Agency. The term "agency" has the same meaning as such term is defined in section 1150 of the charter.

b. The commission, in consultation with the department for the aging, shall create a training, including materials, to identify, prevent and eliminate age discrimination in the workplace. The department shall provide such training to each agency at least once per year.

c. The commission shall post conspicuously on the commission's website any materials developed for the training as well as relevant additional resources about age discrimination in the workplace.

d. The commission shall also post on the commission's website information regarding how to obtain relief for age discrimination in the workplace, including how to report such incidents and what avenues of relief and action are available to those who have experienced such discrimination.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 1686

By Council Members Barron, Miller and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the disclosure of information regarding past engagement in slavery by city contractors

Be it enacted by the Council as follows:

Section 1. Declaration of legislative intent and findings. In recent years, companies in existence today have discovered and revealed that they had engaged in and/or profited from the commerce generated by the trade or use of the labor of enslaved Africans during the period of the Trans-Atlantic Slave Trade, from approximately 1441 to 1888. It has been reported that some large companies, for example, Aetna, a company that apparently insured slaveholder interests in slaves in the case of their death or damage, have been found to have directly profited from such commerce. J.P. Morgan Chase issued a letter of apology after it discovered that two of its predecessor companies actually participated in the slave trade and owned slaves it had taken as collateral for loans. J.P. Morgan Chase attributed the discoveries to the requirement of disclosure for contractors of the City of Chicago.

While it is specifically not the intent of this legislation that the question of past links to slavery serve as a litmus test to determine who the city should do business with, such information is important for the city and the country as they reappraise the history of slavery as a result of these new findings. Accordingly, this local law would require companies doing business with the city to search their pasts and reveal whether they have engaged in or profited from slavery.

§ 2. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-115.2 to read as follows:

§ 6-115.2 *Disclosure of profit from or engagement in slavery. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Affiliated company. The term “affiliated company” means the parent company of a contractor and any subsidiaries of the contractor.

Contract. The term “contract” means any written agreement, purchase order or instrument whereby the city is committed to expend or does expend funds in return for an interest in real property, work, labor, services, supplies, equipment, materials, construction, construction-related service or any combination of the foregoing.

Contracting agency. The term “contracting agency” means a city, county, borough or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.

Contractor. The term “contractor” means any individual, sole proprietorship, partnership, joint venture, corporation or other form of doing business that enters into a contract with any contracting agency.

Predecessor company. The term “predecessor company” means an entity whose ownership, title and interest, including all rights, benefits, duties and liabilities, were acquired in an uninterrupted chain of succession by a contractor.

Subsidiary company. The term “subsidiary company” means an entity that is controlled directly or indirectly through one or more intermediaries by a contractor or such contractor’s parent company.

b. No contracting agency shall enter into or renew any contract for an amount in excess of \$100,000 with any proposed contractor who does not certify as a material condition of such contract that the proposed contractor has searched its records and relevant history to determine whether it or any predecessor or affiliated company ever engaged in or profited from the trade or use of slaves. Such certification shall also include a statement of the results of such search. If the proposed contractor determines that it or its predecessor or affiliated companies engaged in or profited from slavery, then the contractor shall also provide a statement detailing the nature and extent of such engagement or profit, including relevant historical and other documentation, to the contracting agency which shall forward such information to the council.

c. The requirements of this section do not apply: (i) to emergency contracts entered into pursuant to section 315 of the charter and for which no entity that will comply with the requirements of this section and which is capable of fulfilling such contract is immediately available; or (ii) where such compliance would violate or be inconsistent with the terms or conditions of a grant, subvention or contract with a public agency or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract.

§ 3. This local law takes effect 120 days after it becomes law, except that city agencies, including but not limited to the procurement policy board, may take such actions as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Civil and Human Rights.

Res. No. 1039

Resolution calling upon on the New York State Legislature to pass and the Governor sign A.3080A/S.2904A in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.

By Council Members Barron, Miller, Kallos and Cornegy.

Whereas, Millions of enslaved Africans in the United States spent their lives providing unpaid skilled labor and were subject to execution, torture, extreme physical abuse, systemic and state sanctioned rape and sexual violence; and

Whereas, On December 13, 1711, the New York City Common Council passed a law establishing the city's first slave market, at which African-Americans and Native Americans were to be purchased, hired and sold; and

Whereas, By 1730, New York City was the second-largest slave-owning city in the country with 42 percent of the population being owners of enslaved African-Americans; and

Whereas, Prior to the American Revolution, there were more enslaved Africans in New York City than in any other city except Charleston, South Carolina; and

Whereas, Enslaved African-Americans were the economic engine of the City, having prepared land for agriculture, built infrastructure of roads, constructed City Hall and built the wall after which Wall Street is named; and

Whereas, In the abolition of slavery, New York State was one of the early pioneers effectively ending slavery in 1827, 38 years prior to the national abolition of slavery, yet racism, discrimination, segregation, and anti-black violence continued; and

Whereas, By the 1850s, the City was profiting immensely from the illegal international slave trade to Southern United States, Brazil and Cuba; and

Whereas, In July 1863, the Draft Riots occurred where approximately 100 people were killed in Manhattan and Brooklyn, 100 buildings were destroyed and 11 Black men were lynched, tortured and mutilated, with some hanged from lamp posts and burned; and

Whereas, In 1865, the Thirteenth Amendment to the United States Constitution abolished slavery and involuntary servitude, except as punishment for a crime; and

Whereas, Amongst other national and local policies that targeted and criminalized Black people, policies such as the 1973 Rockefeller Drug Laws, passed by New York Governor Nelson Rockefeller to deter drug use and sales, served as a catalyst to the mass incarceration of Black people; and

Whereas, The National Coalition of Blacks for Reparations in America defines reparations as a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions and families; and

Whereas, In addition to reparations owed for the shattering impacts of the Federally-declared War on Drugs campaign of the 1970's and the ongoing mass criminalization of Black people, The Movement for Black Lives, also recognized as "M4BL," has identified several other demands for reparations for all Black people; and

Whereas, Reparations are owed for the systemic denial of access to quality educational opportunities, the capital extracted from Black communities through environmental racism, slavery, food apartheid, housing discrimination and racialized capitalism, and the cultural and educational exploitation and erasure of Black communities; and

Whereas, The United Nations outlines five conditions that must be met for full reparations, including cessation or assurance of non-repetition, restitution, compensation, satisfaction and rehabilitation; and

Whereas, Therefore, reparations cannot be achieved merely through an apology or investment in underprivileged communities, unless accompanied by acts of repair and efforts to leverage power, influence and resources to ensure all acts of harm have ceased with guarantee of non-repetition; and

Whereas, A.3080A/ S.2904A, sponsored by Senator James Sanders Jr. and Assemblymember Charles Barron, acknowledges the fundamental injustice, cruelty, brutality, and inhumanity of slavery in the city of New York and the state of New York and establishes the New York State Community Commission on Reparations Remedies; and

Whereas, Slavery's impact on New York remains significant and perpetuates a growing wealth disparity and socioeconomic disposition that African-Americans today face as a result of historical, discriminatory policies and ongoing segregation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon on the New York State Legislature to pass and the Governor sign A.3080A/ S.2904A in relation to establishing the New York State Community Commission on Reparations Remedies to examine the impacts of the institution of slavery, subsequently racial and economic discrimination against African-Americans, and recommend appropriate remedies.

Referred to the Committee on Civil and Human Rights.

Res. No. 1040

Resolution calling upon the United States Congress to pass and the President to Sign S.1083/ H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.

By Council Members Barron, Miller and Cornegy.

Whereas, Millions of enslaved Africans in the United States spent their lives providing unpaid skilled labor and were subject to execution, torture, extreme physical abuse, systemic and state sanctioned rape and sexual violence; and

Whereas, As early as 1627, slavery flourished in New York state, constituting an immoral and inhumane deprivation of Africans' life, liberty, citizenship rights and cultural heritage, and by 1730, New York City was the second-largest slave-owning city in the country; and

Whereas, Slavery's impact on New York remains significant and perpetuates a growing wealth disparity and socioeconomic disposition that African-Americans today face as a result of historical, discriminatory policies and ongoing segregation; and

Whereas, In 2006, the General Assembly of the United Nations (UN) adopted a Resolution establishing the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law; and

Whereas, According to the aforementioned Resolution, adequate, effective and prompt reparation is intended to promote justice by remedying gross violations of international human rights law or serious violations of international humanitarian law and should be proportional to the gravity of the violations and the harm suffered; and

Whereas, The UN outlines five conditions that must be met for full reparations, including cessation or assurance of non-repetition, restitution, compensation, satisfaction and rehabilitation; and

Whereas, The National Coalition of Blacks for Reparations in America defines reparations as a process of repairing, healing and restoring a people injured because of their group identity and in violation of their fundamental human rights by governments, corporations, institutions and families; and

Whereas, The Movement for Black Lives, also recognized as "M4BL," identifies several ongoing harms to Black people in the United States to which reparations are owed including, but not limited to, police and state violence, mass criminalization, incarceration, institutionalization, deportation, exclusion, segregation, structural employment and housing discrimination, food and service apartheid and denial of health care; and

Whereas, M4BL identifies additional harms to Black people, including lower than average life expectancy, forced sterilization, denial of reproductive care and autonomy in Black communities, as well as high rates of maternal and infant mortality and stress-related conditions; and

Whereas, S.1083/ H.R.40, sponsored by Senator Corey Booker and Representative Sheila Jackson Lee, and has been regularly introduced since 1989 by Representative John Conyers, requires the United States to acknowledge the lasting impacts of slavery and establish and execute a plan to address those impacts Commission to Study Reparation Proposals for African-Americans; and

Whereas, The Commission to Study Reparation Proposals for African-Americans would identify the role of federal and state governments in supporting the institution of slavery, forms of discrimination in the public and private sectors against freed slaves and their descendants, and lingering negative effects of slavery on the lives of Black people and society today; and

Whereas, The systematic exploitation, violence, theft, and harm to Black people today is inherited from centuries of policies and practices perpetuated by the United States government, individuals, and corporations that must also be accounted for including convict leasing, sharecropping, Jim Crow, redlining, and the War on Drugs; 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.1083/ H.R. 40 in relation to establishing the Commission to Study and Develop Reparation Proposals for African-Americans to examine financial and other impacts of slavery and continued discrimination and recommend appropriate remedies.

Referred to the Committee on Civil and Human Rights.

Int. No. 1687

By Council Members Borelli and Cornegy

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of building to provide information about antennas located in the city

Be it enacted by the Council as follows:

Section 1. Section 103.14.1 of title 28 of the administrative code of the city of New York, is amended to read as follows:

[List of permits for cellular] *Cellular antenna database*. The commissioner shall maintain a separate [list] *database* of alteration permits issued for the erection or placement of antennae used to provide cellular telephone or similar service or any structure related to such service which shall, at a minimum, *include the specific model and manufacturer of antenna*, [set forth] the name, business address and business telephone number of the applicant, the date of the application, the date the permit was issued, the location for which the permit was issued, including the premises address and the zoning district, whether residential, commercial, or manufacturing, and the number of permits issued for such purpose at the same location since the effective date of this section. Such [list] *database* shall be made available to the public [upon request between regular business hours and shall be available to the public in electronic format on a 24-hour basis] on the department's website[.], *and shall be updated on a regular basis to reflect any additional equipment installations or changes to the locations of such equipment*.

§ 2. This local law takes effect 180 days after it becomes law, except that the commissioner of buildings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Housing and Buildings.

Int. No. 1688

By Council Member Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of information technology and telecommunications to provide a map of where cellular telephone service equipment has been installed

Be it enacted by the Council as follows:

Section 1. Section 28-103.14.1 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:

§ 28-103.14.1 [List of permits for cellular] *Cellular antenna. a. List of permits.* The commissioner shall maintain a separate list of alteration permits issued for the erection or placement of antennae used to provide cellular telephone or similar service or any structure related to such service which shall, at a minimum, set forth the name, business address and business telephone number of the applicant, the date of the application, the date the permit was issued, the location for which the permit was issued, including the premises address and the zoning district, whether residential, commercial, or manufacturing, and the number of permits issued for such purpose at the same location. Such list shall be made available to the public upon request between regular business hours and shall be available to the public in electronic format on a 24-hour basis on the department's website.

b. Map of equipment. *The department of information technology and telecommunications, in consultation with the department, shall develop and publish on its website a publicly accessible interactive map of the locations of cellular telephone equipment throughout the city, including, but not limited to, antennae, transmitters, receivers, boxes and component parts used for the installation and maintenance of cellular network technology. Such map shall be searchable by address, borough, block, lot number and type of equipment, and shall be updated every month to reflect additional installations or changes to the locations of such equipment.*

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

Referred to the Committee on Technology.

Res. No. 1041

Resolution declaring the third week in May of each year to be recognized as First Responder Mental Health Awareness Week.

By Council Members Borelli, Kallos, Holden, Cohen and Deutsch.

Whereas, According to the United States Department of Homeland Security, an estimated 4.6 million career and volunteer firefighters, police, emergency medical technicians, and paramedic workers serve communities all across the nation; and

Whereas, There are currently more than 11,000 New York City Fire Department ("FDNY") uniformed personnel and more than 36,500 uniformed New York City Police Officers ("NYPD") personnel serving the City of New York; and

Whereas, Firefighters, emergency medical service providers, law enforcement and rescue personnel routinely face situations that can impact their behavioral health, which may result in Post-Traumatic Stress Disorder, stress, anxiety, addiction, suicidal thoughts, depression, and/or burnout; and

Whereas, Recently, New York City has unfortunately seen a sharp rise in first responder suicides, specifically involving members of the NYPD; and

Whereas, According to Blue H.E.L.P., a nonprofit organization that tracks law enforcement suicide, as of August 1, 2019, reported law enforcement suicides were up 24% this year over last during the same period; and

Whereas, The National Alliance on Mental Illness reports that police officers are far more likely to die from suicide than from line-of-duty homicide, and that nearly one in four police officers has suicidal thoughts at some point during their lives; and

Whereas, Emergency medical service personnel can be exposed to a variety of work related stressors that may range from critical incidents associated with the provision of patient care to chronic work-related problems such as being assaulted by emotionally disturbed patients; and

Whereas, The New York City Department of Health and Mental Hygiene recommends that community organizations work to reduce suicide risk by encouraging individuals to seek help, dispelling misconceptions about mental illnesses, and reducing social isolation among those struggling with depression; and

Whereas, Mental Health Month was established in 1949 and has since been observed annually throughout the United States; and

Whereas, Mental Health Month helps bring attention to the needs of those living with mental illness and promotes the overall mental health of all Americans; and

Whereas, New York City should create better awareness and more programs for first responders, such as those individuals in the NYPD and FDNY who suffer from mental health related issues; and

Whereas, The third week of Mental Health Month should be dedicated to first responders in an effort to fight stigma, provide support, educate the public and advocate for policies that support first responders with a diagnosed mental illness as well as provide support to their families; and

Whereas, The third week of Mental Health Month should be called *First Responder Mental Health Awareness Week* in honor and recognition of those in law enforcement, emergency medical services and firefighting who are battling mental illness; now, therefore, be it

Resolved, That the Council of the City of New York declares the third week in May of each year to be recognized as First Responder Mental Health Awareness Week.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1689

By Council Members Cabrera and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring co-working spaces to post sexual harassment posters and to address complaints of sexual harassment

Be it enacted by the Council as follows:

Section 1. Section 8-102 of the administrative code of the city of New York is amended by adding new definitions of “co-working space” and “co-working space tenant” in alphabetical order to read as follows:

Co-working space. The term “co-working space” means a business that, for a fee, provides shared meeting rooms, office spaces, desks or other workplace facilities or services to members of the public to use for work-related purposes.

Co-working space tenant. The term “co-working space tenant” means a person who pays a fee to a co-working space for access to its facilities for work-related purposes.

§ 2. Section 8-107 of title 8 of the administrative code of the city of New York is amended by adding a new subdivision 32 to read as follows:

32. Sexual harassment in co-working spaces. (a) It shall be an unlawful discriminatory practice for a co-working space to permit sexual harassment of co-working space tenants on its premises. A co-working space may be held liable to a co-working space tenant with respect to sexual harassment, when the co-working space, its employees or agents knew or should have known that such tenant was subjected to sexual harassment on the co-working space’s premises, and the co-working space failed to take immediate and appropriate corrective action. In determining the legal liability of a co-working space, a court of competent

jurisdiction or the commission shall consider (i) the co-working space's actual knowledge of the complaint, (ii) its compliance with paragraph (b) of this subdivision, (iii) its efforts to address such complaint and (iv) the reasonableness and adequacy of any corrective actions.

(b) Posters. Each co-working space in the city shall post the sexual harassment poster created by the commission pursuant to subdivision 29 of this section in breakrooms or other common areas co-working space tenants gather. Each co-working space shall provide each tenant with a copy of such poster at the start of such tenant's membership at such co-working space. The poster shall be initialed and dated by each tenant and a print or electronic copy shall be maintained by the co-working space for three years.

(c) Complaints. Each co-working space in the city shall examine each complaint of sexual harassment made by a tenant of such co-working space. Upon review of the complaint, such co-working space shall provide such tenant with a written response within 15 business days containing what, if any, corrective action was taken to address the sexual harassment. A copy of such response shall be maintained in such co-working space's records for three years. If such tenant is unsatisfied by such response or upon the expiration of the 15 day period, such tenant may file a complaint with the commission.

(d) Exceptions. This subdivision shall not apply to sexual harassment complaints that occur between co-working space tenants that are employees of the same employer.

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

Referred to the Committee on Civil and Human Rights.

Preconsidered Int. No. 1690-A

By Council Members Cabrera, Kallos, Yeger, Barron, Ayala and Rivera.

A Local Law in relation to requiring the department of social services/human resources administration to provide legal assistance providers information

Be it enacted by the Council as follows:

Section 1. a. The department of social services/human resources administration shall, in consultation with the office of immigrant affairs, develop and provide materials to legal services organizations with which it contracts to inform individuals about public benefits in relation to the federal regulations relating to inadmissibility on public charge grounds as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register.

b. The mayor's office of immigrant affairs shall, in consultation with the department of social services, provide a dedicated telephone number for referrals to legal services providers for assistance with questions regarding the federal regulations described in this section, and monitor to ensure callers will not encounter unreasonably long waiting periods. The department of social services shall provide such telephone number to clients with questions regarding such federal regulations.

§ 2. This local law takes effect immediately, and is deemed repealed 2 years after it becomes law.

Adopted by the Council (preconsidered bill amended and approved by the Committee on Immigration).

Int. No. 1691

By Council Members Cabrera, Powers and Kallos.

A Local Law to amend the New York city charter, in relation to assigning a unique identifying number to each zoning lot in the city

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 191 of the New York city charter, as amended by local law number 101 for the year 2017, is amended to read as follows:

b. The director of city planning shall:

1. Advise and assist the mayor, the borough presidents and the council in regard to the physical planning and public improvement aspects of all matters related to the development of the city.
 2. Provide staff assistance to the city planning commission in all matters under its jurisdiction.
 3. Be the custodian of the city map and record thereon all changes legally authorized.
 4. Conduct continuous studies and collect statistical and other data to serve as the basis for planning recommendations.
 5. Provide community boards with such staff assistance and other professional and technical assistance as may be necessary to permit such boards to perform their planning duties and responsibilities under this chapter.
 6. Assist the mayor in the preparation of strategic plans, including the preparation of the report provided for in section sixteen concerning the social, economic and environmental health of the city, the strategic policy statement provided for in section seventeen and the ten-year capital strategy provided for in section two hundred fifteen.
 7. Appoint a deputy executive director for strategic planning.
 8. Make a complete transcript of the public meetings and hearings of the commission available for public inspection free of charge within sixty days after any such meeting or hearing. The director shall also provide a copy of any requested pages of such transcript at a reasonable fee to cover the costs of copying and, where relevant, mailing.
 9. Indicate on the department's website the name and contact information of an employee who acts as a coordinator with the board of standards and appeals.
 10. Provide on the department's website, a record of each application for a variance or special permit to the board of standards and appeals where the department or the city planning commission has submitted testimony and a copy of such testimony in a searchable format.
 11. *Assign a unique identifying number to each zoning lot, as defined in section 12-10 of the New York city zoning resolution, in the city, and subsequently amend each such unique identifying zoning lot number to reflect any changes to the metes and bounds of any zoning lot, including, but not limited to the subdivision of any zoning lot, the transfer of development rights from one zoning lot to another zoning lot and the aggregation of two or more zoning lots declared to be a tract of land to be treated as one zoning lot pursuant to paragraph (d) of the definition of "zoning lot" in section 12-10 of the New York city zoning resolution.*
 12. Perform such other functions as are assigned to him or her by the mayor or other provisions of law.
- § 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1692

By Council Members Cabrera, Powers and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an interactive zoning lot map

Be it enacted by the Council as follows:

Section 1. Chapter 1 of 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 *Interactive zoning lot map. a. The department of city planning shall make available to the public an interactive map, maintained on a city website, displaying each zoning lot, as defined in section 12-10 of the New York city zoning resolution, in the city. Such map shall be updated not less frequently than quarterly to*

reflect any subsequent changes to the metes and bounds of any zoning lot including, but not limited to the subdivision of any zoning lot, the transfer of development rights from one zoning lot to another zoning lot and the aggregation of two or more zoning lots declared to be a tract of land to be treated as one zoning lot pursuant to paragraph (d) of the definition of “zoning lot” in section 12-10 of the New York city zoning resolution.

b. The department of city planning shall be authorized to secure such information from the department of buildings, board of standards and appeals, and the city register as the department of city planning determines to be necessary to comply with subdivision a of this section, and such agencies shall provide any requested information in a timely fashion. The department of city planning shall be authorized to secure such information from other government or private organizations as it determines to be necessary to comply with subdivision a of this section.

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Governmental Operations.

Res. No. 1042

Resolution commemorating the quadricentennial of the arrival of Africans in Hampton, Virginia in 1619, and recognizing the contributions of Africans and African Americans to the growth, development, prosperity and culture of the United States of America.

By Council Member Cabrera.

Whereas, The trans-Atlantic slave trade was the largest movement of people in history; historians estimate that during the slave trade to the “New World” or, the Americas, more than 12.5 million people were abducted from Africa between 1525 and 1866 and, of those who were forced on the treacherous journey, only 10.7 million survived the Middle Passage; and

Whereas, Of the 10.7 million captive Africans, an estimated 388,000 disembarked in North America while the rest were brought to the Caribbean and South America; and

Whereas, In late August 1619, between 20 and 30 captive Africans landed at Point-Comfort, now Fort Monroe, in the English colony of what would become the state of Virginia; and

Whereas, Although Africans first arrived in Americas in the late 16th century, the arrival of what historical records note as “20 and odd negroes” in today’s Hampton, Virginia in 1619 may mark the beginning of chattel slavery in the 13 colonies that became the United States (U.S.); and

Whereas, While the transition of bound African laborers to a legalized system of chattel slavery in the U.S. happened over several decades, 1619 is widely considered to be the beginning of race-based bondage that has defined the African American experience; and

Whereas, From sugar and its products, to tobacco, rice and indigo during the colonial period, and cotton during the 18th and 19th centuries, early American plantation economies were built largely from the brutal enslavement of Africans; and

Whereas, By 1850, of the 2.5 million enslaved Black people laboring in agriculture, 1.8 million worked on cotton plantations; and

Whereas, In the decades between the American Revolution and the Civil War, slavery—as a source of cotton that fed Rhode Island’s mills and the British textile industry, which grew the shipping industry, and as a source of wealth for banks in New York City (NYC) as well as the markets that inspired Massachusetts manufacturers—proved indispensable to national economic development; and

Whereas, The estimated value of each slave as part of an estate, was calculated as a source of tax revenue for local and state governments, which also levied taxes on slave transactions; and

Whereas, Each plantation economy was part of a larger national and international political economy, which allowed the U.S. to be competitive for economic leadership in the global political economy; and

Whereas, While the U.S. Congress banned the importation of slaves in 1808, by 1860, the nation’s Black population grew from 400,000 to 4.4 million, of whom 3.9 million were enslaved; and

Whereas, In 1863, President Abraham Lincoln issued the Emancipation Proclamation, which declared “that all persons held as slaves” within the rebellious states free and, as part of the Union’s strategy for military victory, announced the acceptance of Black men into the Union Army and Navy; and

Whereas, By the end of the Civil War, an estimated 179,000 Black men—about ten percent of the Union forces—served as soldiers in the Army, while another 19,000 served in the Navy; nearly 40,000 Black soldiers died over the course of the war; and

Whereas, The legal enslavement of Africans and their descendants persisted in the 13 colonies and the U.S. from 1619 until ratification of the Thirteenth Amendment to the U.S. Constitution in 1865; and

Whereas, Even after the Emancipation Proclamation, two more years of war, service by Black troops and the defeat of the Confederacy, white Americans were still unprepared to deal with the question of full citizenship for the newly freed Black population; and

Whereas, Eventually, with the protection of the Thirteenth, Fourteenth and Fifteenth Amendments to the U.S. Constitution and the Civil Rights Act of 1866, Black and African Americans enjoyed a brief period when they were allowed to vote, actively participate in the political process, acquire the land of former owners, seek their own employment and use public accommodations; and

Whereas, However, opponents of this progress soon rallied and instituted a series of state and local statutes, known as the Jim Crow laws, which legalized racial segregation; and

Whereas, While slavery was an abhorrent institution that has perpetuated racism in the U.S. to this day, Black and African Americans persisted and have made invaluable contributions to society; and

Whereas, Among countless influential figures who deserve to be recognized, there is Philip A. Payton Jr., a Black real estate mogul who, after a new subway line opened to 145th Street in 1904, incorporated the Afro-American Realty Company to help remake Harlem as a home for Black New Yorkers who faced housing discrimination, which helped transform Harlem into a Black mecca; and

Whereas, Gladys Bentley, a blues singer and pianist who became Harlem’s most famous lesbian entertainer in the 1920s and 1930s during the Harlem Renaissance, often confronted male entitlement and sexual abuse in her lyrics, and declared her own sexual independence as she sang “bawdy, bossy songs in a thunderous voice” in her top hat and tuxedo; and

Whereas, Eunice Carter, the first African American woman to earn a law degree in New York, presented crucial evidence to the State prosecutor in the mid-1930s that resulted in one of the greatest prosecutions against organized crime in U.S. history, and sent Mafia boss Charles “Lucky” Luciano to prison; and

Whereas, Katherine Johnson, an African American mathematician, was responsible for the calculations of orbital mechanics that were critical to the success of the first and subsequent manned spaceflights, while employed at the National Aeronautics and Space Administration from 1953 to 1986; and

Whereas, According to the 2010 U.S. Census, more than 42 million—or 14 percent of— people in the U.S. identify as Black or Black in combination with one or more other races; and

Whereas, The New York metropolitan area is home to nearly 3.5 million Black individuals, which the largest Black population of any U.S. city, per 2013 U.S. Census data; and

Whereas, NYC has more than 2.4 million Black residents, of whom more than 950,000 reside in and around the Bedford-Stuyvesant neighborhood in Brooklyn, representing the highest concentration of Black residents in the country; and

Whereas, The African Burial Ground in lower Manhattan, which dates from the middle 1630s to 1795, is the oldest and largest known excavated burial ground in North America for both free and enslaved Africans; and

Whereas, The rediscovery of the African Burial Ground in 1991 altered the understanding and scholarship surrounding enslavement and its contribution to constructing NYC, transforming how New York history is understood and how Black New Yorkers connect to their past; and

Whereas, August 2019 marks the 400th anniversary of events in Virginia which continue to define America; and

Whereas, The history of our nation cannot be fully understood without acknowledging the impact of slavery, and recognizing and highlighting the resilience and contributions of Africans and Black and African Americans as the fight continues for equality and justice; now, therefore, be it

Resolved, That the Council of the City of New York commemorates the quadricentennial of the arrival of Africans in Hampton, Virginia in 1619, and recognizing the contributions of Africans and African Americans to the growth, development, prosperity and culture of the United States of America.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 1043

Resolution condemning the Trump Administration's plan to cut food stamps for 3 million People.

By Council Members Cabrera, Kallos, Cornegy and Cohen.

Food stamps, now known as the Supplemental Nutrition Assistance Program (SNAP), were originally established as a way to strengthen declining crop prices through commodities distribution following the Great Depression; and

Whereas, The first food stamp program was operationalized from 1939 to 1943 to provide food assistance, by way of coordinated transfers of unmarketable food surpluses, to the 25 percent of Americans who were experiencing record unemployment as a result of the Great Depression; and

Whereas, As American farmers were able to create and sustain food surpluses after World War II, the overage was distributed to hungry people in Europe, prompting policymakers to argue that people living in poverty in the United States (U.S.) should also reap the rewards of any excess domestic food supplies; and

Whereas, Although the Food Stamp Act of 1964 sought to address the gaps in local commodity distribution by connecting hungry individuals with surplus crops, it often failed to meet the balanced nutritional needs of its program recipients; and

Whereas, In 1971, commodity distribution was by and large discontinued in favor of food stamps, which allowed program participants to make their own decisions about the food they chose to purchase; and

Whereas, Today SNAP provides essential monthly nutritional support to over 40 million low-income, low-wage working families, seniors, people living with disabilities and individuals living on fixed incomes; and

Whereas, In New York State, more than 55 percent of SNAP recipients are from families with children, 46 percent are from families with members who are elderly or have disabilities and more than 43 percent of SNAP recipients are members of working families; and

Whereas, In October 2018, the Department of Homeland Security published a proposed rule change to broaden the definition of who is considered to be a public charge, thereby expanding the criteria of inadmissibility for legal entry into the U.S. by considering whether an individual is, based on the totality of their circumstances, deemed more likely than not to become dependent upon a public social service, such as health, housing and nutritional programs; and

Whereas, The Secretary of the Department of Agriculture has proposed changes in a key SNAP rule which, if implemented, would eliminate SNAP benefits for an estimated 3.1 million people by reigning in the states' ability to enroll recipients earning more than 130 percent of the federal poverty guidelines while capping eligibility to an annual income of \$32,640.00 for a family of four; and

Whereas, A recent Center on Budget and Policy Priorities study found SNAP benefits employed one of the most rigorous quality control systems of any public benefits program, enabling low-income households to afford healthy food while mitigating the effects of severe poverty; and

Whereas, Moody's Analytics estimates that every \$1 increase in SNAP benefits generates about \$1.70 in economic activity, stimulating economic growth and helping to create jobs; and

Whereas, Since 2017, there has been a noticeable chilling effect, as there has been a decline in registration for SNAP benefits and an uptick in withdrawals among eligible New York immigrants, which is thought to be due to fear of potential immigration consequences as a result of the policies announced by the Trump Administration; and

Whereas, On August 12, 2019, the Trump Administration released a final rule that, if upheld in court and implemented, will restrict green cards and other immigration benefits for individuals who use food assistance programs such as SNAP or other forms of public welfare; and

Whereas, In 2019, SNAP benefits enabled 1.6 million New Yorkers, or nearly 20 percent of the City's population, to put food on the table and provide essential nutritional supports for themselves and their families; now, therefore, be it

Resolved, The New York City Council condemns the Trump Administration's plan to cut food stamps for 3 million people.

Referred to the Committee on General Welfare.

Res. No. 1044

Resolution calling on the New York State Legislature to introduce and pass and for the Governor to sign legislation making it illegal to remodify an AR-15 firearm.

By Council Members Cabrera, Kallos and Cornegy.

Whereas, According to the most recent published statistics by the United States Centers for Disease Control and Prevention on *National Vital Statistics*, in 2016 there were 38,658 firearm related deaths in the U.S.; and

Whereas, The AR-15 firearm is a lightweight semi-automatic rifle, which is generally used for hunting but has been used in mass shootings including Sandy Hook Elementary School and the 2017 Harvest Music Festival in Las Vegas; and

Whereas, In an effort to stem the potential of future mass shootings, on January 15, 2013, New York State passed the New York Secure Ammunition and Firearms Enforcement ("SAFE") Act, making New York the first state to implement comprehensive and holistic reforms to address the gun violence plague since the tragedy at Sandy Hook Elementary School; and

Whereas, The SAFE Act, among other things, amends the definition of assault weapon to capture more dangerous weapons, such as the AR-15, by defining them as (i) a semiautomatic rifle or pistol that has an ability to accept a detachable magazine and has at least one military-style characteristic such as a folding stock or protruding pistol grip; and

Whereas, In an effort to skirt New York State law, gun manufacturers have been producing "modified" AR-15 firearms that technically declassify them as an assault weapon, thus allowing for their sale in the state; and

Whereas, AR-15s are modified by removing their protruding pistol grip and their adjustable stock, which then makes the firearm compliant with New York State law; and

Whereas, For all intent and purposes, the modified firearm still functions as an assault weapon; and

Whereas, On June 30, 2017, Dr. Henry Bello, a former and disgruntled employee of Bronx Lebanon Hospital, walked into the facility with a modified AR-15 assault rifle, which he purchased at an upstate gun shop, and shot seven individuals, killing Dr. Tracy Sin-Yee Tam and wounding six others before turning the gun on himself; and

Whereas, This tragedy may have been averted if the assailant was not permitted to purchase this modified assault weapon; and

Whereas, New York State should close the statutory loophole permitting such modification and outlaw these firearms, as the SAFE Act was first intended to do; and

Whereas, New York State will be a safer place when any modification to an AR-15 is made illegal; now, therefore be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to introduce and pass and for the Governor to sign legislation making it illegal to remodify an AR-15 firearm.

Referred to the Committee on Public Safety.

Res. No. 1045

Resolution calling on Congress to pass, and the President to sign, The Hot Cars Act of 2019 (H.R.3593/S.1601).

By Council Members Cabrera and Vallone.

Whereas, The National Highway Traffic Safety Administration (NHTSA) has confirmed that vehicular heatstroke poses a grave threat to public safety as, on average, a child dies from vehicular heatstroke once every ten days; and

Whereas, Heatstroke begins when body temperature reaches 104 degrees Fahrenheit, quickly overwhelming the thermoregulatory system, and becomes lethal when body temperature reaches or exceeds 107 degrees Fahrenheit; and

Whereas, Evidence has shown even a mild outside temperature of 60 degrees Fahrenheit can cause the inside temperature of a vehicle to rise above 110 degrees Fahrenheit within ten minutes; and

Whereas, The NHTSA has confirmed that vehicular heatstroke, which occurs when an individual is left in a hot vehicle, allowing their core body temperature to quickly elevate to dangerous levels, is one of the leading causes of non-crash-related fatalities among children; and

Whereas, 829 children have died as a result of vehicular heatstroke in the United States since 1998, including 32 children who succumbed to vehicular heatstroke since January 2019; and

Whereas, Leading experts in cognitive neuroscience have emphasized that forgetting children in the back seat of a hot car is not always indicative of bad parenting, but rather is a memory problem exacerbated by a change in routine, stress or sleep deprivation and, most notably, can happen to anyone regardless of education or socioeconomic level; and

Whereas, At present, rear seat alert systems technology exists to detect the presence of unattended children and animals in the rear seat of a vehicle once the driver gets out of the car; and

Whereas, The Hot Cars Act of 2019, S.1601, sponsored by Sen. Roger F. Wicker, (R-MS) and H.R.3595, sponsored by Rep. Tim Ryan (D-OH), is bipartisan legislation introduced in both the House and Senate that would require all new passenger vehicles to be equipped with a system to detect the presence of an occupant in a rear seat and engage an auditory and visual warning system after the vehicle engine is deactivated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, The Hot Cars Act of 2019 (H.R.3593/S.1601).

Referred to the Committee on Transportation.

Int. No. 1693

By Council Members Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Vallone and Rose.

A Local Law in relation to establishing a task force to address and eliminate age discrimination in the workplace

Be it enacted by the Council as follows:

Section 1. a. There shall be established a task force to study age discrimination in the workplace, and to make recommendations within 12 months as to how the city, the New York city commission on human rights, and the department for the aging can establish mechanisms, resources and services to help address and eliminate age discrimination in the workplace.

b. The task force shall have 11 members as follows:

1. The commissioner of the New York city commission on human rights, or the commissioner's designee, who will serve as chair;

2. The commissioner for the department for the aging, or the commissioner's designee;

3. One designee from the department of small business services;

4. Four members appointed by the mayor, provided that at least one such member shall carry an economic background;

5. Four members appointed by the speaker of the council, including advocates from the aging and business communities.

c. Each member of the task force shall serve without compensation for a term of 12 months, to commence after the final member of the task force is appointed. All members shall be appointed within 60 days after the effective date of this local law.

d. The task force shall consult with agencies and may consult with interested members of the public, including but not limited to members of the aging community in the city of New York.

e. The task force shall meet at least twice quarterly and shall hold at least one public meeting prior to submission of the plan required pursuant to subdivision g of this section to solicit public comment on instances and patterns of age discrimination and how to address and eliminate age discrimination in the workplace.

f. At least six months before the issuing of the task force's final report, the task force shall submit to the mayor, the speaker of the council, the commissioner for the New York city commission on human rights and the commissioner for the department for the aging an interim report on the task force's progress, including any preliminary data analyses and preliminary policy recommendations.

g. No later than 12 months after the final member of the task force is appointed, the task force shall submit to the mayor, the speaker of the council, the commissioner for the New York city commission on human rights and the commissioner for the department for the aging a report of recommendations to address and eliminate age discrimination in the workplace. In developing such recommendations, the task force shall consider the following:

1. Data and reports of age discrimination in the workplace, nationally, within the state, and within the city, including any trends in different industries, demographic differences, age ranges, reporting statistics, and any successful remedies, within this jurisdiction or any other;

2. Existing department policies across city agencies, guidelines and resources related to age discrimination and reporting by victims thereof;

3. Existing methods and procedures for reporting and responding to allegations of age discrimination in the workplace, within city agencies and across the city;

4. Existing training programs to help older adults identify and respond to perceived age discrimination, within city agencies and across the city; and

5. The level of coordination among appropriate city, state and federal agencies and other relevant organizations with regards to efforts to address and report age discrimination in the workplace.

h. Such report shall also include, at a minimum:

1. A comprehensive background of age discrimination in the workplace in New York City, including national, state, and local data assessed;

2. A survey of resources available within the city and the state to help individuals and organizations address age administration;

3. Recommendations on how to implement culturally competent age discrimination employee education in the workplace;

4. Recommendations on how to address and eliminate age discrimination in the workplace in the city, including any policy and legislative priorities and initiatives; and

5. An outline of the economic ramifications of ageism in the workplace for older adults, for businesses, and for the city.

i. The task force required pursuant to this section shall dissolve upon submission of the report required pursuant to subdivisions g and h of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 1694

By Council Members Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Diaz, Vallone and Rose.

A Local Law to amend the New York city charter, in relation to an office of older adult workforce development

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 13-c to read as follows:

§ 13-c. *Office of older adult workforce development. a. The mayor shall establish an office of older adult workforce development. Such office may, but need not, be established in the executive office of the mayor and may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a coordinator who shall be appointed by the mayor or the head of such department. For the purposes of this section, "coordinator" means the coordinator of the office of older workforce development.*

b. Powers and duties. The coordinator shall have the power and the duty to:

1. Advise and assist the mayor in planning and implementing for coordination and cooperation among agencies under the jurisdiction of the mayor that are involved in workforce development programs for older adults;

2. Establish a centralized office to assist older adults join or re-join the workforce, including through programs offering job training, job application assistance, job search assistance, and general career building, development and job support for older adults;

3. Create a centralized website with resources for career building, development and job support for older adults, including an updated list on different community based organizations and non-profit organizations that provide such assistance;

4. Provide information on how to report age discrimination in the workplace, including potential municipal and state remedies;

5. Review information obtained from 311 or other city agencies on complaints regarding age discrimination in the workplace and develop recommendations, guidelines and protocols to address recurring problems or trends, in consultation with industry representatives, advocates, city agencies, community boards and residents;

6. Designate an individual to promote the inclusion and retention of older adults in the workforce by coordinating with the department for the aging and other city agencies, including but not limited to the commission on human rights, the department of citywide administrative services and the department of small business services, in order to establish protocols to address age discrimination in the workplace, review complaints of age discrimination, and consult on job placements within city agencies for older adults.

7. Provide outreach and education on the services provided by the office; and

8. Perform other duties as the mayor may assign.

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

Referred to the Committee on Aging.

Int. No. 1695

By Council Members Chin, Ayala, Rosenthal, Rivera, Koslowitz, Gibson, Louis, Adams, Kallos, Eugene, Diaz, Vallone and Rose.

A Local Law in relation to establishing an age discrimination in employment testing program

Be it enacted by the Council as follows:

Section 1. Investigation of age discrimination in the workplace. a. For a period of three years, the commission on human rights shall organize and conduct no fewer than five investigations of age discrimination in the workplace per year, during which the commission shall use pairs of testers to investigate local employers, labor organizations or employment agencies and employees or agents thereof. Such investigation shall include but not be limited to sending out matched pairs of testers who shall apply for the same job and who shall present similar credentials but who shall not present the same actual or perceived age. Of the two testers, at least one shall present to be above the age of 50. The investigation shall commence on or before January 15, 2020.

b. On or before June 15 of each following year, the commission shall submit to the speaker of the council a report related to the aging investigation conducted during the prior 12 month period. Such report shall include, but not be limited to: (i) the number of matched pair tests completed; (ii) the location of each matched pair test; (iii) a description of any other tests or exercises done pursuant to such investigation; (iv) the number of incidents of actual or perceived discrimination; and (v) the details of any incidents of discrimination encountered during such investigation.

c. Any incidents of actual or perceived discrimination that occur during such investigation shall be referred to the commission's law enforcement bureau.

§ 2. This local law takes effect immediately.

Referred to the Committee on Aging.

Int. No. 1696

By Council Members Cornegy and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to distribute information regarding the gifted and talented programs and exam to universal 3-K program students and parents

Be it enacted by the Council as follows:

Section 1. Section 21-974 of chapter 12 of title 21-A of the administrative code of the city of New York, as added by local law number 121 for the year 2017, is amended to read as follows:

§ 21-974 Distribution of gifted and talented program information and exam materials.

a. For the purposes of this section, the term "student" means any pupil who is enrolled in pre-kindergarten in any school of the city school district of the city of New York or in an early education center with which the department contracts to provide pre-kindergarten, *or any pupil who is enrolled in any free full-day early education program for three-year-old children offered by the department.*

b. No later than November 1, 2017, and annually thereafter no later than November 1 of each year, the department shall distribute to the parents of each student information regarding the department's gifted and talented programs, examination and application process.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1697

By Council Member Cornegy.

A Local Law to amend the New York city charter, in relation to school door alarm reporting

Be it enacted by the Council as follows:

Section 1. Section 528 of chapter 20 of the New York city charter, as amended by local law 36 for the year 2014, is amended by adding a new paragraph e to read as follows:

e. Door alarm incident reporting. No later than September 1, 2021, and annually thereafter, the department of education shall submit to the speaker of the city council and post conspicuously on its website a report covering the prior 12-month period of the number of incidents in which door alarms installed pursuant to subdivision a of this section provided an audible alert indicating a departure from a school building. The number of incidents reported shall be disaggregated by month and by school and contain the reasons for each incident if known including, but not limited to:

- 1. Unauthorized student departure;*
- 2. Authorized student departure due to an emergency evacuation, fire drill, or other authorization;*
- 3. Departure by persons other than students, such as faculty or school staff; and*
- 4. False or defective door alarm.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 1698

By Council Members Dromm and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Consumer Affairs to communicate electronically, in addition to regular mail, where an electronic mail address is provided by a licensee

Be it enacted by the Council as follows:

Section 1. Section 20-107 of the administrative code of the city of New York is amended by adding new subdivisions d as follows:

d. Every application for a license or the renewal of an existing license shall provide an opportunity for the applicant to include an electronic mail address. Copies of every written communication sent by the department to the applicant by mail including, but not limited to, notices relating to the renewal, suspension, or revocation of a license, shall be sent electronically to such applicant if such applicant provides the department with an electronic mail address.

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

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1699

By Council Member Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a task force to study the hazards and economic impacts of elevated railways and providing for the repeal of such amendment upon expiration thereof

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 new section § 19-159.4 to read as follows:

§ 19-159.4 *Transit hazard task force.* a. *The department shall establish an interagency task force to examine the city's elevated railways and assess the scope and nature of their health, safety, environmental and fiscal impacts, including geographical concentration, noise levels, vibrations, quality of life issues, and future trends with respect to planned construction, property values and life expectancy in surrounding communities.*

b. *Such task force shall develop recommendations to improve health and safety in and around elevated railways. Such recommendations shall include, but need not be limited to, proposals for legislation and rulemaking.*

c. *Such task force shall consist of the commissioner of transportation, the director of city planning, the commissioner of sanitation, and the commissioner of finance, or the respective designee of such commissioner or chair.*

d. *The task force shall invite representatives from the New York state department of transportation, the metropolitan transportation authority, and any other relevant city or state agency or city or state elected official, as identified by the task force, to participate in the development of the task force report and recommendations pursuant to this section. The task force may also invite relevant advocacy groups to participate in the work of the task force.*

e. *Reporting.* 1. *The task force shall meet at least quarterly and shall submit semiannual reports detailing its activities and recommendations to the mayor and the speaker of the council, by no later than January 1 and July 1 of each year, for 10 years following the effective date of this section.*

2. *The task force shall include with any such report a recommendation to the mayor and the speaker of the council about whether continued reporting on such topic is necessary and appropriate.*

§ 2. This local law takes effect 120 days after it becomes law and expires and is deemed repealed one year after the submission of the final report required by section 19-159.4 of the administrative code of the city of New York, as added by section one of this local law.

Referred to the Committee on Transportation.

Int. No. 1700

By Council Members Holden, Constantinides, Rivera, Brannan, Vallone and Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to a 14-day notification requirement for movie-making, telecasting and photography permit applications when special parking requests are required

Be it enacted by the Council as follows:

Section 1. Section 22-205 of the administrative code of the city of New York is amended to read as follows:

§ 22-205 Permits for movie-making, telecasting and photography [in public places]; violations; penalties.
a. The [executive director of the office for economic development] *commissioner of small business services or any other person or entity designated by the mayor to issue permits pursuant to paragraph r of subdivision 1 of section 1301 of the charter* shall not issue to any applicant any permit for any activity subject to the provisions of [subdivision thirteen of section thirteen hundred of the charter] *that section*, unless and until:

(1) all other permits, approvals and sanctions required by any other provision of law for the conduct of such activities by the applicant have been obtained by the [executive director] *commissioner or mayor's designee*, in the name and in behalf of the applicant, from the agency or agencies having jurisdiction; [and]

(2) all fees required to be paid by, or imposed pursuant to, any provision of law for the issuance of such other permits, approvals and sanctions have been paid by the applicant[.]; *and*

(3) *for any activity for which on-street parking would be requested or required to be removed, the applicant has filed an application no less than 14 days prior to the date of the requested activity, provided that such requirement may be waived by the commissioner or mayor's designee upon a showing of special or unusual circumstances.*

b. It shall be unlawful for any person to conduct, without a permit from [such executive director] *the commissioner or mayor's designee*, any activity with respect to which [such executive director] *the commissioner or mayor's designee* is authorized to issue a permit under the provisions of the charter referred to in subdivision a of this section. Any violation of the provisions of this subdivision b shall be punishable by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of small business services or any other person or entity designated by the mayor to issue permits for movie-making, telecasting and photography pursuant to paragraph r of subdivision 1 of section 1301 of the charter may take such actions as are necessary for its implementation, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Technology.

Res. No. 1046

Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 3375, the Stopping Bad Robocalls Act, legislation to amend the Communications Act of 1934 to clarify the prohibitions on making robocalls, and for other purposes.

By Council Members Holden, Kallos and Cornegy.

Whereas, Over 4.4 billion robocalls were placed throughout the United States in June 2019, including 261.4 million and 136.6 million in New York State and New York City, respectively, according to YouMail's Robocall Index; and

Whereas, As of May 2018, 21 Chinese immigrants had lost a total of \$2.5 million to a robocall scheme, which targeted people with Chinese last names as the caller impersonated the Chinese Consulate and demanded money, according to the New York Police Department and then-Attorney General Eric Schneiderman's office; and

Whereas, Robocalls have become increasingly more deceptive in recent years, with callers using local numbers in hopes that it will heighten the chances of a recipient answering, in a scheme known as "neighborhood spoofing"; and

Whereas, Deadly risks can be posed by robocalls, with one New Jersey hand surgeon, Dr. Gary Pess, recalling that he accidentally ignored an emergency room doctor calling about a person with a severed thumb, because he normally received robocalls mimicking his area code; Dr. Pess stated that the incident had cost him precious minutes and delaying treatment for his patient; and

Whereas, Other jurisdictions have taken legislative action to curb robocalls, including Florida, which passed the Florida Call-Blocking Act of 2018 that authorized telecommunication providers to block certain calls; and

Whereas, New York State took steps to mitigate unsolicited telemarketing calls with the New York State Do Not Call Law of 2001, which allowed consumers to place their phone numbers on a central Do Not Call Registry and prohibited non-exempt telemarketers from making calls to anyone on the registry; and

Whereas, The Federal Trade Commission and the Federal Communications Commission collaborated in 2003 to create a National Do Not Call Registry, and further action is now required by the Federal government to protect consumers from robocalls; and

Whereas, The Stopping Bad Robocalls Act would deter robocalls by amending the Communications Act of 1934 to clarify the prohibitions on making robocalls; 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, H.R. 3375, the Stopping Bad Robocalls Act, legislation to amend the Communications Act of 1934 to clarify the prohibitions on making robocalls, and for other purposes.

Referred to the Committee on Technology.

Int. No. 1701

By Council Members Kallos, Rosenthal, Reynoso, Levine and Powers (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to community notification requirements for transfers of development rights

Be it enacted by the Council as follows

Section 1. Chapter 6 of title 7 of the administrative code of the city of New York is amended by adding a new section 7-628 to read as follows:

§ 7-628. *Notice of development rights transfers. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Deed. The term “deed” has the same meaning ascribed to such term in section 11-2101.

Development. The term “development” has the same meaning ascribed to such term in section 12-10 of the zoning resolution.

Development rights. The term “development rights” means the floor area permitted on a zoning lot pursuant to the zoning resolution.

Enlargement. The term “enlargement” has the same meaning ascribed to such term in section 12-10 of the zoning resolution.

Floor area. The term “floor area” has the same meaning ascribed to such term in section 12-10 of the zoning resolution.

Transfer of development rights. The term “transfer of development rights” means the transfer of unused development rights from one zoning lot to another zoning lot or between a grantor and a grantee on two or more zoning lots declared to be a tract of land to be treated as one zoning lot pursuant to the provisions of paragraph (d) of the definition of the term “zoning lot” in section 12-10 of the zoning resolution.

Zoning lot. The term “zoning lot” has the same meaning as is ascribed to such term in section 12-10 of the zoning resolution.

Zoning lot description. The term “zoning lot description” means a description of the complete metes and bounds of a zoning lot, the tax lot number, the block number and the ownership of such zoning lot required to be recorded prior to the issuance of any permit for a development or enlargement on such zoning lot pursuant to the definition of the term “zoning lot” in section 12-10 of the zoning resolution.

b. Within five days of recording any of the following documents after the effective date of the local law that added this section, the register shall forward a copy of each such document or documents to the applicable community board, borough president, council member, and the speaker of the council:

1. a deed memorializing a transfer of development rights; or

2. a zoning lot description recorded by an applicant for a department of buildings permit for a development or enlargement.

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

Referred to the Committee on Land Use.

Int. No. 1702

By Council Member Koslowitz.

A Local Law to amend the administrative code of the city of New York, in relation to notice regarding property tax rates

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 11-129 of the administrative code of the city of New York, as added by local law number 19 for the year 2009, is amended to read as follows:

a. At intervals determined by the commissioner of finance, the department of finance shall send to owners of real property a statement of account for the property, which shall represent a bill for taxes, charges and assessments, and which shall include, in a manner determined by the commissioner, a description of taxes, charges and assessments that remain unpaid on the property, and payments received by the department for taxes, charges and assessments on the property, and which may include additional information as the commissioner deems appropriate. *Any statement of account representing a bill for real property taxes due on July 1 that reflects the amount of taxes due based on a calculation using the tax rate for the prior fiscal year shall include a notice that the taxes due are subject to adjustment upon the adoption of the tax rate for the new fiscal year, and that a subsequent bill issued during the course of the tax year may reflect the adjusted amount of tax due and the new tax rate.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Finance.

Preconsidered Res. No. 1047

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds”.

By Council Members Levin, the Public Advocate (Mr. Williams), Kallos, Lander, Chin, Barron, Ayala and Rivera.

Whereas, Prior to August 2019, immigration agencies relied on a public charge determination to identify whether an individual was, or was likely to become, primarily dependent on the United States (U.S.) government for subsistence; and

Whereas, At the time, public charge determinations were based on the reliance on or use of Temporary Assistance for Needy Families (TANF), Supplemental Security Income, or institutionalization for long-term care; and

Whereas, The public charge determination was made when an individual filed for admission to the U.S. and for adjustment of status to become a lawful permanent resident; and

Whereas, If DHS determined that an individual was likely at any time to become a public charge, the individual could be considered inadmissible, and therefore ineligible for admission or adjustment of status; and

Whereas, On October 10, 2018, DHS issued a Notice of Proposed Rulemaking (NPRM) titled “Inadmissibility on Public Charge Grounds,” which was published in the Federal Register for a 60-day comment period, and subsequently received over 266,000 public comments for agency consideration; and

Whereas, On August 14, 2019, DHS published the final rule entitled “Inadmissibility on Public Charge Grounds” that codifies regulations governing the application of the public charge inadmissibility ground under INA section 212(a)(4), following review of comments received; and

Whereas, Effective on October 15, 2019, the final rule will greatly expand the reach of the existing public charge determination in several critical ways; and

Whereas, The final rule extends a public charge determination to individuals using, or likely to use at any point in the future, non-Emergency Medicaid, the Supplemental Nutrition Assistance Program (SNAP), and housing assistance through public housing and Section 8 housing assistance; and

Whereas, Use of public benefits for 12 months in the aggregate within a 36-month timeframe will be a qualifying factor for inadmissibility on public charge grounds; and

Whereas, The final rule will more heavily weigh five factors in making the public charge determination, specifically assessing an individual’s (1) age, (2) health, (3) family status, (4) assets, resources, financial status, and (5) education and skills; and

Whereas, The final rule could harm as many as 475,000 New York City residents; and

Whereas, Up to 75,000 immigrant New Yorkers could need to decide whether to access benefits for which they are legally eligible or face possibly adverse immigration consequences; and

Whereas, Further, up to 400,000 immigrant New Yorkers could face adverse immigration consequences due to increased scrutiny of the five factors; and

Whereas, Immigrants in New York pay an estimated \$8 billion in City and State personal income taxes and approximately \$2 billion in City property taxes ever year; and

Whereas, In a 2019 Report, the Mayor’s Office of Immigrant Affairs found that immigrant New Yorkers contributed an estimated \$228 billion to the City’s Gross Domestic Product (GDP), or about 26 percent of the City’s total GDP; and

Whereas, A 2018 Migration Policy Institute Report indicates that noncash benefits make up the bulk of benefits accessed by immigrant families, and this rule will have far-reaching chilling effects, leading to a broad withdrawal from public-benefits programs; and

Whereas, The rule could have a detrimental effect on New York City’s economy as well as our national economy; and

Whereas, If just 20 percent of noncitizen New Yorkers currently receiving benefits withdraw from participation, the City could lose annual disbursements of \$235 million in SNAP, Cash Assistance and Supplemental Security Income and the State supplement (SSI/SSP) funding, and an additional loss of \$185 million in related economic activity; and

Whereas, Reducing program participation in benefits programs that are commonly viewed as work supports will likely result in higher poverty levels; and

Whereas, Efforts to prevent families from accessing benefits related to healthcare will result in an increase in severe and chronic health issues; and

Whereas, Confusion and fear about the rule could lead hundreds of thousands of immigrant New Yorkers, including U.S. citizens, to drop out of benefit programs or choose not to use them, which will significantly impact access to health and social services for children and families in New York City; therefore, be it,

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation that would prohibit the enactment of the federal rule entitled, “Inadmissibility on Public Charge Grounds.”

Adopted by the Council *via* voice-vote (preconsidered and approved by the Committee on Immigration).

Int. No. 1703

By Council Member Levine.

A Local Law in relation to eliminating viral hepatitis in New York city

Be it enacted by the Council as follows:

Section 1. The department of health and mental hygiene shall develop a plan to eliminate viral hepatitis in New York city by the year 2030. Such plan shall be submitted to the speaker of the council within one year of the effective date of this local law.

§ 2. This local law takes effect 60 days after it becomes law, and is deemed repealed after the submission of the report required pursuant to this local law.

Referred to the Committee on Health.

Int. No. 1704

By Council Members Levine, Richards, Cumbo, Adams, Kallos, Cohen, Ampry-Samuel, Gibson, Deutsch and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department to provide mental health information, training, and support services to officers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-181 to read as follows:

§ 14-181 a. *Definitions. For the purposes of this section, the following terms have the following meanings:*

Available resources. The term “available resources” means resources available to department employees to treat and address mental health conditions, including, but not limited to, treatment options covered under employee health insurance plans, treatment options provided by community-based or not-for-profit organizations specializing in peer-led mental health provision and treatment options provided through peer-led initiatives.

Interactive training. The term “interactive training” means participatory teaching whereby the trainee is engaged in a trainer-trainee interaction, use of audio-visuals, computer or online training program or other participatory forms of training as determined by the commissioner. Such “interactive training” is not required to be live or facilitated by an in-person instructor.

Mental health condition. The term “mental health condition” means a common mental health condition, including, but not limited to, depression, anxiety, post-traumatic stress disorder, and suicide.

Mental health risk factor. The term “mental health risk factor” means a factor that increases the risks of developing or worsening a mental health condition.

Mental health symptom. The term “mental health symptom” means a sign or symptom associated with a mental health condition.

b. First responder support services. The department shall contract with or employ a sufficient number of clinicians to provide mental health support services to all uniformed members of service.

c. First responder wellness sessions. The department shall make available to each uniformed member of service an annual confidential wellness session with a clinician, in order to:

1. Provide information to the officer on mental health conditions, mental health risk factors and mental health symptoms.

2. Discuss available resources provided by the department, including confidentiality guidelines related to such services.

3. Discuss available resources provided outside the department by third party organizations, including services that are offered at no cost or reduced cost for uniformed members of service, treatment provided by peer-based organizations and treatment covered by health insurance.

4. Discuss personal symptoms and conditions pursuant to established confidentiality guidelines, except that officers shall not be required to discuss personal symptoms or conditions at wellness information sessions.

d. Mental health information and training. 1. The commissioner shall post conspicuously on the department's website and at each command information about mental health, including but not limited to mental health conditions, mental health risk factors, mental health symptoms, and available resources for treating mental health conditions.

2. All officers shall receive annual interactive training on first responder mental health. Such training shall include information about mental health conditions, mental health risk factors, mental health symptoms, available resources, and registration for first responder wellness sessions.

§ 2. This local law takes effect 120 days after it becomes law, except that the police commissioner may promulgate any rules and regulations necessary to implement this local law on or before its effective date.

Referred to the Committee on Public Safety.

Int. No. 1705

By Council Member Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to the department of finance providing a receipt of payment

Be it enacted by the Council as follows:

Section 1. Section 11-129 of the administrative code of the city of New York, as added by local law number 19 for the year 2009, is amended by adding a new subdivision d to read as follows:

d. The department shall establish and maintain a system to allow owners to receive a receipt of payment by e-mail and/or print when the department receives a payment on a statement of account. The department shall notify owners of the availability of such receipt system on the statement of account. Such receipt shall include the property address, borough, block and lot number, the amount paid and applied toward the tax, charge or assessment on the statement of account, the date the payment was received, and may include additional information as the commissioner of finance deems appropriate. The department shall not charge a fee for use of such receipt system and shall require owners to register with the department in order to receive a receipt. The city shall not be liable for any damages as a result of failure to provide the requested receipts, nor shall any cause of action arise from such failure.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Finance.

Int. No. 1706

By Council Members Menchaca, Chin, Lander, Reynoso, Cabrera, Levine, Kallos, Levin, Adams, Rodriguez, Van Bramer, Rosenthal, Rose, Rivera, Ayala, Cohen and Cornegy.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting a smart chip from being added to New York City identity card

Be it enacted by the Council as follows:

Section 1. Paragraph 1 of subdivision c of section 3-115 of the administrative code of the city of New York, as added by local law number 35 for the year 2014, is amended to read as follows:

c. Issuance of New York city identity cards.

(1) The New York city identity card shall display, at a minimum, the cardholder's photograph, name, date of birth, address, and an expiration date, provided that the administering agency may by rule establish

procedures to protect the addresses of victims of domestic violence or alternate requirements for applicants who lack a permanent address. Such card shall also, at the cardholder's option, display the cardholder's self-designated gender. Such identification card shall be designed in a manner to deter fraud[.] *and shall not contain or transmit any information other than that which is visibly displayed on the face of the card, or contain any additional device or mechanism for transmitting information.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Immigration.

Preconsidered Int. No. 1707-A

By Council Members Menchaca, Lander, Kallos, Chin, Barron, Ayala and Rivera.

A Local Law in relation to requiring training for certain employees of the city of New York on federal regulations relating to inadmissibility on public charge grounds

Be it enacted by the Council as follows:

Section 1. The office of immigrant affairs shall conduct training on the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register. At a minimum, such training shall include: (i) information on the public benefits programs and individuals covered by such federal regulations; and (ii) information on how to refer individuals to immigration legal services to address issues related to such federal regulations. Such training shall be made available to appropriate employees of the following agencies, as determined by such agencies: the department of social services/human resources administration, the department of homeless services, and the department of housing preservation and development. Such departments, in consultation with the office of immigrant affairs, shall ensure that all employees whose primary responsibilities include interacting with members of the public in a client service role in connection with a public benefits program receive training based on the training provided by the office of immigrant affairs. In addition, the office of immigrant affairs shall make such training available to the New York city housing authority.

§2. No later than October 15, 2019, the office of immigrant affairs shall submit to the speaker of the council a report on such office's actions taken pursuant to section 1 of this local law, including the number of employees trained, the agency for which they worked, and the date or dates when such training or trainings were conducted.

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

Adopted by the Council (preconsidered bill amended and approved by the Committee on Immigration).

Res. No. 1048

Resolution calling upon Congress to adopt the Constitutional Authorities Resolution, H.J. Res. 58, requiring congressional approval for military action in Iran and to withhold any authorization of military force in favor of a diplomatic resolution to current hostilities.

By Council Member Miller.

Whereas, Commercial ships and oil tankers recently have been targeted by acts of violence in the Strait of Hormuz near the Iranian coast; and

Whereas, The U.S. Census Bureau's 2017 American Community Survey estimated nearly 25,000 Iranian-Americans have made New York their home; and

Whereas, Military escalations between the United States and Iran in 2019 have frustrated international agreements providing for oversight of Iran’s nuclear program by prompting both governments to withdraw from the Joint Comprehensive Plan of Action, resulting in new sanctions from the U.S. Departments of State and Treasury against the Islamic Republic of Iran; and

Whereas, The Council on Foreign Relations has reported that since May of 2019, the Trump Administration has deployed 2,500 troops and increased military resources to the Middle East by calling on allied nations of the North Atlantic Treaty Organization (NATO) to deploy military assets in the Gulf region; and

Whereas, In 2017, the Department of Defense’s Manpower Data Center listed New York state as contributing 20,588 active duty and 28,386 reserve members to the U.S. armed forces; and

Whereas, Armed intervention by the United States would initiate a series of events that would likely endanger thousands of New York City residents, as Operation Iraqi Freedom claimed the lives of 1,597 New Yorkers according to the Department of Defense; and

Whereas, According to the Department of Defense’s 2017 Defense Spending by State Report, New York County has spent \$534.3 million on military defense contracts, with an additional \$136.4 million in spending contributions deriving from Kings County, Brooklyn; and

Whereas, President Trump has previously called for the peaceful resolution of hostilities with other nations with nuclear ambitions such as the Democratic People’s Republic of Korea; and

Whereas, The President rejected recommendations from Japanese Prime Minister Shinzo Abe to partake in diplomatic reconciliation with Iran; and

Whereas, U.S. Secretary of State Mike Pompeo has cited the 2001 Congressional Authorization for Use of Military Force when discussing ties between Tehran and Al Qaeda to indicate legal authority to engage in war with Iran; and

Whereas, The United States is a signatory to the United Nations Charter, Chapter VI of which governs the maintenance of international peace and security, specifying in Article 33 that all parties to a dispute “shall, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice” when engaged in hostilities; and

Whereas, Article I of the U.S. Constitution reserves to Congress the power to declare war; and

Whereas, The Constitutional Authorities Resolution, H.J. Res. 58, which was introduced as a joint resolution in Congress by U.S. Representative Seth Moulton, would require congressional approval prior to engaging in hostilities within the sovereign country of Iran; and

Whereas, It is the sense of the Council that a diplomatic resolution to the present situation is in the best interest of the people of the City of New York; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to adopt the Constitutional Authorities Resolution, H.J. Res. 58, requiring congressional approval for military action in Iran and to withhold any authorization of military force in favor of a diplomatic resolution to current hostilities.

Referred to the Committee on Veterans.

Preconsidered Int. No. 1708

By Council Members Moya, Yeger, Kallos, Lander, Barron, Ayala and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the distribution of information on local emergency feeding programs

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 21-143 to read as follows:

§ 21-143 Information on local emergency feeding programs. The department shall distribute by mail or email information regarding all city-funded emergency feeding programs as defined in section 21-131 to all individuals who have received supplemental nutrition assistance program benefits whose case closed on or after January 1, 2016. The department shall also distribute such information to individuals currently in receipt of such benefits at the time such an individual receives a recertification notice for such benefits. Such information shall also be made readily accessible through such department's online portal and any related mobile applications.

§ 2. This local law takes effect October 15, 2019.

Adopted by the Council (preconsidered and approved by the Committee on Immigration).

Int. No. 1709

By the Public Advocate (Mr. Williams) and Council Member Ampry-Samuel.

A Local Law in relation to the creation of a task force to study, report on, and make recommendations to improve New York city housing authority's engagement with tenants and to address tenant concerns about safety and quality of life

Be it enacted by the Council as follows:

Section 1. a. For purposes of this local law, the term "housing authority" means the New York city housing authority.

b. There is hereby established a task force that shall study, identify issues with and recommend changes to the housing authority's policies regarding tenant engagement and addressing tenants' concerns about building safety and quality of life.

c. The task force shall be composed of the following members: Two members who shall be appointed by the mayor, two members who shall be appointed by the speaker of the council, and two members who shall be appointed by the public advocate. One member shall be designated as chairperson by the public advocate from among his or her appointees. In addition, the mayor shall invite the housing authority's chief executive officer, the executive vice president for community engagement and partnerships, and the federal monitor's community advisory committee each to appoint a representative to the task force.

d. All members shall be appointed to the task force within 60 days of the effective date of this local law. The task force shall hold its first meeting no later than 30 days after a majority of its members have been designated or appointed pursuant to subdivision c and shall meet at least quarterly thereafter. Members of the task force shall serve without compensation.

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. Within 1 year after the first meeting of the task force, and annually thereafter, the task force shall submit a report to the mayor, the speaker of the council, the public advocate, and the federal monitor established pursuant to the January 31, 2019 agreement with the housing authority, identifying key tenant concerns regarding building safety and quality of life, the housing authority's progress in addressing the identified issues, and recommendations for addressing tenant concerns.

g. The task force shall hold at least two public meetings before submitting the report required pursuant to subdivision f of this section.

h. The task force shall continue for as long as the January 31, 2019 agreement establishing a federal monitor is in effect. If such agreement ceases to have effect, the task force shall submit a final report pursuant to subdivision f following such cessation and shall dissolve 1 year after submitting such final report.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Housing.

Res. No. 1049

Resolution calling upon the United States Congress and the New York State Legislature to pass legislation to prohibit the use of a confession of judgment in business loans.

By the Public Advocate (Mr. Williams) and Council Members Levin and Cabrera.

Whereas, There are currently 11,938 active taxicab medallions operating in New York City; and

Whereas, Many medallions owners take out business loans to finance the purchase of their vehicles; and

Whereas, Some of the business loans that medallion owners take out include a document known as a “confession of judgment,” where the borrower waives the right to due process if the debt is unpaid and there is a dispute; and

Whereas, Once signed, a “confession of judgment” can be used by the lender to obtain a judgment against the borrower without any further notification; and

Whereas, The Federal government currently has prohibitions on the use of confessions of judgment in consumer loans, but not for business loans; and

Whereas, The United States Federal Trade Commission has recently called for the elimination of confessions of judgment in small business lending contracts; and

Whereas, Many states have also banned confessions of judgment practices for business loans, but New York State does not prohibit them; and

Whereas, A recent New York Times expose revealed that “confession of judgment” documents may have been used by lenders to influence some borrowers applying for taxi medallion loans; and

Whereas, According to the New York Times, some of the documents they reviewed show that some medallion borrowers admitted to defaulting on their loans even before the loan was approved; and

Whereas, A “confession of judgment” can be used by banks and other lending institutions as a document in predatory lending practices, a loophole that should be closed; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress and the New York State Legislature to pass legislation to prohibit the use of a confession of judgment in business loans.

Referred to the Committee on Small Business.

Int. No. 1710

By Council Members Richards, Grodenchik and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 11-243 of the administrative code of the city of New York, as amended by local law number 60 for the year 2016, is amended to read as follows:

b. Subject to the limitations provided in subdivision d of this section and the restrictions in this section on conversion of buildings used in whole or in part for single room occupancy, any increase in the assessed valuation of real property shall be exempt from taxation for local purposes to the extent such increase results from the reasonable cost of: (1) the conversion of a class B multiple dwelling to a class A multiple dwelling except insofar as the gross cubic content of such building is increased thereby; or (2) the conversion of any nonresidential building or structure situated in the county of New York to a class A multiple dwelling except

insofar as the gross cubic content of such building is increased; or (3) the conversion of any nonresidential building or structure situated in the counties of Bronx, Kings, Queens or Richmond to a class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (4) alterations or improvements to the exterior of an otherwise eligible building or structure visible from a public street pursuant to a permit issued by the landmarks commission with respect to a designated historic or landmark site or structure; or (5) alterations or improvements constituting a moderate rehabilitation of a substantially occupied class A multiple dwelling except insofar as the gross cubic content of such building or structure is increased thereby; or (6) alterations or improvements to an otherwise eligible building or structure commenced after January first, nineteen hundred eighty designed to conserve the use of fuel, electricity or other energy sources or to reduce demand for electricity, including the installation of meters for purposes of measuring the amount of electricity consumed for each dwelling unit, and conversions of direct metering to a system that includes a master meter and submeters in any cooperative, condominium, or housing development fund company organized under article eleven of the private housing finance law; or (7) alterations or improvements to existing dwellings to eliminate existing unhealthy or dangerous conditions in any such existing dwelling or replace inadequate and obsolete sanitary facilities in any such existing dwelling, any of which represents fire or health hazards, including as improvements asbestos abatement to the extent such asbestos abatement is required by federal, state or local law, except insofar as the gross cubic content of such existing dwelling is increased thereby; or (8) conversion of residential units qualified for the protection of article seven-C of the multiple dwelling law in buildings or portions thereof registered with the New York city loft board as interim multiple dwellings pursuant to such article to units which are in compliance with the standards of safety and fire protection set forth in article seven-B of the multiple dwelling law or to units which have a certificate of occupancy as class A multiple dwellings; or (9) alterations or improvements commenced on or after September first, nineteen hundred eighty-seven constituting a substantial rehabilitation of a class A multiple dwelling, or a conversion of a building or structure into a class A multiple dwelling, as part of a program to provide housing for low and moderate income households as defined by the department of housing preservation and development pursuant to the rules and regulations promulgated pursuant to subdivision m of this section, provided that such alterations or improvements or conversions shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality, including, in the discretion of the department of housing preservation and development, a subsidy in the form of a below market sale from the city of New York; or (10) alterations or improvements to any private dwelling or conversion of any private dwelling to a multiple dwelling or conversion of any multiple dwelling to a private dwelling, provided that such alterations, improvements or conversions are part of a project that has applied for or is receiving benefits pursuant to this section and shall be aided by a grant, loan or subsidy from any federal, state or local agency or instrumentality. Such conversions, alterations or improvements shall be completed within thirty months after the date on which same shall be started except that such thirty month limitation shall not apply to conversions of residential units which are registered with the loft board in accordance with article seven-C of the multiple dwelling law pursuant to paragraph eight of this subdivision. Notwithstanding the foregoing, a sixty-month period for completion shall be available for alterations or improvements undertaken by a housing development fund company organized pursuant to article eleven of the private housing finance law, which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York if alterations and improvements are completed within seven years after the date of transfer. In addition, the department of housing preservation and development may grant an extension of the period of completion for any project carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality, if such alterations, improvements or conversions are completed within sixty months from commencement of construction. Provided, further, that such conversions, alterations or improvements shall in any event be completed prior to June thirtieth, two thousand [nineteen] *twenty*. Exemption for conversions, alterations or improvements pursuant to paragraph one, two, three, four, six, seven, eight or ten of this subdivision shall continue for a period not to exceed fourteen years and begin no sooner than the first tax period immediately following the completion of such conversions, alterations or improvements. Exemption for alterations or improvements pursuant to paragraph five or nine of this subdivision shall continue for a period not to exceed thirty-four years and shall begin no sooner than the first tax period immediately following the completion of such alterations or improvements. Such exemption shall

be equal to the increase in the valuation, which is subject to exemption in full or proportionally under this subdivision for ten or thirty years, whichever is applicable. After such period of time, the amount of such exempted assessed valuation of such improvements shall be reduced by twenty percent in each succeeding year until the assessed value of the improvements is fully taxable. Provided, however, exemption for any conversions, alterations or improvements, which are aided by a loan or grant under article eight, eight-A, eleven, twelve, fifteen, or twenty-two of the private housing finance law, section six hundred ninety-six-a or section ninety-nine-h of the general municipal law, or section three hundred twelve of the housing act of nineteen hundred sixty-four (42 U.S.C.A. 1452b), or the Cranston-Gonzalez national affordable housing act, (42 U.S.C.A. 12701 et seq.), or started after July first, nineteen hundred eighty-three by a housing development fund company organized pursuant to article eleven of the private housing finance law which are carried out with the substantial assistance of grants, loans or subsidies from any federal, state or local governmental agency or instrumentality or which are carried out in a property transferred from the city of New York and where alterations and improvements are completed within seven years after the date of transfer may commence at the beginning of any tax period subsequent to the start of such conversions, alterations or improvements and prior to the completion of such conversions, alterations or improvements. The assessed valuation of the land occupied by such dwelling and any increase in assessed valuation resulting from conversions, alterations, or improvements other than those made pursuant to this section shall not be affected by the provisions of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Preconsidered Int. No. 1711

By Council Members Rivera, Kallos, Lander, Chin, Barron and Ayala.

A Local Law in relation to the distribution of educational materials about the federal regulations relating to inadmissibility on public charge grounds

Be it enacted by the Council as follows:

Section 1. The office of immigrant affairs shall create educational materials regarding the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register. At a minimum, such materials shall include: (i) a description of such regulations; and (ii) instructions on how to access immigration legal services to address issues related to such regulations.. Such office shall make such materials available to the department of education for distribution to every school within its jurisdiction. Such department shall distribute such materials, in hard copy and electronically if distribution of other similar documents occurs electronically, and ensure that such written materials are available in the main or central office in each school in a manner accessible for students and parents.

§ 2. This local law takes effect on the effective date of the federal regulations relating to inadmissibility on public charge grounds, as published on August 14, 2019 starting on page 41292 of volume 84 of the federal register and is deemed repealed 2 years after it becomes law.

Adopted by the Council (preconsidered and adopted by the Committee on Immigration).

Int. No. 1712

By Council Members Rosenthal, Gibson and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on the services provided to transgender and gender non-conforming individuals in domestic violence 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 21-143 to read as follows:

§ 21-143 Domestic violence shelter services for transgender and gender non-conforming individuals. a. Definitions. For the purposes of this section the term “domestic violence shelter” means a facility operated by the department of social services or by a provider under contract or similar agreement with the department of social services to provide shelter for victims of domestic violence.

b. No later than May 1, 2020 and annually by May 1 thereafter, the department of social services shall complete a review of the outreach efforts and services provided to transgender, gender non-conforming and non-binary individuals in domestic violence shelters and shall submit to the mayor and the speaker of the council, and post on its website, a report disclosing the following:

1. The number of transgender, gender non-conforming and non-binary individuals served by department shelters;

2. The types of services offered and utilized;

3. The length of time such individuals stayed in the shelter;

4. Their reasons for leaving the shelter;

5. The type of housing such individuals entered upon exiting the shelter;

6. Any complaints the department received regarding services provided to transgender, gender non-conforming and non-binary individuals;

7. The department’s outreach efforts targeting transgender, gender non-conforming and non-binary individuals; and

8. Recommendations for changes to the services and outreach offered by the department to improve services for transgender, gender non-conforming and non-binary individuals.

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Res. No. 1050

Resolution calling on the United States Congress to pass, and the President to sign, the “Diversity in Corporate Leadership Act of 2019” (H.R. 3279), which would further reduce gender, race and ethnic pay gaps that exist within companies’ boards of directors.

By Council Members Rosenthal and Cornegy.

Whereas, A board of directors is a group of individuals elected to represent shareholders of a company in the governance and management of its affairs; and

Whereas, Every public company is required to have a board of directors, with some private and nonprofit organizations choosing to have one, however, the specific structure and powers of a board, including the number of members, how members are elected and how often the board meets, are determined by a company’s bylaws; and

Whereas, The board of directors is an integral part of a company’s success, as it makes key decisions on how a company will manage its assets and continue to operate in compliance with the regulations and requirements currently in place; and

Whereas, A board of directors diverse in gender, ethnicity, race and age is an important aspect of a successful company, as benefits of a diverse board include companies performing better economically, being more willing to innovate, being more adaptive to changing market trends and being more likely to be able to improve their reputation and brand; and

Whereas, Although the benefits of board diversity are evident, the United States (U.S.) lags behind many global markets, with women holding only 17% of all board of director seats nationally and 20% of Standard & Poor Composite 1500 companies' board of director seats, according to a 2018 Board Diversity Review by Institutional Shareholder Services (ISS); and

Whereas, Also, for 490 companies in the *Fortune* 500, women held only 1,278 of the total 5,670 board of director seats (22.5% of total), while minorities held just 912 of the seats (16.1% of total), with minority women making up a mere 261 seats (4.6% of total), according to a 2018 report by the Alliance for Board Diversity and Deloitte; and

Whereas, In addition, based on estimates conducted by ISS for Reuter News on new board of director seats filled in 2018 for the Russell 3000 Index (a capitalization-weighted stock market index that seeks to be a benchmark of the entire U.S. stock market), the makeup of all the seats was just 3.7% Asian, 2% Hispanic and 6.3% Black/African-American; and

Whereas, In an effort to provide needed transparency and diversity inside the boards of directors for companies throughout the U.S., the "Diversity in Corporate Leadership Act of 2019" (H.R. 3279) has been introduced by Congressional Representative Carolyn B. Maloney; and

Whereas, This bill would require companies to disclose the gender, racial and ethnic composition of their board of directors and nominees for board membership for their annual shareholder meetings, as well as require the U.S. Securities and Exchange Commission to establish a Diversity Advisory Group, which would study strategies for increasing gender, racial and ethnic diversity among the members of a company's board of directors; and

Whereas, Knowing the gender, racial and ethnic composition of companies' boards of directors would ensure that existing gender, race and ethnic pay gaps are reduced, while also ensuring that boardrooms are diverse and representative of all shareholders; and

Whereas, Although New York City has made significant strides in reducing gender, race and ethnic pay gaps, including the New York City Council passing Local Law 67 of 2017 and Local Law 18 of 2019, which prohibit employers from asking for or basing compensation on salary history and require the City to annually report pay data in regards to gender, ethnicity and race for every City agency, respectively, there still exist noticeable pay gaps with respect to gender, race and ethnicity within the city; and

Whereas, The "Diversity in Corporate Leadership Act of 2019" (H.R. 3279) would help reduce those gaps, specifically within boardrooms, while ensuring that companies throughout New York City and the nation continue to operate with transparency and inclusivity; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, the "Diversity in Corporate Leadership Act of 2019" (H.R. 3279), which would further reduce gender, race and ethnic pay gaps that exist within companies' boards of directors.

Referred to the Committee on Women and Gender Equity.

Int. No. 1713

By Council Members Torres and Kallos.

A Local Law to amend the New York city charter, in relation to requiring the mayor or the mayor's designee to consider reports of unresponsive, hostile and uncooperative behavior of contractors during the course of council investigations in evaluating the integrity, performance and capability of such contractors

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 335 of the New York city charter, as amended by local law number 44 for the year 2018, is amended to read as follows:

a. The mayor may evaluate the integrity, performance, and capability of entities that contract with the city, are seeking to contract with the city, or may seek to contract with the city. The mayor may designate one or

more agencies to participate in such efforts. The evaluations of the mayor and any agency designated by the mayor may include conclusions regarding whether the entity should be considered a responsible contractor, *and such evaluations shall include consideration of any report made by the council, whether by the committee of the whole or by a standing or special committee, that such entity has been unresponsive, hostile or failed to cooperate with a request for information during the course of an investigation conducted pursuant to section 29.* The mayor and any agency designated by the mayor may make such evaluations and conclusions available to agencies and the public through a centralized data base.

§ 2. Subparagraph (23) of paragraph (i) of subdivision b of section 6-116.2 of the administrative code of the city of New York, as added by local law number 49 for the year 1992, is amended and a new subparagraph (24) is added to read as follows:

(23) the name and main business address of anyone who the contractor retained, employed or designated to influence the preparation of contract specifications or the solicitation or award of this contract[.];

(24) *all reports made by the council pursuant to subdivision a of section 335 of the charter that such contractor or subcontractor has been unresponsive, hostile or failed to cooperate with a request for information during the course of an investigation conducted pursuant to section 29 of the charter.*

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

Referred to the Committee on Oversight and Investigations.

Int. No. 1714

By Council Members Vallone, Holden and Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to increasing certain penalties for excessive noise from motor vehicles

Be it enacted by the Council as follows:

Section 1. Table I of paragraph 5 of subdivision b of section 24-257 of the administrative code of the city of New York, as amended by local law 72 for the year 2016, is amended to read as follows:

Violations related to section and subdivision						
	First Violation		Second Violation*		Third and Subsequent Violations*	
	Maximum	Minimum	Maximum	Minimum	Maximum	Minimum
24-216 (d)	2,625	650	5,250	1,300	7,875	1,950
24-218(a)	150	75	250	150	500	350
24-218(a-1)	1,000	350	2,000	700	3,000	1,050
24-218.1	50	50	50	50	50	50
24-220	1,400	440	2,800	880	4,200	1,320
24-222	3,500	875	7,000	1,750	10,500	2,625
24-223	3,500	875	7,000	1,750	10,500	2,625
24-224	3,500	875	7,000	1,750	10,500	2,625
24-225	1,400	440	2,800	880	4,200	1,320

24-226	1,400	440	2,800	880	4,200	1,320
24-227	875	0	1,750	440	2,625	660
24-228	1,400	440	2,800	880	4,200	1,320
24-229	1,400	440	2,800	880	4,200	1,320
24-230	1,400	440	2,800	880	4,200	1,320
24-231(a)	8,000	0	16,000	4,000	24,000	6,000
24-231(b)	1,750	440	3,500	880	5,250	1,320
24-231(c)	875	350	1,750	700	2,625	1,050
24-232	1,400	440	2,800	880	4,200	1,320
24-233(a)	175	50	350	100	525	150
24-233(b)(1)	175	50	350	100	525	150
24-233(b)(2)	350	100	700	200	1,050	300
24-234	175	50	350	100	525	150
24-235	175	50	350	100	525	150
24-236(a)	[525] 1,050	[150] 300	[1,050] 2,100	[300] 600	[1,575] 3,150	[450] 900
24-236(b)[(c)](d)	1,440	440	2,800	880	4,200	1,320
24-236(c)	2,160	660	4,200	1,320	6,300	1,980
24-237(a)	[1,000] 2,000	[150] 300	[2,000] 4,000	[300] 600	[3,000] 6,000	[450] 900
24-237(b)	[875] 1,325	[220] 330	[1,750] 2,625	[440] 660	[2,625] 3,950	[660] 990
24-237(c)	875	220	1,750	440	2,625	660
24-237(d)	1,000	350	2,000	700	3,000	1,050
24-238	875	220	1,750	440	2,625	660
24-239(b)	350	100	700	200	1,050	300
24-241	1,400	440	2,800	880	4,200	1,320
24-242	875	220	1,750	440	2,625	660
24-244	1,750	440	3,500	880	5,250	1,320
24-245	2,625	660	5,250	1,320	7,875	1,980
All remaining sections and subdivisions	875	220	1,750	440	2,625	660

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 510

By Council Member Salamanca:

Application No. N 190501 HAX (Bronx Point NCFP - UDAAP) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban Development Action Area Project, for the property located at 65 East 149th Street (Block 2356, Lot 2), Harlem River, south of former East 150th Street (Block 2356, Lot 72), demapped portion of East 150th Street (Block and Lot TBD), Land under water/Harlem River, north of former East 150th Street, Area west of Exterior Street/ north of former East 150th Street and p/o of Mill Pond Park and Land under water/ Harlem River, north of former East 150th Street (Block 2356, Lot 1, p/o Lot 2 and p/o Lot 3), in the Borough of the Bronx, Council District 8, Community District 4.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 511

By Council Member Salamanca:

Application No. C 190373 HAK (Brownsville South NCP Cluster - UDAAP) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of property located at 47 New Lots Avenue (Block 3855, Lot 40), 609-615 Osborn Street (Block 3628, Lot 9) and 120-122 Liberty Avenue (Block 3693, Lots 22 and 23), in the Borough of Brooklyn, Council Districts 37 and 42, Community District 16.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 512

By Council Member Salamanca:

Application No. 20195068 SCQ (3,079-Seat High School Q472) submitted by the New York City School Construction Authority pursuant to Section 1732 of the Public Authorities Law for approval of a site selection for a new, approximately 3,079-Seat High School Facility to be located on Block 1192, Lots 41, 47, 48, and 54, in the Borough of Queens, Community School District 30, Council District 26, Community District 2.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 513

By Council Member Salamanca:

Application No. N 190334 ZRY (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission) to create a special permit for a borough-based jail system, Citywide.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 514

By Council Member Salamanca:

Application No. C 190336 ZMX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6c, changing from an M1-3 District to an M1-4/R7X District and establishing a Special Mixed Use District (MX-18), in the Borough of the Bronx, Council District 8, Community Board 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 515

By Council Member Salamanca:

Application No. N 190337 ZRX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII Chapter 3 for the purpose of establishing a Special Mixed Use District; and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, in the Borough of the Bronx, Council District 8, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 516

By Council Member Salamanca:

Application No. C 190338 HAX (Borough-Based Jail System) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and the approval of an Urban

Development Action Area Project, and pursuant to Section 197-c of the New York City Charter for the disposition of property located at 320 Concord Avenue and 745 East 141st Street (Block 2574, p/o Lot 1), in the Borough of the Bronx, Council District 8, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses (preconsidered but laid over by the Subcommittee on Landmarks, Public Siting, and Maritime Uses).

Preconsidered L.U. No. 517

By Council Member Salamanca:

Application No. C 190222 ZMK (3513 Atlantic Avenue Rezoning) submitted by Leemilt's Petroleum, Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 17c and 18a, by establishing within an existing R5 District a C2-4 District in the Borough of Brooklyn, Council District 37, Community District 5.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 518

By Council Member Salamanca:

Application No. C 190333 PSY (Borough-Based Jail System) submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection of the following properties for borough-based jail facilities: 745 East 141st Street (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1; 275 Atlantic Avenue (Block 175, Lot 1), Borough of Brooklyn, Council District 33, Community District 2; 124 White Street (Block 198, Lot 1) and 125 White Street (Block 167, Lot 1), Borough of Manhattan, Council District 1, Community District 1; and 126-02 82nd Avenue (Block 9653, Lot 1), 80-25 126th Street (Block 9657, Lot 1), and the bed of 82nd Avenue between 126th and 132nd streets, Borough of Queens, Council District 29, Community District 9. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 519

By Council Member Salamanca:

Application No. C 190335 ZSX (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the use regulations of Section 42-10 (USES PERMITTED AS-OF-RIGHT); the floor area ratio requirements of Section 43-10 (FLOOR AREA REGULATIONS); the height and setback requirements of Sections 43-40 (HEIGHT AND SETBACK REGULATIONS); the permitted

parking requirements of Section 44-10 (PERMITTED ACCESSORY OFFSTREET PARKING SPACES); and the loading berth requirements of Section 44-50 (GENERAL PURPOSES) to facilitate the construction of a borough-based jail facility, on property located in an M1-3 District at 320 Concord Avenue (Block 2574, p/o Lot 1), Borough of the Bronx, Council District 8, Community District 1. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 520

By Council Member Salamanca:

Application No. C 190339 ZSK (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Sections 101-20 (SPECIAL BULK REGULATIONS) and 33-10 (Floor Area Regulations); the height and setback requirements of Sections 33-40 (HEIGHT AND SETBACK REGULATIONS) and 101-22 (Special Height and Setback Regulations); the permitted parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS); the special ground floor use requirements of Section 101-11 (Special Ground Floor Use Regulations); and the transparency requirements of Section 101-12 (Transparency Requirements) to facilitate the construction of a borough-based jail facility, on property located at 275 Atlantic Avenue (Block 175, Lot 1, and the portions of State Street between Boerum Place and Smith Street demapped as proposed under a concurrent related application C 190116 MMK), in a C6-2A District, within the Special Downtown Brooklyn District, Borough of Brooklyn, Council District 33, 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 521

By Council Member Salamanca:

Application No. C 190116 MMK (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of State Street between Boerum Place and Smith Street above a lower limiting plane and below an upper limiting plane the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. X-2753 dated March 25, 2019 and signed by the Borough President, Borough of Brooklyn, Council District 33, 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 522

By Council Member Salamanca:

Application No. C 190340 ZSM (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33-10 (Floor Area Regulations); the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, in a C6-4 District on property located at 124-125 White Street (Block 167, Lot 1, Block 198, Lot 1, and the portions of White Street between Centre Street and Baxter Street demapped as proposed under related application C 190252 MMM), Borough of Manhattan, Council District 1, Community District 1. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 523

By Council Member Salamanca:

Application No. C 190341 PQM (Borough-Based Jail System) submitted by the New York City Department of Correction, the Mayor's Office of Criminal Justice, and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the acquisition of property for a borough-based jail facility located at 124 White Street (Block 198, Lot 1), Borough of Manhattan, Council District 1, Community District 1. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 524

By Council Member Salamanca:

Application No. C 190252 MMM (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of a volume of a portion of White Street from Centre Street to Baxter Street within limiting planes; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with

Map Acc. No. 30265 dated March 28, 2019 and signed by the Borough President, Borough of Manhattan, Council District 1, Community District 1. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 525

By Council Member Salamanca:

Application No. C 190342 ZSQ (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant new Section 74-832 of the Zoning Resolution, as proposed by related application no. N 190334 ZRY, to modify: the floor area ratio requirements of Section 33-10 (Floor Area Regulations); the height and setback requirements of Section 33-40 (HEIGHT AND SETBACK REGULATIONS); the permitted accessory parking requirements of Section 36-12 (Maximum Size of Accessory Group Parking Facilities); the permitted public parking garage requirements of Section 32-10 (USES PERMITTED AS OF RIGHT); and the loading berth requirements of Section 36-60 (OFF-STREET LOADING REGULATIONS) to facilitate the construction of a borough-based jail facility, on property located at 126-02 82nd Avenue a.k.a. 80-25 126th Street (Block 9653 Lot 1, Block 9657 Lot 1, and the portion of 82nd Avenue between 126th Street and 132nd Street demapped as proposed under related application no. C 190117 MMQ), in a C4-4 District, Borough of Queens, Council District 29, Community District 9. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 526

By Council Member Salamanca:

Application No. C 190117 MMQ (Borough-Based Jail System) submitted by the New York City Department of Correction and the Mayor's Office of Criminal Justice, pursuant to Sections 197-c and 199 of the New York City Charter, and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving: the elimination, discontinuance and closing of 82nd Avenue between 126th Street and 132nd Street; the elimination of two Public Places within the area bounded by Union Turnpike, 132nd Street, Hoover Avenue, Queens Boulevard, 82nd Avenue and 126th Street; the adjustment of grades and block dimensions necessitated thereby; and authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. C.P.C. 190117 MMQ dated March 25, 2019 and signed by the Director of the Department of City Planning, Borough of Queens, Council District 29, Community District 9. 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 197-d(b)(3) of the New York City Charter.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 527

By Council Member Salamanca:

Application No. C 190353 HAK (776-780 Myrtle Avenue) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 776-780 Myrtle Avenue (Block 1754, Lots 19, 20 and 22), Borough of Brooklyn, Council District 36, Community District 3.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 528

By Council Member Salamanca:

Application No. 20195631 HKK (N 200008 HKK) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York, concerning the designation of the Bay Ridge Parkway-Doctors' Row Historic District [DL 514/LP-2631], containing the properties bounded by a line beginning on the northern curblineline of Bay Ridge Parkway at a point on a line extending southerly from the western property line of 415 Bay Ridge Parkway, and extending northerly along said line and along the western property line of 415 Bay Ridge Parkway, easterly along the northern property lines of 415 to 473 Bay Ridge Parkway, southerly along the eastern property line of 473 Bay Ridge Parkway, easterly along the northern property line of 475 Bay Ridge Parkway, southerly along the eastern property line of 475 Bay Ridge Parkway, and across Bay Ridge Parkway to the southern curblineline of Bay Ridge Parkway, easterly along said curblineline to a point on a line extending northerly from the eastern property line of 478 Bay Ridge Parkway, southerly along said line and along the eastern property line of 478 Bay Ridge Parkway, westerly along the southern property lines of 478 to 416 Bay Ridge Parkway, northerly along the western property line of 416 Bay Ridge Parkway and across Bay Ridge Parkway to the northern curblineline of Bay Ridge Parkway and westerly along said curblineline to the point of beginning, Borough of Brooklyn, Council District 43, Community District 10.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Siting, and Maritime Uses.

L.U. No. 529

By Council Member Salamanca:

Application No. 20195715 TCM (Lola Taverna) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of Prinkipas LLC d/b/a Lola Taverna, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 210 6th

Avenue, Borough of Manhattan, Council District 3, 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.

L.U. No. 530

By Council Member Salamanca:

Application No. 20195720 TCM (Hummus Kitchen) pursuant to Section 20-226 of the Administrative Code of the City of New York, concerning the petition of E & R U.S. Ventures LLC d/b/a Hummus Kitchen, for a revocable consent to establish maintain and operate an unenclosed sidewalk café located at 444 3rd Avenue, Borough of Manhattan, Council District 2, Community District 6. 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.

L.U. No. 531

By Council Member Salamanca:

Application No. C 100421 ZMQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an R6B District, changing from an R5 District to an R7X District, and establishing within the proposed R7X District a C1-3 District, Borough of Queens, Council District 26, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 532

By Council Member Salamanca:

Application No. N 190151 ZRQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 26, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 533

By Council Member Salamanca:

Application No. C 190386 ZSQ (Vernon Boulevard Broadway Rezoning) submitted by Cipico Construction Inc. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-743 of the Zoning Resolution to permit the distribution of total allowable floor area without regard for zoning lot lines or district boundaries and to modify the minimum base height requirements of Sections 23-664 (Modified height and setback regulations for certain Inclusionary Housing buildings or affordable independent residence for seniors) to facilitate a proposed mixed-use development, within a large-scale general development, in R6B and R7X/C1-3 Districts, on property bounded by 10th Street, Vernon Boulevard, Broadway, 11th Street, and 33rd Road (Block 315, Lot 1), Borough of Queens, Council District 26, Community District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 534

By Council Member Salamanca:

Application No. C 190439 ZSQ (LeFrak City Parking Garage) submitted by the LSS Leasing Limited Liability Company pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-512 of the Zoning Resolution (as modified by concurrent application no. N 190440 ZQR) to allow: a public parking facility with a maximum capacity of 706 parking spaces including 356 self-park spaces and 350 attended parking spaces on the ground floor, 2nd floor and roof of an existing 2-story garage building; to allow up to 350 spaces to be located on the roof of such public parking facility; to allow floor space on one or more stories and up to a height of 23 feet above curb level to be exempted from the definition of floor area as set forth in Section 12-10 (DEFINITIONS); and to waive the reservoir space requirements of Section 74-512(c) for a public parking garage existing before [date of adoption] that was previously granted a special permit pursuant to this Section; on property located on the northeasterly corner of Junction Boulevard and Horace Harding Expressway (Block 1918, Lots 1, 18, 25 and 114), in a C4-4 District, Borough of Queens, Council District 21, Community District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 535

By Council Member Salamanca:

Application No. N 190440 ZRQ (LeFrak City Parking Garage) submitted by the LSS Leasing Limited Liability Company, 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 VII, Chapter 4 (Special Permits by the City Planning Commission) for the purpose of modifying the provision of required reservoir spaces for existing public parking garages with special permits in C4-4 Districts, Borough of Queens, Council District 21, Community District 4.

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

Tuesday, September 17, 2019

Committee on Finance

Daniel Dromm, Chairperson

Int 952 - By Council Members Vallone, Chin, Rosenthal, Holden, Ampry-Samuel and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring notice of renewal of the senior citizen homeowner exemption and disabled homeowner exemption by phone.

Int 1225 - By Council Member Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to the collection and maintenance of contact information of real property owners.

Int 1702 - By Council Member Koslowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to notice regarding property tax rates.

Int 1705 - By Council Member Matteo - **A Local Law** to amend the administrative code of the city of New York, in relation to the department of finance providing a receipt of payment.

Committee Room – City Hall.....10:00 a.m.

Committee on Veterans

Chaim M. Deutsch, Chairperson

Oversight – VetConnectNYC.

Committee Room – 250 Broadway, 16th Floor.....10:00 a.m.

Committee on Cultural Affairs, Libraries & International Intergroup Relations

James Van Bramer, Chairperson

Oversight - Diversity in Cultural Institutions and The New York City Department of Cultural Affairs (DCLA) Diversity Study: Findings, Results, and Next Steps.

Committee Room – City Hall.....1:00 p.m.

Committee on Public Safety jointly with the
Committee on Fire and Emergency Management and the
Committee on Mental Health, Disabilities & Addiction

Donovan Richards, Jr., Chairperson

Joseph Borelli, Chairperson

Diana Ayala, Chairperson

Oversight - Preventing Suicide and Promoting Mental Health for First Responders.

Int 1704 - By Council Members Levine, Richards, Cumbo and Adams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department to provide mental health information, training, and support services to officers.

Council Chambers – City Hall.....1:00 p.m.

Wednesday, September 18, 2019

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Committee Room – City Hall.....9:30 a.m.

[Committee on Aging](#)

Margaret Chin, Chairperson

Oversight - Protecting Seniors from the Extreme Heat and Cold.

Council Chambers – City Hall.....10:00 a.m.

★ Note Topic Addition

[Committee on Civil & Human Rights](#)

Mathieu Eugene, Chairperson

Int 85 - By Council Members Kallos, Levine, Brannan, Salamanca, Rosenthal, Rivera, Chin and Dromm (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to housing accommodations and tenant blacklists.

Int 1603 - By Council Members Levine and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to the use of certain credit information in rental housing applications pertaining to housing accommodations controlled, subsidized or both by the department of housing preservation and development.

★Int 1682- By The Speaker (Council Member Johnson) - **A Local Law** to amend the administrative code of the city of New York, in relation to repealing subchapter 19 of chapter 5 of title 20.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

[Committee on Economic Development](#) jointly with the
[Committee on Education](#) and the
[Committee on General Welfare](#)

Paul Vallone, Chairperson

Mark Treyger, Chairperson

Stephen Levin, Chairperson

Int 1650 - By Council Members Adams and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of information regarding the health bucks program and farmers markets.

Int 1652 - By Council Members Ampry-Samuel and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to ensuring that community gardens are not classified as vacant land by the department of city planning.

Int 1653 - By Council Members Ampry-Samuel and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of parks and recreation to collect and report data regarding community gardens reporting and permitting the sale of agriculture within community gardens.

Int 1654 - By Council Members Ayala and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to neighborhood awareness campaigns regarding farm-to-city projects.

Int 1659 - By Council Members Chin and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to a plan to identify and enroll seniors eligible for supplemental nutrition assistance benefits.

Int 1660 - By Council Members Cohen and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to creating a good food purchasing program.

Int 1663 - By Council Members Espinal and Kallos - **A Local Law** to amend the New York city charter, in relation to establishing an office of urban agriculture and an urban agriculture advisory board.

Int 1664 - By Council Members Gibson, Levine and Kallos - **A Local Law** to amend the New York city charter, in relation to requiring the office of food policy to formulate a 10-year food policy plan.

Int 1666 - By Council Member Kallos and the Speaker (Council Member Johnson) - **A Local Law** to amend the New York city charter, in relation to the establishment of an office of food policy.

Int 1673 - By Council Members Rivera and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to city agency food waste prevention plans.

Int 1675 - By Council Members Rose, Kallos and Chin - **A Local Law** to amend the administrative code of the city of New York, in relation to the distribution of information regarding summer meals.

Int 1676 - By Council Members Rosenthal and Kallos - **A Local Law** in relation to requiring the department of education to report on implementing scratch-cooked school food service.

Int 1680 - By Council Members Vallone, the Speaker (Council Member Johnson) and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting requirements regarding the production, processing, distribution and consumption of food in the city required by Local Law 52 of 2011.

Int 1681 - By Council Members Van Bramer and Kallos - **A Local Law** to amend the administrative code of the city of New York, in relation to school food waste prevention plans.

Res 1024 - By Council Members Louis, Kallos and Chin - **Resolution** calling upon the New York State Office of Temporary and Disability Assistance (OTDA) to expand eligibility for the Supplemental Nutrition Assistance Program (SNAP) to public college students.

Res 1025 - By Council Members Louis, Kallos and Chin - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation to opt into the Supplemental Nutrition Assistance Program (SNAP) Restaurant Meals Program to allow disabled, elderly and homeless SNAP recipients to use their benefits on hot meals and other prepared foods at participating grocery stores, delis and restaurants.
Council Chambers – City Hall.....1:00 p.m.

Committee on Hospitals

Carlina Rivera, Chairperson

Oversight – The Delivery of Culturally Competent & Equitable Health Care Services in New York City Hospitals.

Res 512 - By Council Members Rosenthal, Rivera, Ayala, Reynoso, Lander and Cornegy - **Resolution** calling on New York State to require medical schools to train all students about "implicit bias".
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.

Thursday, September 19, 2019

★ Deferred

~~Committee on General Welfare jointly with the _____ Stephen Levin, Chairperson~~

~~Committee on Women and Gender Equity _____ Helen Rosenthal, Chairperson~~

~~**Oversight** – Update on HRA’s System of Domestic Violence Shelters.
Council Chambers – City Hall.....10:00 a.m.~~

Committee on Youth Services

Deborah Rose, Chairperson

Oversight - DYCD’s Adult Literacy Program.

Int 649 - By Council Members Eugene and Holden - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring bilingual after-school programs.
Committee Room – City Hall.....10:00 a.m.

Monday, September 23, 2019

Committee on Civil Service and Labor

I. Daneek Miller, Chairperson

Int 888 - By Council Members Kallos, Miller, Lander and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a retirement savings program for private-sector employees.

Int 901 - By Council Members Miller, Kallos and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a retirement savings board to oversee the city’s retirement savings program for private-sector employees.
Committee Room – 250 Broadway, 16th Floor10:00 a.m.

[Committee on Contracts](#)

Ben Kallos, Chairperson

Int 674 - By Council Members Ulrich, Borelli, Cohen, Holden, Vallone, Cabrera, Lancman, Torres, Moya, Kallos, Grodenchik, Ayala, Dromm, Maisel, Rivera, Miller, King, Powers, Constantinides, Chin, Levine, Treyger, Koslowitz, Salamanca, Levin, Adams, Van Bramer, Espinal, Ampry-Samuel, Reynoso, the Public Advocate (Mr. Williams), Menchaca, Eugene, Richards, Cumbo and Matteo - **A Local Law** in relation to reducing apprenticeship program directive requirements.

Committee Room – 250 Broadway, 14th Floor.....10:00 a.m.

[Committee on Housing and Buildings](#)

Robert Cornegy, Jr., Chairperson

Int 790 - By Council Member Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to outdoor signs.

Int 1545 - By Council Members King, Cornegy, Deutsch and Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to restricting the advertisement of alcoholic beverages near schools.

Int 1710 - By Council Member Richards - **A Local Law** to amend the administrative code of the city of New York, in relation to exemption from taxation of alterations and improvements to multiple dwellings.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....11:00 a.m.

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

Oversight - Protecting Health through Improving Air Quality

Committee Room – City Hall.....1:00 p.m.

Tuesday, September 24, 2019

★ Note Topic Addition

★★ Note Time Change

[Committee on General Welfare](#) jointly with the

Stephen Levin, Chairperson

[Committee on Women and Gender Equity](#)

Helen Rosenthal, Chairperson

Oversight - Update on HRA’s System of Domestic Violence Shelters.

★ Int 1712 - By Council Member Rosenthal - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on the services provided to transgender and gender non-conforming individuals in domestic violence shelters.

★ Preconsidered Res ___ - By Council Member Louis - **Resolution** calling on the State Legislature to pass, and the Governor to sign, A.2381/S.5471, authorizing shelters for victims of domestic violence to be reimbursed for any payment differential for housing a single individual in a room intended for double occupancy.

Council Chambers – City Hall.....10:00 a.m.

[Committee on Education](#)

Mark Treyger, Chairperson

Oversight - Breaking Testing Culture: Evaluating multiple pathways to determine student mastery.

Committee Room – City Hall.....1:00 p.m.

Wednesday, September 25, 2019

Committee on Finance

Daniel Dromm, Chairperson

Preconsidered Res ___ - By Council Member Dromm - **Resolution** approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – City Hall.....10:00 a.m.

Stated Council Meeting.....*Ceremonial Tributes – 1:00 p.m.*

.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged the 400th anniversary of the roots of the slave trade in America. He noted that as part of the healing process, it was important to acknowledge the injustice and harm that slavery had caused to the nation and to our society.

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) wished everyone, especially Asian New Yorkers, a happy Mid-Autumn Festival. The Festival originated thousands of years ago when Asian families would gather together to celebrate the annual fall harvest. In addition, the Speaker (Council Member Johnson) also acknowledged that September marks National Sickle-Cell Awareness Month. He noted that sickle-cell disease affects approximately 100,000 Americans, mostly African Americans, and that there was a need to help provide the necessary resources to those afflicted with this disease.

Additionally during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) acknowledged that Deputy General Counsel Serena Longley was leaving the Council. Ms. Longley was departing for a position in the New York State Attorney General’s Office. As Deputy General Counsel, she had argued a number of important cases in court on behalf of the Council. The Speaker (Council Member Johnson) praised her work and described her as a font of knowledge with a great demeanor. He thanked Ms. Longley and wished her the best of luck as those assembled in the Chambers applauded.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Wednesday, September 25, 2019.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int. Nos. 84-A, 570-A, 886-A 1000-B, 1049-A, 1272-A, 1457-A, 1467-A, 1471-B, 1472-B, and Preconsidered Int. No. 1631, all adopted by the Council at the July 23, 2019 Stated Meeting, were returned unsigned by the Mayor on August 27, 2019. These items had become law on August 23, 2019 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 148 through 158 of 2019, respectively.