

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, September 28, 2023, 2:00 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Shahana K. Hanif	Kevin C. Riley
Joann Ariola	Robert F. Holden	Carlina Rivera
Alexa Avilés	Rita C. Joseph	Rafael Salamanca, Jr
Diana I. Ayala	Ari Kagan	Pierina Ana Sanchez
Charles Barron	Shekar Krishnan	Lynn C. Schulman
Joseph C. Borelli	Linda Lee	Althea V. Stevens
Erik D. Bottcher	Farah N. Louis	Sandra Ung
Justin L. Brannan	Christopher Marte	Marjorie Velázquez
Gale A. Brewer	Darlene Mealy	Inna Vernikov
Selvena N. Brooks-Powers	Julie Menin	Nantasha M. Williams
Tiffany Cabán	Francisco P. Moya	Julie Won
David M. Carr	Mercedes Narcisse	Kalman Yeger
Carmen N. De La Rosa	Sandy Nurse	
Eric Dinowitz	Chi A. Ossé	
Oswald Feliz	Vickie Paladino	
James F. Gennaro	Keith Powers	
Jennifer Gutiérrez	Lincoln Restler	

Absent: Council Member Farías, Hanks, and Richardson Jordan;
Parental Leave: Council Member Hudson.

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

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

There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Barron, Gennaro, Hanif, Moya, Salamanca, Sanchez, and Vernikov who all participated remotely).

INVOCATION

The Invocation was delivered by: Rabbi Barry Dov Katz, Conservative Synagogue Adath Israel of Riverdale located at 475 West 250th Street, Bronx N.Y. 10471.

“Today is pregnant with eternity”,
 that is how Rabbi Gerson Cohen,
 who was the Chancellor of the Jewish Theological Seminary in Manhattan
 and a member of my synagogue in the Bronx,
 translated a phrase that Jews repeat over and over again
 as we start the new year:
 “Today is pregnant with eternity, *hayom harat olam*”.
 At the beginning of a new year
 we judge our actions against the yardstick
 of nothing less than forever.
 We see every moment as full of promise and possibility.
 And in a city as dynamic and ever-changing as New York,
 we understand the notion of being pregnant with eternity.
 Every day in our great city, artists create cutting edge creations,
 athletes achieve incredible heights, individuals incubate ideas,
 and the future leaders of our city, the future City Council Members
 and leaders of our nation, and leaders of the world
 are being born right now in this great city.
 “Today is pregnant with eternity,”
 is a beautiful translation of the Hebrew,
 but it can be pretty overwhelming.
 I would like to get through this Invocation,
 getting through eternity feels like a lot.
 Getting through a day, getting through a week feels like a lot.
 It is a lot of time of uncertainty, eternity.
 Something new is being born right now,
 but we don’t exactly know what that is.
 We don’t know what challenges we will face,
 and whether we will rise to meet them in ways
 that will be judged well against the standards of eternity.
 All of you, people in this room, have chosen communal service.
 You know the heavy weight of seeing
 each moment as pregnant with eternity.
 Under the leadership of Speaker Adrienne Adams,
 you watch over the everyday,
 the countless decisions that will echo for good or bad.
 Eternity asks us to take a long view of our work.
 Will we raise our heads and hearts above
 the partisan and petty to build a city

that it is environmentally responsible?
 Eternity wants to know.
 A society where people go to sleep at night secure
 that they have enough to eat and a roof over their heads?
 Eternity asks.
 A community where the promise of education
 and the protection of health care is assured?
 Eternity asks us.
 Cities might seem very solid, but they are delicate.
 They take years to build,
 but much of what holds us together
 can fall apart if we are not vigilant.
 Will we live in a city that is divided and violent
 and full of prejudice and hatred, or will we live in peace?
 Will we be decent and kind?
 Will we, in every conversation and deliberation
 and vote recognize the divine image in every human being?
 President John F. Kennedy said,
 "Democracy is never a final achievement,
 it is a call to an untiring effort."
 Cities, especially ones as vibrant as New York City,
 require similar untiring effort.
 In the Jewish tradition we say,
 "You are not required to complete the work,
 but neither are you free to desist from it."
 Eternity asks us to get to work.
 When the challenges of eternity of the moment feel overwhelming,
 I pray to God, who exists for eternity, to give me strength.
 And I pray that God will give each one of you strength.
 I pray to the God who exists for eternity to give me wisdom.
 And I pray that God gives each one of you wisdom.
 I pray to the God who exists for eternity to remind [us]
 that we need not meet challenges alone.
 We can join together and be God's partners
 in lovingly creating the better world that is being born right now.
 I pray to God who exists for eternity
 that you do not feel alone or lonely in your work,
 and that when you look for partners,
 you will find them in people, in eternal values, and in God.
 Today really is pregnant with eternity.
 And let us meet today and every day with faith and hope.

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

ADOPTION OF MINUTES

Council Member Avilés moved that the Minutes of the Stated Meeting of September 14, 2023 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-174

Communication from the Mayor - Submitting the Mayor's Management Report, Fiscal Year 2023, pursuant to Section 12 of the New York City Charter.

(For text of the [Fiscal 2023 MMR](https://www1.nyc.gov/site/operations/performance/mmr.page), please refer to the Mayor's Office of Operations page on the City of New York website at <https://www1.nyc.gov/site/operations/performance/mmr.page>)

Received, Ordered, Printed and Filed.

M -175

Communication from the Mayor – Submitting the name of John Heesemann to the City Council for advice and consent regarding his appointment to the New York City Tax Commission for the remainder of a six-year term that expiring on January 6, 2024, pursuant to Section 153 of the New York City Charter.

September 27, 2023

The Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 153 of the New York City Charter, I am pleased to present the name of John R. Heesemann to the City Council for advice and consent regarding his appointment as a Commissioner of the New York City Tax Commission. If approved, Mr. Heesemann will serve the remainder of a six-year term that expires January 6, 2024.

I send my thanks to you and all Members of the City Council for your consideration of this nomination.

Sincerely,
Eric Adams
Mayor

EA:ek

cc: John R. Heesemann
Sheena Wright, First Deputy Mayor
Frances Henn, President, New York City Tax Commission and Tax Appeals Tribunal

Referred to the Committee on Rules, Privileges and Elections.

M-176

Communication from the Mayor – Submitting the name of Bennett Minko to the City Council for advice and consent regarding his appointment to the New York City Tax Commission for the remainder of a six-year term that expiring on January 6, 2026, pursuant to Section 153 of the New York City Charter.

September 27, 2023

The Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 153 of the New York City Charter, I am pleased to present the name of Bennett Minko to the City Council for advice and consent regarding his appointment as a Commissioner of the New York City Tax Commission. If approved, Mr. Minko will serve the remainder of a six-year term that expires January 6, 2026.

I send my thanks to you and all Members of the City Council for your consideration of this nomination.

Sincerely,

Eric Adams
Mayor

EA:ek

cc: Bennett Minko
Sheena Wright, First Deputy Mayor
Frances Henn, President, New York City Tax Commission and Tax Appeals Tribunal

Referred to the Committee on Rules, Privileges and Elections.

M-177

Communication from the Mayor – Submitting the name of Gary L. Bristol to the City Council for advice and consent regarding his appointment to the New York City Tax Commission for the remainder of a six-year term that expiring on January 6, 2024, pursuant to Section 153 of the New York City Charter.

September 27, 2023

The Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 153 of the New York City Charter, I am pleased to present the name of Gary L. Bristol to the City Council for advice and consent regarding his appointment as a Commissioner of the New York City Tax Commission. If approved, Mr. Bristol will serve the remainder of a six-year term that expires January 6, 2024.

I send my thanks to you and all Members of the City Council for your consideration of this nomination.

Sincerely,

Eric Adams
Mayor

EA:ek

cc: Gary L. Bristol
Sheena Wright, First Deputy Mayor
Frances Henn, President, New York City Tax Commission and Tax Appeals Tribunal

Referred to the Committee on Rules, Privileges and Elections.

M-178

Communication from the Mayor – Submitting the name of Lisa Breier Urban to the City Council for advice and consent regarding her appointment to the New York City Environmental Control Board pursuant to Sections 31 and 1049-a of the New York City Charter.

September 27, 2023

The Honorable Adrienne E. Adams
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 1049-a of the New York City Charter, I am pleased to present the name of Lisa Breier Urban to the City Council for advice and consent regarding her appointment as the general public member of the Environmental Control Board. If approved, Ms. Urban will serve for the remainder of a four-year term that expires March 5, 2027.

I send my thanks to you and all Members of the City Council for your consideration of this nomination.

Sincerely,

Eric Adams
Mayor

EA:ek

cc: Lisa Urban
Lisa Zornberg, Chief Counsel to the Mayor and City Hall
Asim Rehman, Commissioner, Office of Administrative Trials and Hearings

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-179

Communication from the Bronx Borough President - Submitting the name of Orlando Marin to the Council for its advice and consent regarding his appointment to the City Planning Commission for a five year term that began on June 30, 2020 and expires on June 30, 2025, pursuant to Section 192 of the New York City Charter.

September 20, 2023

Hon. Adrienne Adams
Speaker
New York City Council
City Hall
New York, NY 10007

Dear Speaker Adams:

Pursuant to Section 192 of the New York City Charter, I hereby nominate and request the Council's advice and consent for Orlando Marin to service as a member of the NYC City Planning Commission for an appointment to a 5-year term which began on June 30, 2020, and expires on June 30, 2025.

I believe that Mr. Marin is qualified to continue his work as a member of the City Planning Commission, as he has represented the Bronx in a professional manner, has worked cooperatively with our office and has diligently carried out his responsibilities as a member of the City Planning Commission.

Please feel free to reach out to me or Thomas Lucania, my Senior Advisor at 347-463-8433, if you should have any questions or need any additional information to move this nomination forward.

Thank you for your assistance in this matter.

Sincerely,

Vanessa L. Gibson
Bronx Borough President

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Criminal Justice

Report for Int. No. 349-A

Report of the Committee on Criminal Justice 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 dyslexia screening in city jails and referrals to evidence-based programs.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on May 5, 2022 (Minutes, page 923), respectfully

REPORTS:

I. INTRODUCTION

On September 28, 2023, the Committee on Criminal Justice, chaired by Council Member Carlina Rivera, will vote on Proposed Introduction Number 349-A (“Prop. Int. No. 349-A”) in relation to dyslexia screening in city jails and referrals to evidence-based programs. On June 28, 2022, the Committee heard a prior version of this legislation. During that hearing, the Committee heard testimony from the Department of Correction (DOC) and other interested parties.

II. BACKGROUND

In New York City, DOC provides for the care, custody, and control of persons accused of crimes or convicted and sentenced to one year or less of jail time.¹ DOC operates nine correctional facilities, including eight jails located on Rikers Island and the Vernon C. Bain Center, a jail barge that DOC says will close in October 2023.² As of September 26, 2023, there were 6,186 people incarcerated in New York City jails.³

According to the International Dyslexia Association (IDA), 15 to 20 percent of the population has a language-based learning disability, and as much as 80 percent of those have deficits in reading associated with dyslexia.⁴ While as much as 20 percent of the population is thought to have a language-based learning disability, only about 5 percent of our nation’s school-age population, one-quarter of the total, have been formally identified as learning disabled (LD).⁵ The remainder struggle due to unidentified and unaddressed learning and attention issues and are not identified as LD until they are adults, if ever.⁶ Often, individuals identified as LD suffer from low self-esteem and behavior problems, struggle with underachievement and underemployment and, with greater frequency than their non-LD peers, end up involved with the criminal legal system.⁷ Researchers have found a high incidence of dyslexia in prison populations: a study of Texas prisoners in 2000 found that 48 percent were

¹ “About the New York City Department of Correction” New York City Department of Correction, <https://www1.nyc.gov/site/doc/about/about-doc.page>.

² NBC New York, “NYC ‘floating jail’ meant to offer temporary fix closing after 30 years,” NBC New York, September 6, 2023, available at <https://www.nbcnewyork.com/news/local/nyc-floating-jail-meant-to-offer-temporary-fix-closing-after-30-years/4655524/>

³ People in Jail in New York City: Daily Snapshot, Vera Institute for Justice, available at <https://greaterjusticenyc.vera.org/nycjail/>

⁴ International Dyslexia Association, “Frequently Asked Questions: How Common Are Language-Based Learning Disabilities?” available at <http://eida.org/frequently-asked-questions-2/>.

⁵ *Id.* at 12.

⁶ *Id.*

⁷ *Id.* at 3.

dyslexic and a 2014 study by the Department of Education found that about a third of prisoners surveyed at 98 prisons struggled to pick out basic information while reading simple texts.⁸

III. ANALYSIS OF PROP. INT. NO. 349-A

This legislation would immediately require DOC to screen individuals between 18 and 21 years old within 10 days of entering custody who self-report that they do not have a high school diploma or its equivalent for dyslexia and offer evidence-based intervention. The mandate would expand to require, no later than December 31, 2024, DOC to offer to screen all incarcerated individuals over the age of 21 who self-report that they do not have a high school diploma or its equivalent and who received a sentence of imprisonment and are subject to an order of commitment that provides that such incarcerated individual shall remain in the custody of the department within 10 days of receiving such order. Additionally, DOC has to refer an incarcerated person who was identified through the screening as being at risk of dyslexia to a program that provides evidence-based interventions as necessary for persons who are at risk of dyslexia.

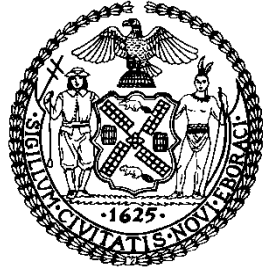
Finally, the bill expands the mandate to require DOC to offer screening and evidence-based intervention for dyslexia to the entire jail population by December 31, 2025. The bill also requires DOC to coordinate with the Mayor's Office of Criminal Justice and city-contracted programs that serve justice-involved individuals to provide dyslexia interventions after individuals are released from custody. It requires quarterly public reports on how many individuals in custody, disaggregated by age and zip code, are being screened for dyslexia and enrolling in available programming.

IV. AMENDMENTS TO PROP. INT. NO. 349-A

Since its introduction, the legislation has been amended in several respects. The implementation of the dyslexia screening program was staggered: instead of requiring DOC to screen all people in custody who do not have a high school diploma or its equivalent for dyslexia 270 days after enactment, it now requires DOC to immediately screen and offer evidence-based interventions to individuals between 18 and 21 years old who do not have a high school diploma or its equivalent, expands the requirement to screen and offer evidence-based intervention for dyslexia to individuals over the age of 21 serving a sentence who do not have a high school diploma or its equivalent by December 31, 2024, and expands the requirement to screen and offer evidence-based intervention for dyslexia to all individuals over the age of 21 who do not have a high school diploma or equivalent by December 31, 2025. The timeline for DOC to screen individuals admitted to their custody for dyslexia was extended from 72 hours after entering custody of the department to ten days after entering custody of the department. Any refusal by an eligible incarcerated person to be screened for dyslexia or to receive educational services offered by the department of education at the time of initial screening must be documented by either a video or written statement by the incarcerated individual. To ensure the department has the capacity to provide evidence-based programs that effectively address dyslexia and reading difficulty, the bill provides for DOC to enter into an agreement with another agency to provide such evidence-based interventions and requires that they coordinate with the office of criminal justice and city-contracted programs that serve justice-involved individuals to identify and provide referrals to dyslexia screening programs and evidence-based interventions available to individuals after being released from the custody of the department. The reporting requirement was amended to require disaggregation by age, race, gender, and zip code of last address. The effective date was amended from 270 days to immediately upon becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 349-A:)

⁸ K.C. Moody, C. E. Holzer, et. al., "Prevalence of Dyslexia Among Texas Prison Inmates," Texas Medicine 96, no. 6 (June 2000), 69-75, available at <http://www.ncbi.nlm.nih.gov/pubmed/10876375>.



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. 349-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to dyslexia screening in city jails and referrals to evidence-based programs.

Sponsors: Public Advocate Jumaane Williams, Keith Powers, Rita C. Joseph, Farah N. Louis, Kalman Yeger, Althea V. Stevens, Lincoln Restler, Shaun Abreu, Alexa Avilés, Selvena N. Brooks-Powers, Eric Dinowitz, Christopher Marte, Jennifer Gutiérrez, Shahana K. Hanif, Marjorie Velázquez, Mercedes Narcisse, Linda Lee.

SUMMARY OF LEGISLATION: This bill would require the Department of Correction to screen incarcerated individuals for dyslexia and offer treatment programs to those who are identified as having dyslexia.

EFFECTIVE DATE: This local law takes effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: There is no estimated impact on revenues as a result of this legislation

Impact on Expenditures: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements would use existing resources to fulfill 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: Casey Lajszky, Financial Analyst

ESTIMATE REVIEWED BY: Jonathan Rosenberg, Managing Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 349 on May 5, 2022 and was referred to the Committee on Criminal Justice (Committee). A hearing was held by the Committee on June 28, 2022, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. 349-A, will be considered by the Committee on Criminal Justice on September 28, 2023. Upon a successful vote by the Committee, Proposed Int. 349-A will be submitted to the full Council for a vote on September 28, 2023.

DATE PREPARED: SEPTEMBER 27, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 349-A:)

Int. No. 349-A

By the Public Advocate (Mr. Williams) and Council Members Powers, Joseph, Louis, Yeger, Stevens, Restler, Abreu, Avilés, Brooks-Powers, Dinowitz, Marte, Gutiérrez, Hanif, Velázquez, Narcisse, Lee, Rivera and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to dyslexia screening in city jails and referrals to evidence-based programs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-166 to read as follows:

§ 9-166 Dyslexia screening and evidence-based programs. a. Definitions. As used in this section, the following terms have the following meanings:

Department. The term “department” means the department of correction.

Dyslexia. The term “dyslexia” has the same meaning as such term is defined in subsection 1 of section 3635 of title 18 of the United States code.

b. The department shall offer to screen all incarcerated persons between the ages of 18 and 21 who self-report that they do not have a high school diploma or its equivalent for being at risk of dyslexia within 10 days of entering custody of the department. Provided that the department of education may screen such persons who enroll in a program administered by the department of education for being at risk of dyslexia. Any information provided to such incarcerated individuals about available educational services must include specific information about the availability of screening for being at risk of dyslexia and evidence-based interventions based on such screening. Any refusal by such incarcerated person to be screened for dyslexia or to receive educational services offered by the department of education at the time of such screening must be documented by either a video or written statement by the incarcerated individual. The department shall refer such incarcerated person who was identified through the screening as being at risk of dyslexia to a program that provides evidence-based interventions as necessary for persons who are at risk of dyslexia.

c. No later than December 31, 2024, the department shall offer to screen all incarcerated individuals over the age of 21 who self-report that they do not have a high school diploma or its equivalent and who received a sentence of imprisonment and are subject to an order of commitment that provides that such incarcerated individual shall remain in the custody of the department. The department shall offer to screen such incarcerated individuals within 10 days of receiving such order. The department shall refer an incarcerated person who was identified through the screening as being at risk of dyslexia to a program that provides evidence-based

interventions as necessary for persons who are at risk of dyslexia. Notwithstanding anything to the contrary in this subdivision, the department need not offer such screening where such incarcerated individual previously received such screening by the department.

d. No later than December 31, 2025, the department shall offer to screen all incarcerated persons over the age of 21 who self-report that they do not have a high school diploma or its equivalent for dyslexia within 10 days of entering custody of the department. The department shall refer an incarcerated person who was identified through the screening as being at risk of dyslexia to a program that provides evidence-based interventions as necessary for persons who are at risk of dyslexia.

e. The department may enter into an agreement with another agency to provide such evidence-based interventions and shall coordinate with the office of criminal justice and city-contracted programs that serve justice-involved individuals to identify and provide referrals to dyslexia screening programs and evidence-based interventions available to individuals after being released from the custody of the department.

f. No later than December 31, 2024 and quarterly thereafter, the commissioner shall submit to the mayor, the speaker of the council and the public advocate and post conspicuously on the department's website a report regarding dyslexia screening and referrals for enrollment in evidence-based intervention programs in city jails. Such report shall not contain personally identifiable information. Such report shall include the following information for the previous quarter:

1. The number of individuals who were screened by the department for being at risk of dyslexia pursuant to subdivision b of this section;

2. The number of individuals who were screened by the department for being at risk of dyslexia pursuant to subdivision c of this section;

3. The number of individuals who were screened by the department for being at risk of dyslexia pursuant to subdivision d of this section;

4. The number of individuals who were identified through screening as being at risk of dyslexia disaggregated by race, gender, zip code of last known address, and age as follows: 18-21, 22-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older; and

5. The number of individuals who received a referral and participated in evidence-based interventions as a result of screening, disaggregated by race, gender, zip code of last known address, and age as follows: 18-21, 22-25, 26-29, 30-39, 40-49, 50-59, 60-69, 70 or older.

§ 2. This local law takes effect immediately.

CARLINA RIVERA, *Chairperson*; SHAUN ABREU, SHAHANA K. HANIF, MERCEDES NARCISSE, LINCOLN RESTLER, LYNN C. SCHULMAN, ALTHEA V. STEVENS, DAVID M. CARR; 8-0-0; Committee on Criminal Justice, September 28, 2023.

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

Report of the Committee on Environmental Protection, Resiliency and Waterfronts

Report for Int. No. 279-A

Report of the Committee on Environmental Protection, Resiliency and Waterfronts in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the purchase of zero emission vehicles by the city.

The Committee on Environmental Protection, Resiliency and Waterfronts, to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 812), respectfully

REPORTS:

I. INTRODUCTION

On September 28, 2023, the New York City Council Committee on Environmental Protection, Resiliency, and Waterfronts, chaired by Council Member James Gennaro, will hold a hearing to vote on Proposed Int. No. 279-A, sponsored by Council Member Keith Powers, in relation to in relation to the purchase of zero emission vehicles by the City; and Preconsidered Res. 279, sponsored by Council Member Powers, which calls on the Mayor of New York City to procure on the basis of best value when contracting for the purchase, operation, and maintenance of zero emission vehicles. Proposed Int. No. 279-A was first heard on December 15, 2022.

II. BACKGROUND

The City of New York (City or NYC) has committed to reducing its greenhouse gas (GHG) emissions, both in general and from its vehicle fleet specifically. In 2015, the Department of Citywide Administrative Services (DCAS) published the NYC Clean Fleet Plan, which establishes goals of: halving the amount of GHG emissions produced by the City’s fleet by 2025, and transitioning all light- and medium-duty vehicles in the City fleet to zero emission vehicles (ZEVs) by 2035.¹ Further, the City Council enacted Local Law 97 of 2019 (LL97), which requires that City government operations achieve a 40% reduction in GHG emissions by 2025 and a 50% reduction in GHG emissions by 2030 relative to a 2005 baseline.² A reduction of emissions from City vehicles could help the City meet these targets, as emissions from transportation account for 10.1% of all emissions produced by City government.³ The ZEV procurement requirements of Proposed Int. No. 279-A may help the City follow the Clean Fleet Plan and comply with LL97.

The transition of the City’s fleet from gas powered vehicles to ZEVs may improve air quality. Some studies have found that ZEVs produce fewer criteria air pollutants, including ozone and nitrogen dioxide (NO₂), than gas powered vehicles.^{4,5} According to the United States Environmental Protection Agency, exposure to ozone can increase susceptibility to lung infection, aggravate lung diseases, and increase the frequency of asthma attacks.⁶ Further, research from the University of Southern California’s Keck School of Medicine has associated

¹ “2021 Clean Fleet Update,” *NYC Department of Citywide Administrative Services*, September 2021, <https://www.nyc.gov/assets/dcas/downloads/pdf/fleet/ NYC-Clean-Fleet-Update-September-2021.pdf>.

² “Local Law 97 of 2019,” *Legistar*, <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3761078&GUID=B938F26C-E9B9-4B9F-B981-1BB2BB52A486&Options=ID%7CText%7C&Search=2019%2f097>.

³ “NYC Greenhouse Gas Inventories,” *NYC Mayor’s Office of Climate and Environmental Justice*, <https://climate.cityofnewyork.us/initiatives/nyc-greenhouse-gas-inventories/> (last accessed 9/26/2023).

⁴ Luke Tonachel, “Study: Electric Vehicles Can Dramatically Reduce Carbon Pollution from Transportation, and Improve air Quality,” *National Resource Defense Fund*, <https://www.nrdc.org/bio/luke-tonachel/study-electric-vehicles-can-dramatically-reduce-carbon-pollution-transportation>.

⁵ Erika Garcia et al., “California’s early transition to electric vehicles: Observed health and air quality co-benefits,” *Science of The Total Environment*, April 2023, <https://www.sciencedirect.com/science/article/abs/pii/S0048969723003765?via%3Dihub>.

⁶ “Health Effects of Ozone Pollution,” *United States Environmental Protection Agency*, <https://www.epa.gov/ground-level-ozone-pollution/health-effects-ozone-pollution>.

an increase in zip code-level ZEV adoption with a decrease in asthma-related emergency room visits.⁷ Recent long-term sustainability plans have aimed to improve air quality in the City, such as 2023 PlaNYC, which aims to reduce asthma-related emergency department visits among children,⁸ and the 2019 OneNYC plan, which set a target of making NYC’s air quality the best of any major U.S. city.⁹ An accelerated adoption of ZEVs by the City fleet may help the City achieve these air quality goals.

III. LEGISLATION

Proposed Int. No. 279-A

This bill would require that all light- and medium-duty vehicles procured by the City after July 1, 2025 be zero emission vehicles such that all light- and medium-duty vehicles in the City’s fleet are zero emission vehicles by July 1, 2035. This bill would also require that all heavy-duty vehicles procured by the City after July 1, 2028 be zero emission vehicles, such that all heavy-duty vehicles in the City’s fleet are zero emission vehicles by July 1, 2038. Further, this bill would require that all motorcycles in the City’s fleet are zero emission vehicles by July 1, 2035. The requirements to procure zero emission vehicles are subject to certain exceptions, such as cost, availability, and lack of charging infrastructure. The bill also requires that DCAS publish an annual report on the City’s procurement of zero emission vehicles and the effect of such procurement on City employees.

This local law would take effect 180 days after it is enacted except that section three of this law would take effect on July 1, 2028.

Preconsidered Res. No. 796

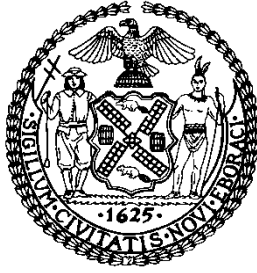
This resolution calls on the Mayor to award contracts for the purchase, operation, and maintenance of zero emission vehicles on the basis of best value, as opposed to on the basis of least cost. When conducting best value procurement, the Mayor may consider factors such as whether a bidder employs union labor, is a certified minority- or women-owned business, and provides a living wage and benefits to its workers. Further, the Mayor may consider a bidder’s past performance and reliability, including reliability or durability of the product being offered. The use of best value procurement may allow the Mayor to award zero emission vehicle contracts to bidders who provide the greatest citywide beneficial impact; not just to those who offer the lowest bid price.

(The following is the text of the Fiscal Impact Statement for Int. No. 279-A:)

⁷ *Id.*, Erika Garcia et al.

⁸ “PlaNYC: Getting Sustainability Done,” *NYC Mayor’s Office of Climate and Environmental Justice*, April 2023, <https://climate.cityofnewyork.us/wp-content/uploads/2023/06/PlaNYC-2023-Full-Report.pdf>.

⁹ “OneNYC: Summary of Indicators,” *NYC Mayor’s Office*, <https://www.nyc.gov/html/onenyc/downloads/pdf/publications/OneNYC-Summary-of-Initiatives.pdf>.



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 279-A

COMMITTEE: Environmental Protection, Resiliency and Waterfronts

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the purchase of zero emission vehicles by the City.

SPONSOR(S): By Council Members Powers, Rivera, Hudson, Brewer, Stevens, Yeger, Ayala, Farías, Restler, Abreu, Krishnan, Marte, Nurse, Hanif, Brannan, Velázquez, Avilés, Schulman, Bottcher, Moya, Williams, Cabán, Dinowitz, Riley, Gutiérrez, Brooks-Powers, Hanks, Narcisse, De La Rosa, Menin, Sanchez, Feliz, Joseph, Won, Ossé, Salamanca, Gennaro, Richardson Jordan, Holden, Louis (in conjunction with Manhattan Borough President).

SUMMARY OF LEGISLATION: This bill would require that all light-duty and medium-duty vehicles the City purchases on or after July 1, 2025, be zero emission vehicles and that all light-duty and medium-duty vehicles in the City’s fleet be zero emission vehicles by July 1, 2035. Similarly, all heavy-duty and specialized motor vehicles the City purchases on or after July 1, 2028 will be required to be zero emission vehicles and that all the heavy-duty and specialized vehicles in the City’s fleet be zero emission vehicles by July 1, 2038. The bill would also require the Department of Citywide Administrative Services to prepare an annual report summarizing vehicle purchase orders beginning on July 1, 2025.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law except that section three of this local law takes effect on July 1, 2028.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2029

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY29
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 City agencies would use existing resources to fulfill their requirement.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Mayor’s Office of Management and Budget

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Legislative Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head, NYC Council Finance Division
Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director,
NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on April 28, 2022, as Intro. No. 279 and referred to the Committee on Environmental Protection. A hearing was held by the Committee on Environmental Protection on December 15, 2022, and the bill was laid over. The legislation was subsequently amended, and the amended version Proposed Intro. No. 279-A, was re-referred to the Committee on Environmental Protection, Resiliency and Waterfronts (Committee) on March 7, 2023. Proposed Intro. No. 279-A will be considered by the Committee on September 28, 2023. Upon successful vote by the Committee, Proposed Intro. No. 279-A will be submitted to the full Council for a vote on September 28, 2023.

DATE PREPARED: September 25, 2023.

(For text of Res. No. 796, please see the Report of the Committee on Environmental Protection, Resiliency and Waterfronts for Res. No. 796 printed in the voice-vote Resolutions section of these Minutes; for text of Int. No. 279-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 279-A and Res. No. 796.

(The following is the text of Int. No. 279-A:)

Int. No. 279-A

By Council Members Powers, Rivera, Hudson, Brewer, Stevens, Yeger, Ayala, Farías, Restler, Abreu, Krishnan, Marte, Nurse, Hanif, Brannan, Velázquez, Avilés, Schulman, Botcher, Moya, Williams, Cabán, Dinowitz, Riley, Gutiérrez, Brooks-Powers, Hanks, Narcisse, De La Rosa, Menin, Sanchez, Feliz, Joseph, Won, Ossé, Salamanca, Gennaro, Richardson Jordan, Holden and Louis (in conjunction with the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to the purchase of zero emission vehicles by the city

Be it enacted by the Council as follows:

Section 1. Section 6-121 of the administrative code of the city of New York, subdivisions c, d, and e as amended by local law number 59 for the year 1996, is amended to read as follows:

§ 6-121 Purchase of low-emission motor vehicles. a. As used in this section, the terms “as defined” and “as specified” shall mean as defined and as specified from time to time in the relevant regulations of the administrator of the United States environmental protection agency *or the California air resources board*.

b. As used in this section, the term “low-emission motor vehicle” shall mean a self-propelling light duty vehicle, as defined which is certified in accordance with the terms of subdivision d of this section.

c. Low-emission motor vehicles which meet the standards prescribed by subdivision e of this section, and which have been determined by the department of citywide administrative services to be suitable for use as a

substitute for a class or model of motor vehicles presently in use by the city of New York, shall be purchased by the city for use by the city government in lieu of other vehicles, provided that the commissioner of citywide administrative services shall first determine that such low-emission motor vehicles have procurement and maintenance costs not substantially greater than those of the class or model of motor vehicles for which they are to be substituted.

d. The commissioner of [environmental protection] *citywide administrative services* of the city of New York shall, upon request of the commissioner of [citywide administrative services] *environmental protection of the city of New York*, and after such tests as he or she may deem appropriate, certify as a low-emission motor vehicle any particular class or model of motor vehicles that:

1. *meets the California Low-Emission Vehicle (LEV) III or successor standards; or*

2. meets either (i) the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for nineteen hundred seventy-five model year vehicles and the oxides of nitrogen exhaust emission standard as defined and as specified for the then current model year or (ii) the oxides of nitrogen exhaust emission standard as defined and as specified for nineteen hundred seventy-six model year vehicles and the hydrocarbon and carbon monoxide exhaust emission standards as defined and as specified for the then current model year; and

[2.] 3. meets the crankcase emission standard as defined and as specified and the fuel evaporative emission standard as defined and as specified; and

[3.] 4. will not emit an air contaminant not emitted by the class or model of motor vehicle presently in use in the city of New York unless the commissioner of environmental protection determines that such air contaminant will not cause significant detriment to the health, safety, welfare or comfort of any person, or injury to plant and animal life, or damage to property or business.

[4.] 5. After conducting such tests the commissioner of [environmental protection] *citywide administrative services* shall advise the commissioner of [citywide administrative services] *environmental protection of the city of New York* whether such class or model of motor vehicles has been so certified. Any such certification shall be valid until the end of the then current model year unless sooner revoked by the commissioner of [environmental protection] *citywide administrative services*.

e. The commissioner of [environmental protection] *citywide administrative services* of the city of New York shall, upon request of the commissioner of [citywide administrative services] *environmental protection of the city of New York*, and after such tests as he or she may deem appropriate, advise the commissioner of [citywide administrative services] *environmental protection of the city of New York*, as to any class or model of low-emission motor vehicle, with respect to:

- (1) the safety of the vehicle;
- (2) its performance characteristics;
- (3) its reliability potential; and
- (4) its fuel availability.

§ 2. Section 24-163.1 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

§ 24-163.1 Purchase of cleaner [light-duty and medium-duty] vehicles. a. Definitions. When used in this section or in section 24-163.2 of this chapter:

"Alternative fuel" means natural gas, liquefied petroleum gas, hydrogen, electricity, and any other fuel which is at least eighty-five percent, singly or in combination, methanol, ethanol, any other alcohol or ether.

"Alternative fuel motor vehicle" means a motor vehicle that is operated using solely an alternative fuel or is operated using solely an alternative fuel in combination with gasoline or diesel fuel, and shall not include bi-fuel motor vehicles.

"Average fuel economy" means the sum of the fuel economies of all motor vehicles in a defined group divided by the number of motor vehicles in such group.

"Bi-fuel motor vehicle" means a motor vehicle that is capable of being operated by both an alternative fuel and gasoline or diesel fuel, but may be operated exclusively by any one of such fuels.

"Equivalent carbon dioxide" means the metric measure used to compare the emissions from various greenhouse gases emitted by motor vehicles based upon their global warming potential according to the California air resources board or the United States environmental protection agency.

"Fuel economy" means the United States environmental protection agency city mileage published label value for a particular motor vehicle, pursuant to section 32908(b) of title 49 of the United States code.

"Gross vehicle weight rating" means the value specified by the manufacturer of a motor vehicle model as the maximum design loaded weight of a single vehicle of that model.

"Heavy-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 14,000 pounds.

"Hybrid Electric Vehicle" or "HEV" means a motor vehicle that is designed with an electric battery pack which can be recharged by an on-board internal combustion engine-powered generator.

"Light-duty vehicle" means any motor vehicle having a gross vehicle weight rating of 8,500 pounds or less.

"Medium-duty vehicle" means any motor vehicle having a gross vehicle weight rating of more than 8,500 pounds but not more than 14,000 pounds.

"Motor vehicle" means a vehicle operated or driven upon a public highway which is propelled by any power other than muscular power, except electrically-driven mobility assistance devices operated or driven by a person with a disability, provided, however, that this term shall not include vehicles that are specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, or office of the chief medical examiner.

"Motorcycle" or "on-road motorcycle" means any two-wheeled or three-wheeled motor vehicle having a curb weight of 1,749 pounds or less.

"Plug in Hybrid Electric Vehicle" or "PHEV" means a motor vehicle that is designed with an electric battery pack which can be recharged by plugging a charging cable into an external electric power source, but that is not a zero emission vehicle.

"Purchase" means purchase, lease, borrow, obtain by gift or otherwise acquire.

"Specialized motor vehicle" means a motor vehicle that is equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, department of correction, department of investigation, or office of the chief medical examiner.

"Use-based fuel economy" means the total number of miles driven by all light-duty and medium-duty vehicles in the city fleet during the previous fiscal year divided by the total amount of fuel used by such vehicles during the previous fiscal year.

"Zero emission vehicle" or "ZEV" means a motor vehicle that produces zero exhaust emission of any criteria pollutant, or precursor pollutant, or greenhouse gas, under any possible operational modes or conditions.

b. (1) Except as provided for in paragraphs two and three of this subdivision, beginning July 1, 2006, each light-duty vehicle and medium-duty vehicle that the city purchases shall achieve the highest of the following ratings, with subparagraph one of this paragraph being the highest vehicle rating, applicable to motor vehicles certified to California LEV II standards or successor standards and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle:

- (i) zero emission vehicle (ZEV)
- (ii) advanced technology partial zero emission vehicle (ATPZEV)
- (iii) partial zero emission vehicle (PZEV)
- (iv) super ultra low emission vehicle (SULEV)
- (v) ultra low emission vehicle (ULEV)
- (vi) low emission vehicle (LEV)

(2) The city shall not be required to purchase a zero emission vehicle or advanced technology partial zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, provided that the next highest rating category that meets the requirements for the intended use by the city of such vehicle shall be selected.

(3) Notwithstanding the requirements of paragraph one of this subdivision, such requirements need not apply to a maximum of five percent of the light-duty vehicles and medium-duty vehicles purchased within each fiscal year.

(4) For the fiscal year beginning July 1, 2005, at least eighty percent of the light-duty vehicles the city purchases in such fiscal year shall be alternative fuel motor vehicles.

c. (1) *Except as provided for in paragraph three of this subdivision, beginning July 1, 2025, each light-duty vehicle and medium-duty vehicle that the city purchases shall achieve the ZEV emission standard applicable to motor vehicles certified to California LEV III standards, or successor standards, and available within the applicable model year for a light-duty vehicle or medium-duty vehicle that meets the requirements for the intended use by the city of such vehicle, such that by July 1, 2035 all light-duty vehicles and medium-duty vehicles in active operation shall be zero emission vehicles subject to the commercial availability and reliability of zero emission light-duty vehicles and medium-duty vehicles, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for zero emission light-duty vehicles and medium-duty vehicles.*

(2) *Except as provided for in paragraph four of this subdivision and subject to the commercial availability and reliability of the motorcycles described in subparagraphs (i) and (ii) of this paragraph and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for such motorcycles:*

(i) *beginning July 1, 2025, each motorcycle that the city purchases, other than a zero emission vehicle, shall achieve the evaporative and exhaust emissions standards for on-road motorcycles established by the California air resources board, or successor standards, and available within the applicable model year for a motorcycle that meets the requirements for the intended use by the city of such motorcycle; and*

(ii) *beginning July 1, 2035, all motorcycles in active operation shall produce zero exhaust emission of any criteria pollutant, or precursor pollutant, or greenhouse gas, under any operational mode or condition.*

(3) *The city shall not be required to purchase a zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if, after consultation with the affected agency, the commissioner determines that the use of such vehicle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a vehicle, and provides substantiating documentation to the speaker of the council of best efforts to obtain and install such charging and fueling infrastructure, provided that the next highest rating category as exists under the California LEV III standards or any successor standard, that meets the requirements for the intended use by the city of such vehicle shall be selected.*

(4) *The city shall not be required to purchase a motorcycle in accordance with subparagraph (ii) of paragraph two of this subdivision if, by July 1, 2035, the only available motorcycle that produces zero exhaust emission of any criteria pollutant, or precursor pollutant, or greenhouse gas, under any operational mode or condition costs greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a motorcycle that meets the evaporative and exhaust emissions standards for on-road motorcycles, or any successor standard, as set by the California air resources board, and that meets the requirements for the intended use by the city of such motorcycle or if, after consultation with the affected agency, the commissioner determines that the use of such motorcycle would be impractical or would unduly hinder the operations of a city agency, or if the commissioner determines that the city lacks the charging and fueling infrastructure to support use of such a motorcycle, and provides substantiating documentation, to the speaker of the council, of best efforts to obtain and install such charging and fueling infrastructure, provided that the motorcycles selected meet the evaporative and exhaust emissions standards for on-road motorcycles, or any successor standards, as set by the California air resources board and meet the requirements for the intended use by the city of such motorcycles.*

(5) *Any contract entered into by the city for the purchase of light-duty or medium-duty vehicles pursuant to this subdivision, for which the affected agency has the capacity to conduct routine and standard servicing and does so as part of its regular operations at such time, shall require that the city be provided access to the technical service information required to give the city the ability to safely perform routine and standard servicing including to brakes, transmissions, electric motors, batteries, charging systems, tires, and related components*

as well as to conduct preventive maintenance and state inspections, fluid changes, and replacement of basic body components, including but not limited to, mirrors and lenses. Nothing in the preceding sentence shall be construed to require the manufacturer of such vehicles to divulge any trade secret to any third party. For purposes of this paragraph, the term "trade secret" has the same meaning as set forth in section 1839 of title 18 of the United States code.

d. (1) Except as provided for in paragraph two of this subdivision, beginning July 1, 2028, each heavy-duty vehicle and specialized motor vehicle that the city purchases shall be a zero emission vehicle, such that by July 1, 2038 all heavy-duty and specialized motor vehicles shall be replaced with zero emission vehicles subject to the commercial availability and reliability of zero emission heavy-duty and specialized motor vehicles, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and depots for zero emission heavy-duty and specialized motor vehicles

(2) The city shall not be required to purchase a zero emission vehicle in accordance with paragraph one of this subdivision if the only available vehicle or vehicles that achieve such a rating cost greater than fifty percent more than the lowest bid as determined by the applicable procurement process for a vehicle available in the next highest rating category that meets the requirements for the intended use by the city of such vehicle or if the commissioner of an affected agency determines that the use of such vehicle would be impractical or would unduly hinder the operations of such city agency, or if the commissioner determines that the city lacks the charging infrastructure, fueling infrastructure, and emergency backup power to support use of such a vehicle, and provides substantiating documentation, to the speaker of the council, of best efforts to obtain and install such charging and fueling infrastructure, and emergency backup power, provided that, for any such vehicle, the city shall select a vehicle of the next highest category of: (i) a PHEV with a minimum all-electric range of no less than 20 miles; (ii) a PHEV; (iii) an HEV; or (iv) the next highest rating category as exists under the California LEV III standards, or any successor or equivalent standard as determined by the commissioner, that meets the requirements for the intended use by the city of such vehicle.

(3) Any contract entered into by the city for the purchase of heavy-duty or specialized motor vehicles pursuant to this subdivision shall require that the city be provided access to the technical service information required to give the city the ability to safely perform routine and standard servicing including to brakes, transmissions, electric motors, batteries, charging systems, tires, and related components as well as to conduct preventive maintenance and state inspections, fluid changes, and replacement of basic body components, including but not limited to, mirrors and lenses. Nothing in the preceding sentence shall be construed to require the manufacturer of such vehicles to divulge any trade secret to any third party. For purposes of this paragraph, the term "trade secret" has the same meaning as set forth in section 1839 of title 18 of the United States code.

e. (1) The city shall not purchase additional bi-fuel motor vehicles.

(2) Any bi-fuel motor vehicle that is owned or operated by the city shall be powered on the alternative fuel on which it is capable of operating, except that such vehicle may be operated on gasoline or diesel fuel (i) where, as of the date of enactment of this section, such vehicle is no longer mechanically able to operate on such alternative fuel and cannot be repaired, or (ii) solely for the period of time recommended by the vehicle manufacturer.

[d.] f. (1) Not later than October 1, 2005, the city shall complete an inventory of the fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, and shall calculate the average fuel economy of all such light-duty vehicles.

(2) The city shall achieve the following minimum percentage increases in the average fuel economy of all light-duty vehicles purchased by the city during the following fiscal years, relative to the average fuel economy of all such vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of this subdivision:

- (i) For the fiscal year beginning July 1, 2006, five percent;
- (ii) For the fiscal year beginning July 1, 2007, eight percent;
- (iii) For the fiscal year beginning July 1, 2008, ten percent;
- (iv) For the fiscal year beginning July 1, 2009, twelve percent;
- (v) For the fiscal years beginning July 1, 2010 and July 1, 2011, fifteen percent;
- (vi) For the fiscal years beginning July 1, 2012, July 1, 2013 and July 1, 2014, eighteen percent;
- (vii) For the fiscal year beginning July 1, 2015, twenty percent;
- (viii) For the fiscal year beginning July 1, 2016, twenty percent;

- (ix) For the fiscal year beginning July 1, 2017, twenty-five percent;
- (x) For the fiscal year beginning July 1, 2018, twenty-five percent;
- (xi) For the fiscal year beginning July 1, 2019, thirty percent;
- (xii) For the fiscal year beginning July 1, 2020, thirty percent;
- (xiii) For the fiscal year beginning July 1, 2021, thirty-five percent; and
- (xiv) For the fiscal year beginning July 1, 2022, and for each fiscal year thereafter, forty percent.

[e.] g. (1) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the city's purchase of [light-duty vehicles and medium-duty] vehicles during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to, for each city agency: (i) the total number of light-duty vehicles and medium-duty vehicles and all other motor vehicles, respectively, purchased by such agency; (ii) the total number of light-duty vehicles and medium-duty vehicles, respectively, purchased by such agency that are certified to California LEV II standards, *or successor standards*, in each of the six rating categories listed in subdivision b of this section, disaggregated according to vehicle model; (iii) *the total number of zero emission vehicles purchased pursuant to subdivision c of this section*; (iv) the reason as to why each vehicle model was purchased, rather than a vehicle model rated in a higher category listed in subdivision b of this section; [(iv)] (v) if an available zero emission vehicle or advanced technology partial zero emission vehicle is not purchased, in accordance with paragraph two of subdivision b, *c, or d* of this section, specific information regarding the cost analysis or other basis for such decision; [(v)] *and* (vi) the percentage of [light-duty vehicles and medium-duty] vehicles purchased within each fiscal year in accordance with paragraphs one and two of subdivision b, *c, or d* of this section[; and (vi) for the report required not later than January 1, 2007, the percentage of light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2005 that were alternative fuel motor vehicles].

(2) Not later than January 1, 2007, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the fuel economy of light-duty vehicles purchased by the city during the immediately preceding fiscal year. The information contained in this report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year and shall include, but not be limited to: (i) the average fuel economy of all light-duty vehicles purchased by the city during the preceding fiscal year; and (ii) the percentage increase in the average fuel economy of all such light-duty vehicles, relative to the average fuel economy of all light-duty vehicles purchased by the city during the fiscal year beginning July 1, 2004, calculated pursuant to paragraph one of subdivision d of this section, that this total amount represents.

(3) Not later than January 1, 2016, and not later than January 1 of each year thereafter, the mayor shall submit to the comptroller and the speaker of the council a report regarding the use-based fuel economy for the immediately preceding fiscal year. The information contained in such report shall also be included in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year.

[f.] h. (1) Beginning July 1, 2006, for each fiscal year, the city shall measure the amount of fuel consumed by the city's fleet of motor vehicles and the equivalent carbon dioxide emitted by such vehicles, for each type of fuel consumed by such vehicles.

(2) For the fiscal year beginning July 1, 2006, and for each fiscal year thereafter, the department shall publish on its website by October 1 following the close of each fiscal year and the mayor shall include in the preliminary mayor's management report and the mayor's management report for the relevant fiscal year the estimated total amount of fuel consumed by the city's fleet of motor vehicles and the estimated total amount of equivalent carbon dioxide emitted by such vehicles, disaggregated according to fuel type. For the purposes of this subdivision, the city's fleet of motor vehicles shall include vehicles specially equipped for emergency response by the department, office of emergency management, sheriff's office of the department of finance, police department, fire department, or office of the chief medical examiner.

[g.] i. This section shall not apply:

(1) where federal or state funding precludes the city from imposing the purchasing requirements of this section;

(2) to purchases that are emergency procurements pursuant to section three hundred fifteen of the charter;

or

(3) except for subdivision [f] *h* of this section, to diesel fuel-powered motor vehicles subject to paragraph two of subdivision b of section 24-163.4 of this chapter.

[h.] *j*. To the extent not prohibited by law, [alternative fuel] motor vehicles *that meet the ZEV standards* may be purchased by the city in concert with any public or private entity.

k. The city shall develop and implement a program to train relevant city employees with the information or skills necessary for such city employees to maintain or repair zero emission motor vehicles purchased pursuant to this section for ordinary operation. Such training may be provided in combination with other trainings provided to city employees.

§ 3. Section 24-163.2 of the administrative code of the city of New York is REPEALED.

§ 4. Subdivision e of section 24-163.9 of the administrative code of the city of New York, as amended by local law number 120 for the year 2021, is amended to read as follows:

e. [School] *Notwithstanding the requirements of section 24-163.1, school buses shall be replaced pursuant to subdivision d of this section with (1) a school bus meeting the most recent diesel engine emissions standards issued by the United States environmental protection agency, or (2) an all-electric, gasoline-powered, compressed natural gas, or hybrid school bus, as long as the particulate matter emissions of such school bus do not exceed emission levels permitted in the most recent diesel engine emissions standards issued by the United States environmental protection agency, provided that by September 1, 2035 such school buses shall be replaced with all-electric zero emission school buses, such that all school buses in use by that date shall be all-electric zero emission school buses, subject to the commercial availability and reliability of all-electric zero emission school buses, and the technical and physical availability of related planned infrastructure, including but not limited to charging stations and bus depots for all-electric zero emission school buses.*

§ 5. Subchapter 7 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-163.13 to read as follows:

§ 24-163.13 *Electrification of city fleet workforce development report. a. On July 1, 2025, and on July 1 of each year thereafter, the department of citywide administrative services shall prepare a report summarizing purchase orders for vehicles and charging infrastructure made pursuant to section 24-163.1. Such report shall describe the effect, if any, of the purchase of vehicles and charging infrastructure required pursuant to section 24-163.1 on city employees, including but not limited to, summarizing any needs relating to training for city employees, any programs being planned to meet those needs, and any changes in the functions or duties of city employees as a result of such purchase.*

b. The report required pursuant to this section shall include the following information regarding any planned purchase of vehicles and charging infrastructure, pursuant to section 24-163.1, to the extent available, for the subsequent reporting period:

(1) an estimate of the number of funded agency positions that would be eliminated or substantially changed as a result of any such planned purchase;

(2) a description of any loss of projected position or partial displacement, such as a reduction in hours of non-overtime work or reduction in wages anticipated as a result of any such planned purchase;

(3) the number of agency positions expected to be created by any such planned purchase; and

(4) plans, if any, to transition, train, or retrain city employees as a result of the purchase of vehicles and charging infrastructure required pursuant to section 24-163.1.

§ 6. Nothing in this law shall be construed to alter the rights or benefits and privileges, including, but not limited to, any otherwise applicable right to bargain with respect to terms and conditions of employment, as well as civil service status, and collective bargaining unit membership, of any current city employee nor supersede any provision of civil service law or of a collective bargaining agreement affecting city employees.

§ 7. This local law takes effect 180 days after it becomes law except that section three of this local law takes effect on July 1, 2028.

JAMES F. GENNARO, *Chairperson*; JENNIFER GUTIÉRREZ, ROBERT F. HOLDEN, JULIE MENIN, SANDY NURSE, LINCOLN RESTLER; 6-0-0; *Absent*: Kamillah Hanks; Committee on Environmental Protection, Resiliency & Waterfronts, September 28, 2023.

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

Report of the Committee on Finance

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

Report for Res. No. 787

Report of the Committee on Finance in favor of approving a Resolution establishing for Fiscal 2024 a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion.

The Committee on Finance, to which the annexed preconsidered resolution was referred on September 28, 2023, respectfully

REPORTS:

Introduction. Section 1803-b(1)(b) of the Real Property Tax Law requires the New York City Council (“City Council”) to distribute the tax levy among the four classes of real property based on the adjusted base proportions as computed by the City Council.

Pursuant to 1803-a(1)(5), the adjusted base proportions are computed using the current base proportions as calculated by the City Council. Such calculations are made every year by the City Council to reflect the following changes in each class of real property:

- a. Changes in the market value of taxable real property;
- b. Physical changes as a result of new construction or demolitions;
- c. Changes in taxable status; and
- d. Transfers of real property among the four classes of real property as a result of changes in use or for other reasons.

Section 1803-a(1)(c) of the Real Property Tax Law requires that the current base proportion of any class of real property not exceed the adjusted base proportion of the immediately preceding year by more than five percent. Where the computation performed exceeds five percent, the current base proportion of such class or classes shall be limited to such five percent increase, and the City Council shall alter the current base proportions of any or all of the remaining classes so that the sum of the current base proportions equals one.

However, Chapter 347 of the State Laws of 2023 amended this section of law to authorize the Council to adjust this limit, provided that the limit is no more than five percent, and provided

For Fiscal 2024, the City Council has determined to set a limit of zero percent of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion.

Analysis. For Fiscal 2024, the City Council has determined to set a limit of 0 percent of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion. State law provides that the current base proportion of any single class may not exceed the adjusted base proportion for that class from the prior year by more than five percent. However, notwithstanding that provision of State law, pursuant to Chapter 347 of the State Laws of 2023, the Council is authorized to adjust the class share cap by changing the percent increase of the current base proportion

of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such percent increase shall be no more than five percent, and provided further that such determination must be made by November 1, 2023. This legislation would make such an adjustment, for Fiscal 2024 only, to cap the maximum class share growth at zero percent for New York City.

Without such action, the State Board of Real Property Tax Services ("SBRPTS") class equalization rates would cause the tax burden on property tax class one (comprised of one-, two, and three-family homes) and property tax class two (most other residential property) to increase by 3.8 percent and 5.5 percent respectively as compared to their Fiscal 2023 tax rates. When coupled with assessment increases, would cause significant increases in the tax bills for residential homeowners.

Therefore, in the above-named resolution, a limit of 0 percent of the current base proportion of any property tax class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion shall be enacted. The effect of that change would reduce the class one property tax rate by 1.1 percent (as opposed to the aforementioned 3.9 percent increase), and moderate the increase of the class two property tax rate from the aforementioned 5.5 percent to 1.9 percent. The Fiscal 2024 rates for the other two classes, class three and class four, will be lower than the Fiscal 2023 rates.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 787:)

Preconsidered Res. No. 787

Resolution establishing for Fiscal 2024 a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion.

By Council Member Ayala.

Whereas, Section 1803-b(1)(b) requires the New York City Council (the "Council") to distribute the tax levy among the four classes of real property based on the adjusted base proportions as computed by the Council; and

Whereas, Pursuant to section 1803-a(1)(5), the adjusted base proportions are computed using the current base proportions as calculated by the Council; and

Whereas, Section 1803-a(1)(c) of the Real Property Tax Law requires that if any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion for such class of property, shall exceed five percent, such excess over five percent must be shifted to any other class of property (this percent limit to be known as the "Class Share Cap"); and

Whereas, Notwithstanding the provisions of section 1803-a(1)(c), for Fiscal 2024, pursuant to Chapter 347 of the State Laws of 2023, the Council is authorized to adjust the class share cap by changing the percent increase of the current base proportion of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such percent increase shall be no more than five percent, and provided further that such determination must be made by November 1, 2023; and

Whereas, For Fiscal 2024, the Council has determined to set a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion; now, therefore, be it

Resolved, That the Council of the City of New York establishes for Fiscal 2024 a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON; 13-1-0; *Negative*: David M. Carr; *Absent*: Amanda Farías, Kamillah Hanks, and Chi A. Ossé; *Parental*: Crystal Hudson; Committee on Finance, September 28, 2023.

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

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

Report for Res. No. 788

REPORT OF THE COMMITTEE ON FINANCE APPROVING A RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2024 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-A, REAL PROPERTY TAX LAW.

The Committee on Finance, to which the annexed preconsidered resolution was referred on September 28, 2023, respectfully

REPORTS:

Introduction. Section 1803-a of the Real Property Tax Law requires the City Council to certify to the State Board of Real Property Tax Services ("SBRPTS") certain calculations used in the process of updating the class shares from the previous year. These calculations are made every year by the Council to reflect the following changes in each class of real property:

- a. Changes in the market value of taxable real property (as determined by SBRPTS sample studies),
- b. Physical changes as a result of new construction or demolitions,
- c. Changes in taxable status, and
- d. Transfers of real property among the four classes of real property resulting from changes in use or for other reasons.

Under SBRPTS regulations, the Council must update the class shares by making two separate certifications. The action to be taken in the above-referenced resolution constitutes the first step of establishing the class shares of the four classes of taxable real property in the City to which the tax levy for the Fiscal 2024 budget will be applied. The purpose of this step is to give effect to the latest class equalization rates required by Article 18 of the Real Property Tax Law. Using these rates, new estimates of market values for each class are calculated.

The second step, certifying the "adjusted base proportions," requires a separate resolution that takes into account all the changes included in the final assessment roll, after the Tax Commission's review of taxpayer protests. Attached hereto, as Exhibit A, are definitions of terms used in the analysis below.

Analysis. The class equalization rates described above normally generate a prospective current base proportion increasing over the prior fiscal year adjusted base proportion, or "class shares" (as shown in column R of SBRPTS Form RP-6700 attached to the above-captioned resolution). Pursuant to Section 1803-a(1)(c) of the Real Property Tax Law, if the increase in any class' current base proportion exceeds five percent growth, the Council is directed to shift the excess (and only the excess) to any other class or classes so long as the shift does not cause the current base proportion of any other class to increase by more than five percent (the "Class Share Cap"). On June 30, 2023, the Council adopted a resolution computing and certifying these calculations (the "CBP Resolution").

However since then, Chapter 347 of the State Laws of 2023 amended the Real Property Tax law to authorize the City to adjust the Class Share Cap, provided that such percent increase shall not exceed five percent, and provided further that such determination must be made by November 1, 2023.

Pursuant to that State law, the Council will vote on a resolution to lower the Class Share Cap from five percent to zero percent. The above-referenced resolution therefore amends and restates the CBP Resolution to reflect this change. The chart below shows the updated changes of the Fiscal 2024 current base proportions of all four classes from their adjusted base proportions in Fiscal 2023.

Table 1: Percent Change of FY24 Current Base Proportions from FY23 Adjusted Base Proportions

Class	Prior to application of Class Share Cap	After application of Class Share Cap
1	+ 24.7	0.0
2	+ 3.6	0.0
3	- 14.7	0.0
4	- 10.1	0.0

The current base proportion for each class must still undergo adjustments for the physical changes and transfers among classes introduced in the final assessment roll. These adjustments, reflected in a separate resolution, constitute the Council's second step. The "adjusted base proportions" derived from the adjustments will become the class shares used for allocating the Fiscal 2024 real property tax levy.

EXHIBIT A

"Class equalization rate" represents the percentage that the total assessed value of each class is of the market value of the class, as shown in SBRPTS sample studies.

"Base percentage" represents the percentage of total market value that each class constitutes in the 1989 base tax roll. The 1989 base tax roll is the one that was used in setting the tax levy for Fiscal 1990.

"Current percentage" is similar to the base percentage, but applies to the most recent year for which the SBRPTS has established class equalization rates (in this case, the Calendar Year 2022 assessment roll).

"Local base proportions" are the class tax shares used to fix the tax rates for Fiscal 1991.

"Current base proportions" are the local base proportions modified to take into account the market value changes revealed by the latest class equalization rates.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 788:)

Preconsidered Res. No. 788

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2024 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Member Ayala.

Whereas, On February 22, 2023 the State Board of Real Property Tax Services (SBRPTS) certified the final State equalization rate, class ratios and class equalization rates for the City's 2022 assessment rolls, required by Article 18 of the Real Property Tax Law; and

Whereas, Section 1803-a(1) of the Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPTS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2024 assessment rolls, pursuant to Section 1212 of the Real Property Tax Law; and

Whereas, On June 30, 2023, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2024 to the SBRPTS pursuant to Section 1803-a of the Real Property Tax Law (the "June 30th Resolution"); and

Whereas, The June 30th Resolution reflects a five percent limit on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

Whereas, After the adoption of the June 30th Resolution, Section 1803-a of the Real Property Tax Law was amended by Chapter 347 of the State Laws of 2023, to authorize the Council to adjust the limit on the percent increase of the current base proportion of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such limit shall be no more than five percent, and provided further that such determination must be made by November 1, 2023; and

Whereas, On September 28, 2023, the Council adopts herewith a resolution that sets a limit of zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2024. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2024 assessment rolls as shown on SBRPTS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPTS after the date on which the SBRPTS filed with the Clerk of the Council a certification setting

forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2024 assessment rolls, pursuant to Section 1212 of the Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: Exhibit A - the CBP Certificate

(For text of the Exhibit A Chart, known as the “CBP Certificate”, please refer to the legislation section of the New York City Council website <https://council.nyc.gov> and search in the attachments section of [the Res. No. 788 of 2023 file](#))

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON; 13-1-0; *Negative*: David M. Carr; *Absent*: Amanda Farías, Kamillah Hanks, and Chi A. Ossé; *Parental*: Crystal Hudson; Committee on Finance, September 28, 2023.

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

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

Report for Res. No. 789

REPORT OF THE COMMITTEE ON FINANCE IN FAVOR OF APPROVING A RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2024 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

The Committee on Finance, to which the annexed preconsidered resolution was referred on September 28, 2023, respectfully

REPORTS:

Introduction. The above-captioned resolution (the “ABP Resolution”) is the second step and completes the certification procedure required by Section 1803-a of the Real Property Tax Law to establish the class shares used in levying the real property taxes for the adopted Fiscal 2024 budget.

The first step of the process is the computing and certifying of the current base proportions for Fiscal 2024, which the Council undertakes in a separate resolution (the “CBP Resolution”) in accordance with the procedure established by the State Board of Real Property Tax Services (the “SBRPTS”).

Then, together with data supplied by the New York City Department of Finance from the final assessment roll released on May 25, 2023, and in accordance with the procedure established by the SBRPTS, the ABP Resolution adjusts those current base proportions to determine the adjusted base proportions (or “Class Shares”). Specifically, the ABP Resolution adjusts these current base proportions to take account of the various physical changes (such as demolitions, new construction, changes in exempt status and transfers among classes)

that are reflected in the final assessment roll. The computations called for in the SBRPTS procedure are designed to separate the effects of these physical changes from equalization changes made by local assessors.

The CBP and ABP Resolutions were originally adopted by the Council on June 30, 2023. However, since then, Section 1803-a of the Real Property Tax Law was amended, authorizing the City to amend the process used in the CBP resolution to compute the current base proportions. Pursuant to this amendment to State law, the Council will vote on September 28, 2023 to amend this process, and concurrently, the Council will also vote that same day to amend and restate the CBP Resolution to reflect this updated process.

Accordingly, above-captioned resolution amends and restates the ABP Resolution to reflect the changes in the proposed September 28, 2023 CBP Resolution.

Analysis. The calculations shown on the SBRPTS Form RP-6702, attached to the above-captioned resolution, modify the share for each class to reflect physical changes. For Fiscal 2024, assessments in all property tax classes undergo a slight impact from physical changes resulting in adjustments to the proportions of the levy assigned to each class. The Fiscal 2024 adjusted base proportions in Class 1 and Class 4 decrease from each class’ corresponding Fiscal 2024 current base proportion by 0.7 percent and 0.2 percent, respectively. Conversely, the Fiscal 2024 adjusted base proportion for Class 2 and Class 3 increase from each class’ corresponding Fiscal 2024 current base proportion by 0.1 percent and 2.3 percent, respectively.

The table below shows the difference in the adjusted base proportions between Fiscal 2023 and Fiscal 2024. Passing a zero-percent cap rate sets the current base proportion for Fiscal 2024 equal to the adjusted base proportion for Fiscal 2023 in each class.

Comparison of Class Shares for Fiscal 2023 and Fiscal 2024			
Class	Fiscal 2023	Fiscal 2024	Percent Change
1	14.5206	14.4160	- 0.7
2	39.3688	39.3886	+ 0.1
3	7.3500	7.5211	+ 2.3
4	36.7606	38.6743	- 0.2
Total	100.0000	100.0000	

The table below compares the final tax rates resulting from use of class shares for Fiscal 2023 and Fiscal 2024.

Comparison of Tax Rates for Fiscal 2023 and Fiscal 2024 (Per \$100 Assessed Value)			
Class	Fiscal 2023	Fiscal 2024	Percent Change
1	\$20.309	\$20.085	- 1.1
2	12.267	12.502	+ 1.9

3	12.755	12.094	- 5.2
4	10.646	10.592	- 0.5

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 789:)

Preconsidered Res. No. 789

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2024 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Member Ayala.

WHEREAS, On May 25, 2023, pursuant to Section 1514 of the New York City Charter, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2024, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516 of the Real Property Tax Law (the "Fiscal 2024 Assessment Rolls"); and

Whereas, On June 30, 2023, pursuant to Section 1803-a(1) of the Real Property Tax Law the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2024 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, Section 1803-a (5) of the Real Property Tax Law requires the Council, subsequent to the filing of the final Fiscal 2024 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2024 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

Whereas, Within five days upon determination of the Adjusted Base Proportions, Section 1803-a (6) of the Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services (SBRPTS), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from the additions to or removals from the Fiscal 2024 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, After the June 30th adoption of the Current Base Proportion Resolution, Section 1803-a of the Real Property Tax Law was amended by Chapter 347 of the State Laws of 2023, to authorize the Council to adjust the limit on the percent increase of the current base proportion of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such limit shall be no more than five percent, and provided further that such determination must be made by November 1, 2023; and

Whereas, On September 28, 2023, the Council adopts herewith a resolution that sets a limit of zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion (the "Class Share Cap Resolution");

Whereas, Pursuant to the amendment to Section 1803-a of the Real Property Tax Law and Class Share Cap Resolution, on September 28, 2023, the Council amended and restated the Current Base Proportion Resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2024 to the SBRPTS pursuant to Section 1803-a of the Real Property Tax Law;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2024. (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from the additions to or removals from the Fiscal 2024 Assessment Rolls as described in Section 1803-a (5) of the Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from changes other than those described in Section 1803-a (5) of the Real Property Tax Law, as shown on SBRPTS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPTS no later than five days after the date hereof.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: Exhibit A - the ABP Certificate

(For text of the Exhibit A Chart, known as the "ABP Certificate", please refer to the legislation section of the New York City Council website at <https://council.nyc.gov> and search in the attachments section of [the Res. No. 789 of 2023 file](#))

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON; 13-1-0; *Negative*: David M. Carr; *Absent*: Amanda Farías, Kamillah Hanks, and Chi A. Ossé; *Parental*: Crystal Hudson; Committee on Finance, September 28, 2023.

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

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

Report for Res. No. 790

Report of the Committee on Finance in favor of approving a Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York and the counties therein and for the payment of indebtedness therefore, for the fiscal year beginning on July 1, 2023 and ending on June 30, 2024, by the levy of taxes on the real property in the city of New York, in accordance with the provision of the constitution of the state of New York, the Real Property Tax Law and the charter of the city of New York.

The Committee on Finance, to which the annexed preconsidered resolution was referred on June 30, 2023, respectfully

REPORTS:

Introduction. On April 26, 2023, the Mayor submitted the executive budget for Fiscal 2024 to the Council pursuant to Section 249 of the Charter. On June 30, 2023, the Council adopted the budget for Fiscal 2024 pursuant to Section 254 of the Charter (the "Fiscal 2024 Budget"). Pursuant to Section 1516 of the Charter, the Council must fix the annual real property tax rates immediately upon such approval of the Fiscal 2024 Budget. On June 30, 2023, by resolution, the Council fixed the real property tax rates for Fiscal 2024 (the "Tax Fixing Resolution") and authorized the levy of real property taxes for Fiscal 2024.

After the final adoption of the City's Fiscal 2024 Budget, the Governor signed into law Chapter 347 of the Laws of New York of 2023 ("Chapter 347"). Chapter 347 adds a new paragraph (II) to subdivision 1 of section 1803-a of the Real Property Tax Law, allowing the City of New York to alter the cap on the maximum allowable growth rate in the proportion of the overall levy assigned to any particular tax class ("Class Shares Cap"), so long as the growth does not exceed 5 percent. Pursuant to this amendment to State law, the Council will vote on September 28, 2023 to lower the Class Share Cap to zero percent.

Subsequently, the Council will adopt resolutions amending and restating both the Current Base Proportions and Adjusted Base Proportions to reflect a zero percent Class Shares Cap. Finally, it will then vote on the above-captioned resolution to amend and restate real property tax rates for Fiscal 2024 (the "Amended and Restated Tax Fixing Resolution"), and authorize the levy of real property taxes for Fiscal 2024.

Determining the Amount of the Real Property Tax Levy. In the Tax Fixing Resolution, the Council determines the amount of the real property tax levy for Fiscal 2024, pursuant to the provisions of Section 1516 of the Charter, in the following manner. First, the Council acknowledges the amount of the Fiscal 2024 Budget to be \$107,114,535,200 as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2024 Budget Amount"). The Council then acknowledges the estimate of the probable amount of all non-property tax revenues to be \$74,545,335,200 as set forth in the communication from the Mayor pursuant to Section 1515(a) of the Charter (the "Fiscal 2024 Revenue Estimate"). (Attached hereto as Exhibit A is an itemization of the Fiscal 2024 Revenue Estimate, detailing all sources of revenues exclusive of real property taxes.) Finally, pursuant to Section 1516 of the Charter, the Council determines the net amount required to be raised by tax on real property to be \$32,569,200,000 by subtracting the amount of the Fiscal 2024 Revenue Estimate from the Fiscal 2024 Budget Amount.

In order to achieve a real property tax yield of \$32,569,200,000 however, due to provision for uncollectible taxes and refunds and collection of levies from prior years equal in the aggregate to \$2,771,292,356 the Council determines that a real property tax levy of \$35,340,492,356 is required. Such amount, levied at rates on the classes of real property as further described below will produce a balanced budget within generally accepted accounting principles for municipalities.

The Council also provides for the application of the real property tax levy (net of provision for uncollectible taxes and refunds and collection of levies from prior years) to (1) debt service not subject to the constitutional operating limit, (2) debt service subject to the constitutional operating limit and (3) the Fiscal 2024 Budget in excess of the amount of the Fiscal 2024 Revenue Estimate.

Authorizing and Fixing the Real Property Tax Rates. After having determined the amount of the real property tax levy, the Council authorizes and fixes the real property tax rates. On May 25, 2023, the Commissioner of the Department of Finance (the "Commissioner") delivered the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2024 to the Council, pursuant to Section 1514 of the Charter (the "Fiscal 2024 Assessment Rolls"). On June 30, 2023 the Council adopted a resolution in which the Council computed and certified the current base proportion, the current

percentage and the base percentage of each class of real property in the City for Fiscal 2024 (the "Current Base Proportion Resolution"), pursuant to Section 1803-a(1) of the Real Property Tax Law. On June 30, 2023, pursuant to Section 1803-a (5) of the Real Property Tax Law, the Council adopted a resolution in which the Council adjusted the current base proportions of each class of real property in the City for Fiscal 2024, to reflect the additions to, and full or partial removal from, the Fiscal 2024 Assessment Rolls (the "Adjusted Base Proportion Resolution").

The following sections describe the determinations the Council must make before it fixes the real property tax rates and the process by which the Council fixes the real property tax rates:

Assessed Valuation Calculations. In the Tax Fixing Resolution, the Council sets out the assessed valuation calculations of taxable real property in the City by class within each borough of the City. Next, the Council sets out the assessed valuation by class of real property for the purpose of taxation in each borough of the City.

Compliance with Constitutional Operating Limit Provisions. In the Tax Fixing Resolution, the Council also provides evidence of compliance with constitutional operating limit provisions. The Council determines that the amount to be levied by tax on real property for the Fiscal 2024 Budget does not exceed the limit imposed by Section 10, Article VIII of the Constitution of the State of New York, as amended, and Article 12-A of the Real Property Tax Law (the "Operating Limit Provisions"). The Operating Limit Provisions require that the City not levy taxes on real property in any fiscal year in excess of an amount equal to a combined total of two and one-half percent (2 ½%) of the average full valuation of taxable real property in the City, determined by taking the assessed valuations of taxable real property on the last completed assessment roll and the four preceding assessment rolls of the City and applying thereto the special equalization ratio which such assessed valuations of each such roll bear to the full valuations as fixed and determined by the State Office of Real Property Tax Services ("ORPTS"), minus (i) the amount to be raised by tax on real property in such year for the payment of the interest on and the redemption of certificates of other evidence of indebtedness described in the Constitution and (ii) the aggregate amount of business improvement district charges exclusive of debt service. (Attached hereto as Exhibit B is an itemization of net reductions of the amounts to be raised by the Fiscal 2024 tax levy as authorized by New York State law for purposes of the Operating Limit determination.)

Adjusted Base Proportions. The Tax Fixing Resolution sets forth the adjusted base proportions for Fiscal 2024, pursuant to the Adjusted Base Proportion Resolution, to be used in determining the Fiscal 2024 tax rates for the four classes of property.

Tax Rates on Adjusted Base Proportions. Finally, in the Tax Fixing Resolution, the Council authorizes and fixes, pursuant to Section 1516 of the Charter, the rates of tax for Fiscal 2024 by class upon each dollar of assessed valuation of real property subject to taxation for all purposes of, and within, the City, as fixed in cents and thousandths of a cent per dollar of assessed valuation, as follows:

All One-, Two- and Three-Family Residential Real Property	0.20085
All Other Residential Real Property	0.12502
Utility Real Property	0.12094
All Other Real Property	0.10592

(Attached hereto as Exhibit C is a history of the tax rates by fiscal year).

Authorization of the Levy of Property Taxes for Fiscal 2024. The Council authorizes and directs the Commissioner, pursuant to Section 1517 of the Charter, to set down in the Fiscal 2024 Assessment Rolls, opposite to the several sums set down as the valuation of real property, the respective sums to be paid as a tax

thereon and add and set down the aggregate valuations of real property in the boroughs of the City and send a certificate of such aggregate valuation in each such borough to the State Comptroller. The Tax Fixing Resolution then requires the City Clerk to procure the proper warrants, in the form attached thereto, such warrants to be signed by the Public Advocate and counter-signed by the City Clerk.

The Tax Fixing Resolution, as hereby amended and restated, would remain in full force and effect as of the date it was enacted, and the Amended and Restated Tax Fixing Resolution would take effect as of the date of hereof.

Accordingly, the Committee on Finance recommends adoption of the Amended and Restated Tax Fixing Resolution.

(For text of Exhibits A, B, and C, please refer to the attachment section to [the Res. No. 790 of 2023 file](#) of the New York City Council website at <https://council.nyc.gov>)

(The following is the text of Preconsidered Res. No. 790:)

Preconsidered Res. No. 790

Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York and the counties therein and for the payment of indebtedness therefore, for the fiscal year beginning on July 1, 2023 and ending on June 30, 2024, by the levy of taxes on the real property in the city of New York, in accordance with the provision of the constitution of the state of New York, the Real Property Tax Law and the charter of the city of New York.

By Council Member Brannan.

(For text of Res No. 790 of 2023, please refer to the search legislation section of the New York City Council website at <https://council.nyc.gov> for [the Res. No. 790 of 2023 file](#))

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON; 13-1-0; *Negative*: David M. Carr; *Absent*: Amanda Farías, Kamillah Hanks, and Chi A. Ossé; *Parental*: Crystal Hudson; Committee on Finance, September 28, 2023.

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

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

Report for L.U. No. 273

Report of the Committee on Finance in favor of a Resolution approving Red Oak, Block 1861, Lot 10, Manhattan, Community District 7, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 28, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(The following is the text of a Memo to the Finance Committee from the Finance Division of the New York City Council:)

THE COUNCIL OF THE CITY OF NEW YORK

September 28, 2023

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

FROM: Michael Twomey, Assistant Counsel, Finance Division
Kathleen Ahn, Counsel, Finance Division

RE: Finance Committee Agenda of September 28, 2023 – Resolution approving a tax exemption for two Land Use items (Council Districts 18, 7)

Item #1: Stevenson Commons B5 and B6

Stevenson Commons B5 and B6 is a new-construction all-affordable cooperative homeownership project located in the Soundview neighborhood of the Bronx being developed by Camber Property Group and Habitat for Humanity New York City, Inc. There are also two investor partners known as LP Solutions Fund LLC and Belveron Partners Fund V JV LLC. This project is one phase of a multi-phase redevelopment effort located on underutilized space located on an existing 9-building, 948-unit Mitchell-Lama campus known as Stevenson Commons. Camber previously purchased the campus and has rehabilitated the existing Mitchell-Lama complex and preserved it as affordable low-income housing through a 40-year Regulatory Agreement with HDC.

B5 and B6 will be two neighboring 4-story buildings fronting Seward Avenue. B5 will contain 16 units (10 two-bedrooms and 6 three-bedrooms) and B6 will contain 42 units (11 one-bedrooms, 21 two-bedrooms, and 10 three-bedrooms) for a total of 58 units. Buildings will not contain elevators. There will be surface parking available to the homeowners for a monthly fee. Each unit will have in-unit laundry, and buildings will include landscaped front and rear yards and bicycle storage.

Units will be priced to be affordable to households with incomes between approximately 65-90% of Area Median Income.

Summary:

- Borough – Bronx
- Block 3600, Lots 30 and 40
- Council District – 18
- Council Member - Farías
- Council Members approval –Yes
- Number of buildings – 2
- Number of units – 58 residential
- Type of exemption – Article XI, full, 40-year
- Population – Homeownership
- Sponsors – Camber Property Group
- Purpose – new construction
- Cost to the city – \$1.87 million (net present value)
- Housing Code Violations

- Class A – 0
- Class B – 0
- Class C – 0

Anticipated AMI Targets: 60 – 90% AMI

Item #2: Red Oak HUDMF FY2024

This project’s Article V tax exemption expired on March 8, 2022. In order to maintain affordable housing, HPD is asking Council for an additional period of tax exemption under Article V with retroactivity back to the original expiration. This property currently has a Mark Up to Market HAP contract. The HAP contract was issued January 1st, 2013 and will expire December 31, 2022.

The Board of Estimate approved a resolution on March 20, 1980 (Cal. No. 6) providing for a tax exemption for the Exemption Area pursuant to PHFL Section 125(1)(a) (“Original Exemption”). The Original Exemption, which expired on March 8th, 2022, required the Exemption Area to make an annual real property tax payment of \$65,709 plus an additional amount equal to 25% of the amount by which the contract rents applicable to the project, as adjusted and established from time to time pursuant to Section 8 of the United States Housing Act of 1934, as amended, exceeds the contract rents in effect as of the date of occupancy of the project by eligible tenants. Eligible tenants currently receive Section 8 rental assistance.

Summary:

- Borough – Manhattan
- Block 1861, Lot 10
- Council District – 7
- Council Member - Abreu
- Council Members approval – Yes
- Number of buildings – 1
- Number of units – 230 residential
- Type of exemption – Article V, partial, 38 years from date of closing
- Population – Rental
- Sponsors – West Side Federation for Senior and Supportive Housing
- Purpose – preservation
- Cost to the city – \$8.53 million (net present value)
- Housing Code Violations
 - Class A – 1
 - Class B – 0
 - Class C – 1

Anticipated AMI Targets: 50% AMI

(For text of the coupled resolutions for L.U. No. 274, please see the Report of the Committee on Finance for L.U. No. 274 printed in these Minutes; for the coupled resolution for L.U. No. 273, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 273 and 274.

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

Preconsidered Res. No. 798

Resolution approving an additional period of exemption from real property taxes for property located at (Block 1861, Lot 10) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 273).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 15, 2023 that the Council take the following action regarding a housing project located at (Block 1861, Lot 10) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Manhattan West Associates, L.P.
 - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
 - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceeded the total contract rents which are authorized as of the date of the Regulatory Agreement.
 - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$1,088,121, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from, or abatement of, real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - e. “Effective Date” shall mean March 18, 2022.
 - f. “Exemption” shall mean the exemption from real property taxation provided hereunder.

- g. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1861, Lot 10 on the Tax Map of the City of New York.
 - h. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date of the expiration or termination of the Restrictive Agreement, (v) the date upon which the Exemption Area ceases to be owned by the Owner, (vi) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vii) the date of the expiration or termination of the Exemption Area’s Section 8 Housing Assistance Payments contract.
 - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - j. “Owner” shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
 - k. “Redevelopment Agreement” shall mean the Agreement dated March 20, 1980 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114 and recorded on reel 542, page 1808, in the office of the City Register of the City of New York.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on and after the date such regulatory agreement is executed.
 - m. “Restrictive Agreement” shall mean an agreement between HPD and the Owner that is entered into on or after October 15, 2023 and that requires the Exemption Area to remain a redevelopment company development organized under and operated pursuant to Article V of the Private Housing Finance Law for a period of five years from the date of execution.
- 2. All of the value of the property in the Exemption Area, including both the land and any improvements, (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 - 3. Commencing upon the Effective Date, (i) the Owner shall make real property tax payments in the sum of \$1,399,044 for the period beginning on the Effective Date and ending on June 30, 2023, and (ii) the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
 - 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of the Restrictive Agreement; (v) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (vi) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vii) the owner of the Exemption Area did not apply for a new Section 8 Housing Assistance Payments contract on or before December 31, 2032 or did not

- receive a new HAP contract effective January 1, 2033, or (viii) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
- b. The Exemption shall apply to all land in the Exemption Area but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the Company, the Owner or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 14-0-0; *Absent*: Amanda Farías, Kamillah Hanks, and Chi A. Ossé; *Parental*: Crystal Hudson; Committee on Finance, September 28, 2023.

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

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

Report for L.U. No. 274

Report of the Committee on Finance in favor of a Resolution approving Stevenson Commons, Block 3600, Lots 30 and 40, Bronx, Community District No. 9, Council District No. 18.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on September 28, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for L.U. No. 273 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 799

Resolution approving an exemption from real property taxes for property located at (Block 3600, Lots 30 and 40), Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 274).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated September 6, 2023 that the Council take the following action regarding a housing project located at (Block 3600, Lots 30 and 40), Bronx (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Stevenson Homeownership LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the New Owner enter into the Regulatory Agreement.
 - c. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 3600, Lots 30 and 40 on the Tax Map of the City of New York.
 - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is 40 (forty) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - e. “HDFC” shall mean Stevenson Homeownership Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. "New Exemption" shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - h. “New Owner” shall mean, collectively, the HDFC and the Company.
 - i. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area pursuant to the Private Housing Finance Law 33(1)(d) as extended by the New York City Council on February 2, 2005 (Council Resolution No. 388-A).
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the New Owner establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to New Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that have a new permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the New Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
 5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state,

or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON; 13-1-0; *Negative*: David M. Carr; *Absent*: Amanda Farías, Kamillah Hanks, and Chi A. Ossé; *Parental*: Crystal Hudson; Committee on Finance, September 28, 2023.

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

Report of the Committee on Fire and Emergency Management

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

Report for Int. No. 1190

Report of the Committee on Fire and Emergency Management in favor of approving and adopting, a Local Law in relation to a one-time exception to the maximum age requirement for membership in the fire department for certain persons during the next promotional exam period.

The Committee on Fire and Emergency Management, to which the annexed preconsidered proposed local law was referred on September 28, 2023, respectfully

REPORTS:

I. INTRODUCTION

On September 28, 2023, the Committee on Fire and Emergency Management, chaired by Council Member Joann Ariola, will vote on Preconsidered Introduction Number T2023-4047, a Local Law in relation to a one-time exception to the maximum age requirement for membership in the fire department for certain persons during the next promotional exam period. The Committee previously heard the legislation on September 19, 2023, and received testimony from representatives of the New York City Fire Department (“FDNY”) and other interested parties.

II. BACKGROUND

FDNY Bureau of Emergency Medical Services (EMS)

New York City’s modern delivery of emergency medical service traces its origins to the 1870s when ambulances were dispatched via telegraph from Bellevue Hospital.¹ In 1969, the New York State Legislature established the New York City Health & Hospitals Corporation (“HHC”), as a public benefits corporation to

¹ http://www.nyc.gov/html/fdny/html/history/ems_article.

operate the City’s public hospitals and clinics, and assume responsibility of the former Department of Hospitals’ ambulance services.² In 1996, the City Council enacted legislation to transfer responsibility of delivery of emergency medical service to the Fire Department, which assumed general ambulance duties on March 17, 1996.^{3 4}

Since 1996, the FDNY’s core responsibility and expertise has evolved from an exclusive emphasis on fighting traditional structural fires to providing pre-hospital care as well as an expanded role in handling all types of emergencies.⁵ Currently, FDNY’s Bureau of Emergency Medical Services (“FDNY-EMS”) is responsible for delivering ambulance and pre-hospital emergency medical services Citywide. FDNY-EMS operates two types of ambulances: advanced life support (“ALS”) and basic life support (“BLS”). In New York City, ALS ambulances are staffed by two paramedics, and BLS ambulances are staffed by two emergency medical technicians (“EMTs”). Paramedics receive 1,500 hours of training, whereas EMTs are only required to complete 120 to 150 hours.⁶ The higher level of training received by paramedics allows them to perform advanced medical procedures, including patient intubation and the administration of drugs.⁷ ALS ambulances responds to life threatening medical emergencies, such as cardiac arrest, choking, difficulty breathing, unconsciousness and other critical medical emergencies. BLS ambulances respond to a wide variety of non-life threatening conditions.

As of March of 2023, there were approximately 4,300 FDNY-EMS members.⁸

III. FIREFIGHTER HIRING AND EXAMINATION PROCESS

The hiring and examination process to become an FDNY firefighter is multi-phased—candidates must pass a written examination and a physical performance test.⁹ These tests are administered and monitored by the City’s Department of Citywide Administrative Services (“DCAS”), and typically occur on a 4-5 year cycle.^{10 11} Civil service eligibility lists are then formed, for which the order that candidates are selected is based on the results of a person’s written test score.¹² Additional points are awarded to candidates with status as military veterans or relatives of a firefighter or law enforcement officer who died in line of duty, as well as City residency credits.¹³ Candidates must then pass medical and psychological tests, and background checks; and graduate from the FDNY Training Academy, an 18-week classroom and physical fitness program, that includes fire service training.¹⁴

In order to be eligible for appointment as an FDNY firefighter, a candidate must meet criteria contained within *New York City Administrative Code § 15-103*, including provisions establishing minimum and maximum age restrictions.¹⁵ Specifically, to become a member of the Department, a candidate “[s]hall have passed his or her eighteenth birthday but not his or her twenty-ninth birthday on the date of the filing of his or her application for civil service examination.”¹⁶ It should also be noted, that New York State law provides exceptions to maximum age restrictions for military veterans who are able to sit for the test until reaching their 36th birthday.¹⁷

² *Id.*

³ *Id.*

⁴ Local Law 20 of 1996.

⁵ FDNY Strategic Plan at <https://www.nyc.gov/site/fdny/about/resources/reports-and-publications/strategic-plans.page>

⁶ Bernard O’Brien, *Two Paramedics on an Ambulance—Only in New York*, IBO WEB BLOG, Jul. 27, 2009, <http://ibo.nyc.ny.us/cgi-park/?p=77>.

⁷ *Id.*

⁸ Committee Report, Preliminary Budget Hearing - Fire and Emergency Management Committee, March 13, 2023; available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6027999&GUID=B6F14497-CC5E-4F35-9DD5-5F4A1422BED3&Options=&Search>

⁹ Join FDNY, <https://www.joinfdny.com/careers/firefighter/>

¹⁰ *Id.*

¹¹ NYS Civil Service Law §56

¹² DCAS, *Apply for a City Job, After Taking an Exam*; available at: <https://www.nyc.gov/site/dcas/employment/after-taking-an-exam.page>.

¹³ NYS Civil Service Law, Article 6.

¹⁴ Join FDNY, <https://www.joinfdny.com/careers/firefighter/>.

¹⁵ New York City Administrative Code § 15-103

¹⁶ New York City Administrative Code § 15-103(a)(3)

¹⁷ NY Military Law § 243

IV. FDNY-EMS FIREFIGHTER PROMOTIONAL EXAM

The abovementioned written examination process is further bifurcated; as firefighter candidates are selected through both an Open Competitive civil service exam—available to anyone who meets minimum eligibility requirements—and a Promotional Firefighter exam uniquely available to FDNY-EMS members.¹⁸ By offering FDNY-EMS members an opportunity for promotion to the title of firefighter, such members are eligible to receive preferential treatment in hiring relative to applicants seeking appointment via the Open Competitive exam.¹⁹

As such, a pathway for many to join the ranks of FDNY firefighter—a highly sought after civil service title with generous salary and benefits—has been to start their career as an FDNY-EMS worker, gain training and experience, and then seek promotion to firefighter.²⁰ The difference in compensation among EMS workers with varying skill sets and the more significant pay disparity between EMS workers and firefighters naturally incentivize many to seek promotion to firefighter—after five years on the job EMTs can earn a salary of up to \$76,000, paramedics can earn up to \$92,000, whereas firefighters earn up to \$110,000.²¹ Firefighters are also privy to significantly more generous pension benefits.²² Additionally, it's been reported that a significant number of EMS workers choose to work long periods of overtime, or take a second job, in order to earn a living wage.²³

The most recently administered Promotional Exam to firefighter occurred in 2016, the results of which allowed approximately 900 FDNY-EMS members to become firefighters.²⁴ ²⁵ Although exams are typically offered every 4 to 5 years,²⁶ the COVID-19 pandemic disrupted the Department's hiring cycle and delayed their offering the next Open Competitive and Promotional Exams.²⁷ ²⁸ The Promotional Exam would have been scheduled for December of 2020 but was suspended due to the pandemic.²⁹ Presently, according to the Administration the application process for the next promotional exam will begin on November 1, 2023 and close on November 21, 2023.³⁰ According to testimony provided by the FDNY at Committee of Fire and Emergency Management's September 19th hearing, due to the lapse in time between the last offering of the promotional exam in 2016, and the forthcoming exam expected in 2024, there is a class of 324 FDNY-EMS workers, who joined the Department since 2016, but are no longer eligible for the 2024 exam due to exceeding the 29-year-old maximum age to apply to be a firefighter.³¹ ³²

¹⁸ Join FDNY, <https://www.joinfdny.com/careers/firefighter/>

¹⁹ FDNY Testimony at City Council Hearing- January 28, 2020; Transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4288305&GUID=3B51F7AA-A446-45D4-94B9-12A3EF630F68&Options=&Search>.

²⁰ Join FDNY, <https://www.joinfdny.com/careers/firefighter/>

²¹ Join FDNY; available at: <https://www.joinfdny.com/careers/>

²² <https://www.empirecenter.org/publications/140k-average-pension-for-new-full-career-fdny-retirees/>

²³ Editorial Board, Emergency Medical Workers Deserve Pay Equity, September 21, 2019 New York Times.

²⁴ Exam 7501, Notice of Examination; available at: <https://www.nyc.gov/assets/dcas/downloads/pdf/noes/201707501000.pdf>.

²⁵ FDNY Testimony at City Council Hearing- June 5, 2023; Transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6208760&GUID=3FA91A9D-CEEE-4990-BC21-B1ECF3C5B49F&Options=&Search>.

²⁶ Join FDNY, <https://www.joinfdny.com/careers/firefighter/>

²⁷ *Id.*

²⁸ FDNY Testimony at City Council Hearing- June 5, 2023; Transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6208760&GUID=3FA91A9D-CEEE-4990-BC21-B1ECF3C5B49F&Options=&Search>.

²⁹ FDNY Testimony at City Council Hearing- September 19, 2023; Transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6354744&GUID=DE7C05C0-A2F0-4B7A-9777-348D53A1D90F&Options=&Search>

³⁰ Communication on file with Fire and Emergency Management Committee staff, 9/19/23.

³¹ FDNY Testimony at City Council Hearing- September 19, 2023; Transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6354744&GUID=DE7C05C0-A2F0-4B7A-9777-348D53A1D90F&Options=&Search>

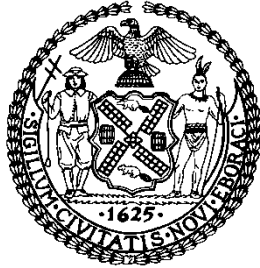
³² NY Post, "Age exception could open up FDNY test to 300 EMTs, paramedics in NYC," July 1, 2023; available at: <https://nypost.com/2023/07/01/nyc-exception-could-open-up-fdny-test-to-emts-paramedics/>.

V. LEGISLATIVE ANALYSIS

This legislation would create a one-time waiver from existing age requirements for becoming an FDNY firefighter for EMS workers who would have otherwise been able to take the promotional exam had it been given at its usual frequency, but for delays due to the COVID-19 pandemic. Such waiver would apply to the next promotional exam period for FDNY-EMS workers to become firefighters. Specifically, no person would be disqualified due to exceeding a maximum age requirement, if such person: (i) had not passed their twenty-ninth birthday on or before December 31, 2019; and (ii) would have otherwise been eligible during the 2020 calendar year to file an application for a promotion exam as a member of FDNY-EMS.

Since introduction the legislation has been amended to clarify that in order to qualify for this one-time waiver from existing age requirements, an applicant must have been a member of FDNY-EMS during the calendar year 2020.

(The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 1190:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO. NO. 1190

COMMITTEE: Fire and Emergency Management

TITLE: A Local Law in relation to a one-time exception to the maximum age requirement for membership in the fire department for certain persons during the next promotional exam period.

Sponsors: Council Members Brewer, Ariola, Holden, Yeger, Schulman, Farías, Carr and Kagan.

SUMMARY OF LEGISLATION: Under existing local law, in order to become a firefighter for the New York City Fire Department (FDNY) an individual may not have passed their twenty-ninth birthday on the date of the filing of their application for civil service examination. This legislation would create a one-time waiver from this requirement for certain employees of the FDNY Bureau of Emergency Medical Services (FDNY EMS). Such waiver would apply to the next promotion examination for EMS workers to become firefighters.

EFFECTIVE DATE: Immediately.

FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025.

FISCAL IMPACT STATEMENT:

	Effective FY24	Succeeding FY25	Full Fiscal Impact FY25
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 agency responsible for carrying out its requirements would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Tanveer Singh, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
 Kathleen Ahn, Finance Division Counsel
 Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: This legislation was considered at a hearing by the Committee on Fire and Emergency Management (the Committee) as a Preconsidered Introduction on September 19, 2023 and the legislation was laid over. The legislation will be voted on by the Committee on September 28, 2023. Upon successful vote by the Committee, it will be submitted to the full Council for a vote on September 28, 2023.

DATE PREPARED: 9/25/2023.

Accordingly, this Committee recommends its adoption.

(The following is the text of Preconsidered Int. No. 1190:)

Preconsidered Int. No. 1190

By Council Members Brewer, Ariola, Holden, Yeger, Schulman, Farías, Gennaro, Rivera, Brooks-Powers, Carr and Kagan.

A Local Law in relation to a one-time exception to the maximum age requirement for membership in the fire department for certain persons during the next promotional exam period

Be it enacted by the Council as follows:

Section 1. Notwithstanding any inconsistent provision of section 15-103 of the administrative code of the city of New York, no person shall be restricted from taking the first promotion examination for firefighter that is given after the effective date of this local law on the basis of exceeding the otherwise applicable maximum age requirement to qualify for the force of the fire department of the city of New York, if such person: (i) had not passed their twenty-ninth birthday on or before December 31, 2019; and (ii) would have otherwise been

eligible during the 2020 calendar year to file an application for a promotion examination as a member of the emergency medical services bureau of the fire department of the city of New York. No person who qualifies under this local law shall be disqualified from membership in the department on the basis of exceeding such maximum age requirement because of having passed their twenty-ninth birthday subsequent to the filing of their application.

§ 2. This local law shall take effect immediately.

JOANN ARIOLA, *Chairperson*; ROBERT F. HOLDEN, KEVIN C. REILLY, JAMES F. GENNARO, CARMEN N. De La ROSA, LYNN C. SCHULMAN, ARI KAGAN; DAVID M. CARR; 8-0-0; *Absent*: Oswald Feliz and Kalman Yeger; Committee on Fire and Emergency, September 28, 2023. *Other Council Members Attending: Council Member Brewer.*

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

Report of the Committee on Governmental Operations

Report for Int. No. 743-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring certain city employees to identify themselves during encounters with the public.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on September 29, 2022 (Minutes, page 2332), respectfully

REPORTS:

I. INTRODUCTION

On September 28, 2023, the New York City Council Committee on Governmental Operations, chaired by Council Member Sandra Ung, voted on Proposed Introduction Number (Int. No.) 743-A, sponsored by Council Member Rafael Salamanca, which would amend the administrative code of the city of New York, in relation to requiring certain city employees to identify themselves during encounters with the public. On June 6, 2023, the Committee, in conjunction with the Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez held an oversight hearing, entitled "Vacant and Neglected Properties." At that hearing the Committee on Governmental Operations considered a previous version of Int. No. 743. Witnesses invited to testify included representatives from the Department of Housing Preservation and Development, community-based organizations, advocates, and other interested stakeholders. The testimony and feedback informed changes to the bill. On September 28, 2023, the Committee passed this legislation by a vote of 5 in the affirmative, 0 in the negative, with 0 abstentions.

II. LEGISLATION

Int. No. 743-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring certain city employees to identify themselves during encounters with the public

Int. 743-A would require any covered employee who is questioning a member of the public to provide identifying information upon request. For this purpose, a covered employee is any employee of the City who is authorized to issue notices of violation, other than employees of the police department, a firefighter, or a fire marshal. The identifying information provided would include the employee's name and agency, as well as a telephone number and e-mail address that can be used to communicate with the agency. The identification provided by such employee would need to be in the form of: (a) a business card that is either pre-printed or handwritten; or (b) an electronic business card; or (c) verbal identification, given with enough time for the requesting person to record the information, where a printed, hand-written or electronic business card cannot be provided or the individual requesting such information is unable to access an electronic business card.

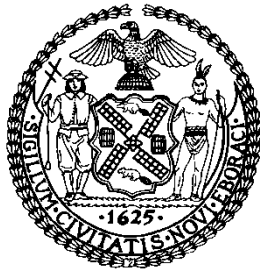
The business card would also include the phone number and digital contact information at which the agency can receive comments or the 311 customer service number with an indication that the contact information may be used to submit comments about an encounter with the covered employee.

This bill would also require any agency that employs covered employees to ensure that employees have the information and support necessary to comply with this law. The bill would not apply to any covered employee who is engaged in an approved undercover operation or where exigent circumstances require immediate action by the covered employee or where identifying information is available through a certificate of inspection, notice of violation, formal warning, request for corrective action or similar communication.

Int. No. 743-A includes clarifying language providing that it should not be construed to restrict or limit any activity or proceeding regulated by the New York State criminal procedure law or any other state law, or create a private right of action. The bill also contains a severability clause that is consistent with the general severability provision of the Administrative Code.

This bill would take effect 180 days after becoming law.

(The following is the text of the Fiscal Impact Statement for Int. No. 743-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 743-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring certain city employees to identify themselves during encounters with the public.

SPONSOR(S): Council Member Salamanca, Joseph, Barron, Riley, and Farías.

SUMMARY OF LEGISLATION: Proposed Int. No. 743-A would require that City employees, who can issue summons or notices of violation, when questioning people, provide a pre-printed, handwritten, or electronic business card with identifying information upon request. If a business card is not available, employees could instead provide the identifying information verbally. The business card should include the employee’s name and agency, and a telephone number and e-mail address that can be used to contact the agency. Employees who are engaged in agency approved undercover activities, who must take immediate action, or are providing identifying information through a certificate of inspection, notice of violation, or similar document are exempt from the requirements of this bill.

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

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

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as the impacted City agencies will utilize existing resources.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Ross S. Goldstein, Financial Analyst

ESTIMATE REVIEWED BY: Julia K. Haramis, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 29, 2022, as Int. No. 743 and was referred to the Committee on Governmental Operations (the Committee). A joint hearing was held by the Committee and the Committee on Housing and Buildings on June 6, 2023, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 743-A, will be voted on by the Committee at a hearing on September 28, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 743-A will be submitted to the full Council for a vote on September 28, 2023.

DATE PREPARED: September 22, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 743-A:)

Int. No. 743-A

By Council Members Salamanca, Joseph, Barron, Riley, Farías, Rivera and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain city employees to identify themselves during encounters with the public

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 10 of the administrative code of the city of New York is amended by adding a new section 10-174.1 to read as follows:

§ 10-174.1 Identification of city employees. a. Definitions. As used in this section:

Covered employee. The term “covered employee” means an employee of the city who is authorized to issue a notice of violation on behalf of the city, other than an employee of the police department, a firefighter, or a fire marshal.

Business card. The term “business card” means a pre-printed or handwritten paper containing a covered employee’s identifying information.

Electronic business card. The term “electronic business card” means a digital file or link to a website containing a covered employee’s identifying information.

Identifying information. The term “identifying information” means a covered employee’s name and agency, and a telephone number and e-mail address that can be used to communicate with the agency.

Notice of violation. The term “notice of violation” shall have the same meaning as the definition contained in section 1-112 of this code.

b. Whenever a covered employee, acting in their official capacity, questions a natural person, such covered employee shall respond to a request for identifying information from such person with any of the following forms of identification:

1. A business card;

2. An electronic business card; or

3. Verbal provision of identifying information to such natural person, allowing such person sufficient time to record such information; provided that this form is utilized only when such covered employee is unable to provide such information in any of the other forms authorized by this subdivision or such person is unable to access an electronic business card.

c. Any business card or electronic business card used by a covered employee to comply with this section shall, in addition to identifying information, include a phone number and digital contact information, if applicable, for the agency to receive comments or the 311 customer service center and an indication that such phone number and contact information may be used to submit comments about the encounter between such covered employee and such person.

d. Each agency that employs covered employees shall ensure that covered employees have adequate information and support necessary to comply with subdivision b of this section.

e. A covered employee shall not be required to comply with subdivision b of this section where:

1. Such covered employee is engaged in an agency-approved undercover activity or operation;

2. Exigent circumstances require immediate action by such employee; or

3. Such identifying information has been made available to the natural person who requested such information through a certificate of inspection, notice of violation, formal warning, request for corrective action, or similar communication.

f. Nothing in this section or in the implementation thereof shall be construed to:

1. Restrict or limit any activity or proceeding regulated by the criminal procedure law or any other state law; or

2. Create a private right of action on the part of any persons or entity against the city of New York, any agency or any official or employee thereof.

§ 2. Severability. If any portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

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

SANDRA UNG, *Chairperson*; GALE A. BREWER, SHAHANA K. HANIF, LINCOLN RESTLER, LYNN C. SCHULMAN; 5-0-0; Committee on Governmental Operations, September 28, 2023.

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

Report of the Committee on Land Use

Report for L.U. No. 253

Report of the Committee on Land Use in favor of filing pursuant to a letter of withdrawal, Application number C 230117 ZMK (1233 57th Street Rezoning) submitted by 1233-57 St., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c, by changing from an R5 District to an R6A District, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on August 3, 2023 (Minutes, page 2261), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-12 – TWO APPLICATIONS RELATED TO 1233 57TH STREET REZONING

C 230117 ZMK (L.U. No. 253)

City Planning Commission decision approving an application submitted by 1233 57th St., LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c by changing from an R5 District to an R6A District property bounded by a line midway between 56th Street and 57th Street, a line 150 feet northwesterly of 13th Avenue, 57th Street, and a line 440 feet northwesterly of 13th Avenue, Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated February 27, 2023, and subject to the conditions of CEQR Declaration E-709.

N 230118 ZRK (L.U. No. 254)

City Planning Commission decision approving an application submitted by 1233 57th St., 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

Applications were originally filed to rezone the project area from an R5 zoning district to an R6A zoning district and amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2. The applications were withdrawn by the applicant on September 5, 2023.

PUBLIC HEARING

DATE: August 10, 2023

Witnesses in Favor: Two

Witnesses Against: Seven

SUBCOMMITTEE RECOMMENDATION

DATE: September 6, 2023

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the applications by the Applicant on L.U. Nos. 253 and 254.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 20, 2023

The Committee recommends that the Council adopt a motion to file L.U.s 253 and 254, pursuant to withdrawal of the applications by the Applicant.

In Favor:

Salamanca
Moya
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Hanks
Krishnan
Mealy
Sanchez

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 254

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application number N 230118 ZRK (1233 57th Street Rezoning) submitted by 1233-57 St., LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on August 3, 2023 (Minutes, page 2251), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 253 printed in these Minutes)

Accordingly, this Committee recommends its filing.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 259

Report of the Committee on Land Use in favor of approving Application number C 200101 ZMK (2761 Plumb 2nd Street Rezoning) submitted by Zaliv, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, changing from a C3 District to an R3-2 District and establishing within the proposed R3-2 District a C2-3 District, Borough of Brooklyn, Community District 15, Council District 48.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2431) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB - 15****C 200101 ZMK**

City Planning Commission decision approving an application submitted by Zaliv, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a:

1. changing from a C3 District to an R3-2 District property bounded by a line 135 feet northerly of Harkness Avenue and its easterly prolongation, the easterly street line of Shell Bank Avenue, a line 50 feet southerly of Harkness Avenue and its easterly prolongation, Plumb 3rd Street, Harkness Avenue, and Plumb 2nd Street; and
2. establishing within the proposed R3-2 District a C2-3 District bounded by a line 135 feet northerly of Harkness Avenue and its easterly prolongation, the easterly street line of Shell Bank Avenue, a line 50 feet southerly of Harkness Avenue and its easterly prolongation, Plumb 3rd Street, Harkness Avenue, and Plumb 2nd Street;

and subject to the conditions of CEQR Declaration E-698.

INTENT

To rezone the project area from an existing C3 zoning district to an R3-2 zoning district, with a C2-3 commercial overlay, to allow an existing eating and drinking establishment, located at 2761 Plumb 2nd St (Block 8841, Lot 500 and Block 8844, Lot 340) in the Sheepshead Bay neighborhood of Brooklyn, Community District 15, to continue operating without having to seek a special permit from the Board of Standards and Appeals (BSA) every five years.

PUBLIC HEARING

DATE: September 6, 2023

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 19, 2023

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

In Favor:	Against:	Abstain:
Riley	None	None
Moya		
Louis		
Abreu		
Bottcher		
Hanks		
Schulman		
Carr		

COMMITTEE ACTION**DATE:** September 20, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Hanks		
Krishnan		
Mealy		
Sanchez		

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

Res. No. 800

Resolution approving the decision of the City Planning Commission on ULURP No. C 200101 ZMK, a Zoning Map amendment (L.U. No. 259).

By Council Members Salamanca and Riley.

WHEREAS, Zaliv, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, to change a C3 District to an R3-2 District and establishing within the proposed R3-2 District a C2-3 District, which would allow an existing eating and drinking establishments, located at 2761 Plumb 2nd St (Block 8841, Lot 500 and Block 8844, Lot 340) in the Sheephead

Bay neighborhood of Brooklyn, Community District 15, to continue operating without seeking a special permit from the Board of Standards and Appeals (BSA) Special Permit every five years (ULURP No. C 200101 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 25, 2023 its decision dated August 23, 2023 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2023;

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 April 24th, 2023 (CEQR No. 22DCP052K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials (E-698) (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-698) 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 200101 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. 29a:

1. changing from a C3 District to an R3-2 District property bounded by a line 135 feet northerly of Harkness Avenue and its easterly prolongation, the easterly street line of Shell Bank Avenue, a line 50 feet southerly of Harkness Avenue and its easterly prolongation, Plumb 3rd Street, Harkness Avenue, and Plumb 2nd Street; and
2. establishing within the proposed R3-2 District a C2-3 District bounded by a line 135 feet northerly of Harkness Avenue and its easterly prolongation, the easterly street line of Shell Bank Avenue, a line 50 feet southerly of Harkness Avenue and its easterly prolongation, Plumb 3rd Street, Harkness Avenue, and Plumb 2nd Street;

and subject to the conditions of CEQR Declaration E-698, Borough of Brooklyn, Community District 15.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

Report for L.U. No. 260

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230012 ZMQ (42-18 31st Avenue Rezoning) submitted by 42-18 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a & 9b, eliminating from within an existing R5 District a C1-2 District, changing from an R5 District to an R6A District, and establishing within the proposed R6A District a C1-3 District, Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2431), respectfully

REPORTS:**SUBJECT**

**QUEENS CB-1 – TWO APPLICATIONS RELATED TO 42-18 31ST AVENUE
REZONING**

C 230012 ZMQ (L.U. No. 260)

City Planning Commission decision approving an application submitted by 42-18 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a and 9b:

1. eliminating from within an existing R5 District a C1-2 District bounded by 31st Avenue, 44th Street, a line 150 feet southwesterly of 31st Avenue, and 42nd Street;
2. changing from an R5 District to an R6A District property bounded by 31st Avenue, 44th Street, Newtown Road, 43rd Street, a line 100 feet southwesterly of 31st Avenue, and 42nd Street; and
3. establishing within the proposed R6A District a C1-3 District bounded by 31st Avenue, 44th Street, Newtown Road, 43rd Street, a line 100 feet southwesterly of 31st Avenue, and 42nd Street;

as shown on a diagram (for illustrative purposes only) dated March 27, 2023, and subject to the conditions of CEQR Declaration E-690.

N 230013 ZRQ (L.U. No. 261)

City Planning Commission decision approving an application submitted by 42-18 Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from an R5/C1-2 zoning district to R6A/C1-3 zoning district and amend the zoning text to establish the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the development of a new six-story mixed-use building with

33 dwelling units, of which 10 to 12 would be permanently income-restricted, with ground-floor retail located at 42-18 31st Avenue in the Astoria neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: September 6, 2023

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 19, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 260 and approve with modifications the decision of the City Planning Commission on L.U. No. 261.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 20, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Hanks
Krishnan
Mealy
Sanchez

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 261

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230013 ZRQ (42-18 31st Avenue Rezoning) submitted by 42-18 Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2431), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 260 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 262

Report of the Committee on Land Use in favor of approving Application number C 220456 ZMR (125 Greaves Lane) submitted by 125 Greaves Lane, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c, establishing within an existing R3-2 District a C2-1 District, Borough of Staten Island, Community District 3, Council District 51.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2432) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB - 3

C 220456 ZMR

City Planning Commission decision approving an application submitted by 125 Greaves Lane, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c, establishing within an existing R3-2 district a C2-1 District bounded by a line 300 feet easterly of Greaves Avenue and its southerly prolongation, a line 170 feet southwesterly of the southern westerly street line of former Gardo Place, and center line of the Staten Island Rapid Transit Operating Authority (S.I.R.T.O.A.) Railroad right-of-way, Borough of Staten Island, Community District 3, as shown on a diagram (for illustrative purposes only) dated April 24, 2023.

INTENT

To map over the project area, which is an existing R3-2 zoning district, a C2-1 commercial overlay that would facilitate the conversion of Block 4645, Lot 425 from a community facility use to a commercial use in the Bay Terrace neighborhood of Staten Island, Community District 3.

PUBLIC HEARING

DATE: September 6, 2023

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 19, 2023

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

In Favor:

- Riley
- Moya
- Louis
- Abreu
- Bottcher
- Hanks
- Schulman
- Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 20, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Hanks		
Krishnan		
Mealy		
Sanchez		

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

Res. No. 801

Resolution approving the decision of the City Planning Commission on ULURP No. C 220456 ZMR, a Zoning Map amendment (L.U. No. 262).

By Council Members Salamanca and Riley.

WHEREAS, 125 Greaves Lane, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 33c, by establishing within an existing R3-2 district a C2-1 District, which would extend an existing C2-1 commercial district and facilitate the conversion of Block 4645, Lot 425 from a community facility use to a commercial use in the Bay Terrace neighborhood of Staten Island, Community District 3 (ULURP No. C 220456 ZMR) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 11, 2023 its decision dated August 9, 2023 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2023;

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 April 24th, 2023 (CEQR No. 22DCP146R);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 220456 ZMR, 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. 33c by establishing within the existing R3-2 District a C2-1 District bounded by a line 300 feet easterly of Greaves Avenue and its southerly prolongation, a line 170 feet southwesterly of the southern westerly street line of former Gardo Place, and center line of the Staten Island Rapid Transit Operating Authority (S.I.R.T.O.A.) Railroad right-of-way, Borough of Staten Island, Community District 3.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

Report for L.U. No. 264

Report of the Committee on Land Use in favor of approving Application number C 230291 ZMX (1460-1480 Sheridan Boulevard) submitted by Simone Companies, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, changing from an M1-1 District to an R7-3 District and establishing within the proposed R7-3 District a C2-4 District, Borough of the Bronx, Community District 9, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2432) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

BRONX CB-9 – TWO APPLICATIONS RELATED TO 1460-1480 SHERIDAN BOULEVARD

C 230291 ZMX (L.U. No. 264)

City Planning Commission decision approving an application submitted by Simone Companies, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d:

1. changing from an M1-1 District to an R7-3 District property bounded by the northwesterly centerline prolongation of East 172nd Street, the U.S Pierhead and Bulkhead Line, the westerly boundary line of the New York New Haven & Hartford Railroad right-of-way, a line 300 feet northerly of Westchester Avenue and its westerly prolongation, and Sheridan Expressway; and
2. establishing within the proposed R7-3 District a C2-4 District bounded by the northwesterly centerline prolongation of East 172nd Street, the U.S Pierhead and Bulkhead Line, the westerly boundary line of the New York New Haven & Hartford Railroad right-of-way, a line 300 feet northerly of Westchester Avenue and its westerly prolongation, and Sheridan Expressway.

as shown on a diagram (for illustrative purposes only) dated April 10, 2023, and subject to the conditions of CEQR Declaration E-714.

N 230292 ZRX (L.U. No. 265)

City Planning Commission decision approving an application submitted by Simone Companies, for the grant of an authorization pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area.

INTENT

To approve the amendment to rezone the project area from an existing M1-1 zoning district to an R7-3/C2-4 zoning district and amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the development of three new buildings totaling approximately 744,000 square feet of floor area, including approximately 13,000 square feet of commercial space, 970 dwelling units and 100 parking spaces in the cellar at 1460 –1480 Sheridan Boulevard in the Crotona Park East neighborhood of the Bronx, Community District 9.

PUBLIC HEARING

DATE: September 6, 2023

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** September 19, 2023

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on Pre. L.U. Nos. 264 and 265.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 20, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Louis
Riley
Abreu
Brooks-Powers
Bottcher
Hanks
Krishnan
Mealy
Sanchez

Against:

None

Abstain:

None

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

Res. No. 802

Resolution approving the decision of the City Planning Commission on ULURP No. C 230291 ZMX, a Zoning Map amendment (L.U. No. 264).

By Council Members Salamanca and Riley.

WHEREAS, Simone Companies, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 3d, by changing from an M1-1 District to an R7-3 District and establishing within the proposed R7-3 District a C2-4 District, which in conjunction with the related action would facilitate the development of three new buildings totaling approximately 744,000 square

feet of floor area, including approximately 13,000 square feet of commercial space, 970 dwelling units and 100 parking spaces in the cellar at 1460 –1480 Sheridan Boulevard in the Crotona Park East neighborhood of the Bronx, Community District 9 (ULURP No. C 230291 ZMX) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 25, 2023 its decision dated August 23, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 230292 ZRX (L.U. No. 265), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 13th, 2022 (CEQR No. 22DCP178X) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2023, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-714) on the project sites as specified in FEIS Chapters 10, 13, and 15. To ensure the implementation of the PCREs the applicant will submit the signed Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (vehicular traffic, pedestrian) and construction (vehicular traffic); the identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 19, "Mitigation" of the FEIS; and to ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
- (3) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives provided in the application, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (4) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated August 23, 2023, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230291 ZMX, 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. 3d:

1. changing from an M1-1 District to an R7-3 District property bounded by the northwesterly centerline prolongation of East 172nd Street, the U.S Pierhead and Bulkhead Line, the westerly boundary line of the New York New Haven & Hartford Railroad right-of-way, a line 300 feet northerly of Westchester Avenue and its westerly prolongation, and Sheridan Expressway; and
2. establishing within the proposed R7-3 District a C2-4 District bounded by the northwesterly centerline prolongation of East 172nd Street, the U.S Pierhead and Bulkhead Line, the westerly boundary line of the New York New Haven & Hartford Railroad right-of-way, a line 300 feet northerly of Westchester Avenue and its westerly prolongation, and Sheridan Expressway.

and subject to the conditions of CEQR Declaration E-714, Borough of the Bronx, Community District 9.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

Report for L.U. No. 265

Report of the Committee on Land Use in favor of approving Application number N 230292 ZRX (1460-1480 Sheridan Boulevard) submitted by Simone Companies, 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 the Bronx, Community District 9, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2432) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 264 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 803

Resolution approving the decision of the City Planning Commission on Application No. N 230292 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 265).

By Council Members Salamanca and Riley.

WHEREAS, Simone Companies, filed an application for the grant of an authorization, pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing Area, which in conjunction with the related action would facilitate the development of three new buildings including approximately 970 dwelling units and 100 parking spaces in the cellar, at 1460–1480 Sheridan Boulevard in the Crotona Park East neighborhood of the Bronx, Community District 9 (ULURP No. N 230292 ZRX), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 25, 2023, its decision dated August 23, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 230291 ZMX (L.U. No. 264), a zoning map amendment to change an existing M1-1 zoning district to an R7-3/C2-4 zoning 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 September 6, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Positive Declaration issued May 13th, 2022 (CEQR No. 22DCP178X) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 11, 2023, in which significant adverse impacts related to hazardous materials, air quality, and noise would be avoided through the placement of (E) designations (E-714) on the project sites as specified in FEIS Chapters 10, 13, and 15. To ensure the implementation of the PCREs the applicant will submit the signed Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits. The proposed project as analyzed in the FEIS identified significant adverse impacts with respect to transportation (vehicular traffic, pedestrian) and construction (vehicular traffic); the identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 19, “Mitigation” of the FEIS; and to ensure the implementation of the mitigation measures identified in the FEIS, the mitigation measures are included in the Restrictive Declaration.

RESOLVED:

Having considered the FEIS with respect to the Decision and Application, the Council finds that:

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action[s] that are set forth in this report; and
- (3) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives provided in the application, the action is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable; and
- (4) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the maximum

extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated August 23, 2023, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d).

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230292 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

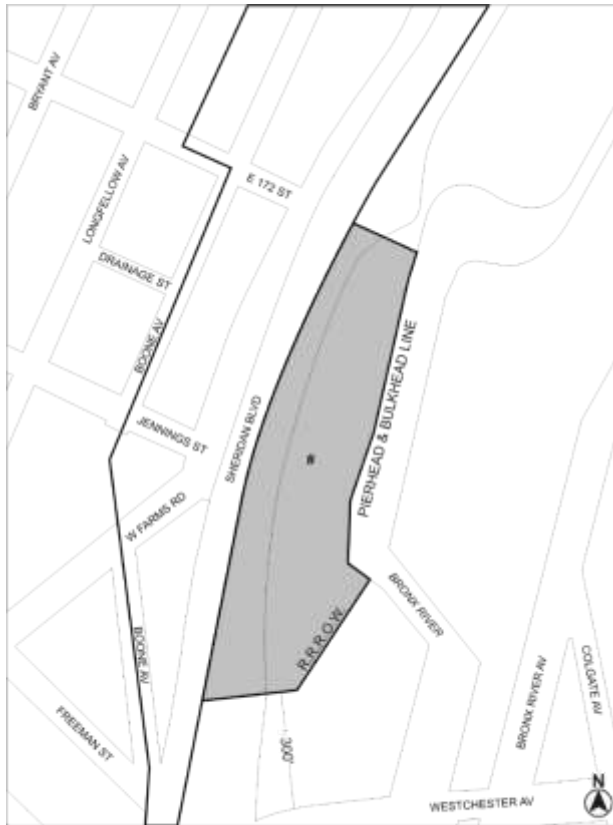
* * *

THE BRONX

* * *

The Bronx Community District 9

* * *



Inclusionary Housing Designated Area
 Mandatory Inclusionary Housing Program Area *see Section 22-154(v)(3)*
 Area # — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 9, The Bronx

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

Report for L.U. No. 266

Report of the Committee on Land Use in favor of approving Application No. G 230032 XIM (ShareNYC-244 East 106th Street Article XI Disposition) submitted by the New York City Department of Housing Preservation and Development for approval of the disposition of city-owned property pursuant to Article XI of the Private Housing Finance Law for property located at 244 East 106th Street (Block 1655, p/o Lot 29) (Tentatively New Lot 129), Borough of Manhattan, Community District 11, Council District 8.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2433) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 11****G 230032 XIM**

Application submitted by the New York City Department of Housing Preservation and Development for approval of a disposition of city-owned property pursuant to Article XI of the Private Housing Finance Law for property located at 244 East 106th Street (Block 1655, p/o Lot 29) (Tentatively New Lot 129), Borough of Manhattan, Community District 11, Council District 8. This application is related to City Council Resolution dated May 16, 1995 (Resolution No. 1009, L.U. No. 512).

INTENT

To approve the disposition of the disposition area to a project sponsor to construct one (1) building containing a total of approximately 32 units for occupancy by homeless and low-income persons, plus one (1) dwelling unit for a superintendent.

PUBLIC HEARING**DATE:** September 19, 2023**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** September 19, 2023

The Subcommittee recommends that the Land Use Committee approve the request made by the New York City Department of Housing Preservation and Development.

In Favor:	Against:	Abstain:
Louis	None	None
De la Rosa		
Marte		
Nurse		
Ung		

COMMITTEE ACTION**DATE:** September 20, 2023

The Committee recommends that the Council approve the attached resolution.

In Favor:	Against:	Abstain:
Salamanca	None	None
Moya		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Hanks		
Krishnan		
Mealy		
Sanchez		

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

Res. No. 804

Resolution approving the disposition of city-owned property pursuant to Article XI of the Private Housing Finance Law (L.U. No. 266; Non-ULURP No. G 230032 XIM).

By Council Members Salamanca and Louis.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on August 25, 2023 its request dated August 25, 2023 that the Council approve the

disposition of city-owned property pursuant to Section 576-a(2) of the Private Housing Finance Law (the “Application”) for property located at 244 East 106th Street (Block 1655, p/o Lot 29, Community District No. 11, Borough of Manhattan, Council District No. 8 (the “Disposition Area”);

WHEREAS, the Application is related to ULURP applications C 230285 PQM, an acquisition of property; and C 230286 PPM, a disposition of City-owned property (together, the “ULURP Applications”), which together with the Application would facilitate a supportive housing development;

WHEREAS, upon due notice, the Council held a public hearing on the Application on September 19, 2023; and

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

RESOLVED:

The Council approves the sale of the Disposition Area to a developer to be selected by HPD pursuant to Section 576-a(2) of the Private Housing Finance Law, upon condition that the Project shall be developed in a manner consistent with Project Summary submitted by HPD, a copy of which is attached hereto and made a part hereof.

ATTACHMENT:

PROJECT SUMMARY

- | | | | | | | | | | | | | | |
|---------------------------------------|--|-----------------------|------------|----------------|------|--------|-----------------------|--|--|------------|--|--|--------------|
| 1. PROGRAM: | SUPPORTIVE HOUSING LOAN PROGRAM | | | | | | | | | | | | |
| 2. PROJECT: | SHARENYC - 244 E 106 STREET | | | | | | | | | | | | |
| 3. LOCATION: | 244 E 106 STREET | | | | | | | | | | | | |
| a. BOROUGH: | MANHATTAN | | | | | | | | | | | | |
| b. COMMUNITY DISTRICT: | 11 | | | | | | | | | | | | |
| c. COUNCIL DISTRICT: | 8 | | | | | | | | | | | | |
| d. DISPOSITION AREA: | <table border="0"> <tr> <td style="text-align: left;"><u>BLOCK</u></td> <td style="text-align: left;"><u>LOT</u></td> <td style="text-align: left;"><u>ADDRESS</u></td> </tr> <tr> <td>1655</td> <td>p/o 29</td> <td>244 East 106th Street</td> </tr> <tr> <td></td> <td></td> <td>(Tentative</td> </tr> <tr> <td></td> <td></td> <td>New Lot 129)</td> </tr> </table> | <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | 1655 | p/o 29 | 244 East 106th Street | | | (Tentative | | | New Lot 129) |
| <u>BLOCK</u> | <u>LOT</u> | <u>ADDRESS</u> | | | | | | | | | | | |
| 1655 | p/o 29 | 244 East 106th Street | | | | | | | | | | | |
| | | (Tentative | | | | | | | | | | | |
| | | New Lot 129) | | | | | | | | | | | |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per lot and deliver an enforcement note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of at least thirty (30) years following completion of construction, the Land Debt or City’s | | | | | | | | | | | | |

capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 1
- 7. APPROXIMATE NUMBER OF UNITS:** 32 units (plus one superintendent's unit)
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS** Formerly homeless tenants referred by HRA and other City agencies will pay up to 30% of their income as rent. Other tenants will pay rents set at up to 30% of 60% of the area median income (AMI) on an annual basis.
- 10. INCOME TARGETS** Up to 60% of AMI
- 11. PROPOSED FACILITIES:** Community Room, Administrative Offices, Social Services Offices, Security Desk
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 22 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHEER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

Report of the Committee on Transportation and Infrastructure

Report for Int. No. 906-A

Report of the Committee on Transportation and Infrastructure in favor of approving and adopting, as amended, a Local Law in relation to parking for tractor trailers and other commercial trucks.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on February 2, 2023 (Minutes, page 402), respectfully

REPORTS:

INTRODUCTION

On September 28, 2023, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a vote on Int. No. 906-A. The Committee heard a previous version of Int. No. 906 on April 10, 2023. Those who testified at that hearing included representatives from the New York City (NYC) Department of Transportation, the New York Police Department (NYPD), transportation advocates, environmental advocates, and other interested stakeholders.

On September 28, 2023, the Committee on Transportation and Infrastructure passed Int. No. 906-A by a vote of 11 in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Truck & Freight Trends

Each year, about 365 million tons of cargo enters, leaves, or passes through NYC, with about 89 percent of it being carried by truck.¹ By 2045, the tonnage of cargo is expected to increase dramatically, with the same proportion of it (89 percent) expected to be delivered by truck.² Prior to the COVID-19 pandemic, in 2019, more than 1.8 million packages were delivered to NYC on a typical day.³ This number has increased dramatically since 2019, largely due to the growth in e-commerce deliveries spurred by the pandemic.⁴ During the beginning of the pandemic, more than 3.7 million packages were delivered daily in NYC.⁵ As of March 2022, the total number of daily packages delivered in NYC was about 3.6 million.⁶ This number has likely increased, with the need for trucks to deliver goods to increase as well.

City data from 2021 shows that 80 percent of package deliveries are to residential customers, compared with 40 percent before the pandemic.⁷ This higher delivery ratio among residential populations is in part due to the rapid expansion of e-commerce and direct-to-consumer delivery markets, in which smaller, more frequent deliveries are split across dozens of product-specific companies (e.g., Amazon Prime Now, Amazon Fresh, FreshDirect, Instacart, etc.).⁸

¹ NYC, PORTNYC and NYC EDC, *FREIGHTNYC: Goods for the Good of the City*, available for download at https://edc.nyc/sites/default/files/filemanager/Programs/FreightNYC_book_DIGITAL.pdf

² NYC, DOT, Report, *Improving the efficiency of truck deliveries in NYC*, April 2019 (prepared pursuant to local law 189 for the year 2017), available for download at <https://www1.nyc.gov/html/dot/downloads/pdf/truck-deliveries-11189.pdf>

³ MIT Technology Review, Sarah Simon, *New York City is drowning in packages*, July 12, 2022, available at <https://www.technologyreview.com/2022/07/12/1055161/new-york-city-packages/>

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ The New York Times, Matthew Haag and Winnie Hu, *As Online Shopping Surged, Amazon Planned Its New York Takeover*, March 4, 2021, available at <https://www.nytimes.com/2021/03/04/nyregion/amazon-in-new-york.html>

⁸ *Id.*

Predictably, the high volume of deliveries causes considerable congestion on City streets. Estimates from a 2021 report indicate that delivering more than 2 million e-commerce parcels a day would require about 7,800 freight vehicles occupying City streets for eight hours each.⁹ Given that about 3.6 million packages were being delivered daily, the total number of trucks that are actually on City streets is likely much greater.¹⁰ As there is a lack of space for these trucks to load and unload, at times they have little choice but to block car traffic, bus lanes, or bike lanes.

Truck Parking in Residential Neighborhoods

The increase in deliveries has exacerbated the problem of overnight truck parking in residential neighborhoods. While it is illegal to park a commercial vehicle overnight on a residential street in NYC, residents of many neighborhoods, including those near major freight hubs like John F. Kennedy International Airport, report that trucks are regularly flouting that prohibition.¹¹ Trucks illegally parked on residential streets may contribute to congestion in a neighborhood and limit parking spaces for neighborhood residents. It is often the case that truck drivers park on residential streets because they have no other choice: federal regulations require truck drivers to take mandatory rests,¹² at which point they must pull off the road and search for parking, yet NYC has an insufficient number of designated lots at which they can park.

There have been several efforts to address illegal truck parking on residential streets, both locally and nationally. In August 2022, NYC Mayor Eric Adams and the NYPD announced operation “Heavy Duty Enforcement,” dedicated to enforcing the prohibition on overnight truck parking through ticketing, booting, and towing.¹³ City Hall has also launched a task force devoted to studying the issue of overnight parking, and conducted a survey this past February to gather public sentiment on the issue, and possible solutions.¹⁴ At the same time, recognizing the need to address the “nation’s truck parking shortage,” the U.S. Department of Transportation has announced nearly \$40 million in grants for truck parking projects.¹⁵

LEGISLATIVE ANALYSIS

Analysis of Int. No. 906-A

Int. No. 906-A, sponsored by Council Member Justin Brannan, would require an agency or office designated by the mayor to, by December 31, 2025, identify no less than three locations where off-street parking for tractor trailers and other commercial vehicles would be feasible and appropriate, and to offer parking at such locations. Such locations could include real property owned by the city or by other governmental entities.

If enacted, Int. No. 906-A would take effect immediately after it becomes law.

UPDATE

On September 28, 2023, the Committee on Transportation and Infrastructure passed Int. No. 289-A by a vote of 11 in the affirmative, zero in the negative, with zero abstentions.

⁹ MIT Technology Review, Sarah Simon, *New York City is drowning in packages*, July 12, 2022, available at <https://www.technologyreview.com/2022/07/12/1055161/new-york-city-packages/>

¹⁰ *Id.*

¹¹ Gotham Gazette, Linda Lee, Nantasha Williams, Selvena Brooks-Powers, *It’s Time to Deliver Our Neighborhoods from Illegal Commercial Truck Parking*, May 23, 2022, available at <https://www.gothamgazette.com/130-opinion/11320-deliver-illegal-commercial-truck-parking-neighborhoods>

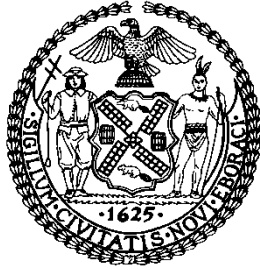
¹² Federal Motor Carrier Safety Administration, *Summary of Hours of Service Regulations*, available at <https://www.fmcsa.dot.gov/regulations/hours-service/summary-hours-service-regulations>

¹³ NYC Office of Mayor, *Mayor Eric Adams and NYPD Launch Operation ‘Heavy Duty Enforcement’ To Target Illegally Parked Commercial Vehicles in Queens*, Aug. 22, 2022, available at <https://www.nyc.gov/office-of-the-mayor/news/614-22/mayor-eric-adams-nypd-launch-operation-heavy-duty-enforcement-target-illegally-parked>

¹⁴ BX Times, Aliya Schneider, *Irked by overnight truck parking? Here’s how to share your thoughts*, February 23, 2023), available at <https://www.bxtimes.com/overnight-truck-parking-thoughts/>

¹⁵ U.S. Department of Transportation, *Biden-Harris Administration Brings Together Trucking Community to Help Expand Truck Parking*, Sept. 30, 2022, available at <https://highways.dot.gov/newsroom/biden-harris-administration-brings-together-trucking-community-help-expand-truck-parking>

(The following is the text of the Fiscal Impact Statement for Int. No. 906-A:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 906-A

COMMITTEE: Transportation and Infrastructure

TITLE: A local law in relation to parking for tractor trailers and other commercial vehicles.

SPONSOR(S): By Council Members Brannan, Hanks, Riley, Dinowitz, Ung, Brooks-Powers, Louis, Williams, Avilés, Gutiérrez, Hanif, Velázquez, Narcisse, Lee and Farías.

SUMMARY OF LEGISLATION: This bill would require an agency or office designated by the Mayor to, by December 31, 2025, identify no less than three locations where off-street parking for tractor trailers and other commercial vehicles would be feasible and appropriate, and to offer parking at such locations. Such locations could include real property owned by the City or by other governmental entities.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	(See Below)	(See Below)	(See Below)
Expenditures (-)	(See Below)	(See Below)	(See Below)
Net	(See Below)	(See Below)	(See Below)

IMPACT ON REVENUES: It is anticipated that there would be some revenue as a result of this bill; however, the fiscal impact cannot be estimated at this time without knowing how many trucks will park in the designated locations.

IMPACT ON EXPENDITURES: It is anticipated that there would be impact on expenditures resulting from the enactment of this legislation; however, since the locations are yet to be identified it is difficult at this time to determine the annual costs that would be associated with the operation of the three locations.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on February 2, 2023, as Intro. No. 906 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on April 10, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 906-A will be considered by the Committee on September 28, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 906-A will be submitted to the full Council for a vote on September 28, 2023.

DATE PREPARED: September 27, 2023.

Accordingly, this Committee recommends its adoption, as amended.

Int. No. 906-A

By Council Members Brannan, Hanks, Riley, Dinowitz, Ung, Brooks-Powers, Louis, Williams, Avilés, Gutiérrez, Hanif, Velázquez, Narcisse, Lee, Farías, Rivera, Schulman and Gennaro.

A Local Law in relation to parking for tractor trailers and other commercial trucks

Be it enacted by the Council as follows:

Section 1. Tractor trailer and other commercial truck parking. a. Definitions. For the purposes of this local law, the term “tractor trailer” means a large commercial vehicle used to transport goods, including, but not limited to, a tractor-trailer combination, tractor, truck trailer, or semi-trailer.

b. No later than December 31, 2025, an agency or office designated by the mayor of the city of New York, in coordination with the New York city department of transportation, the New York city department of citywide administrative services, and the New York city department of city planning, shall offer off-street parking for tractor trailers and other commercial trucks at no less than 3 locations that are feasible and appropriate to offer such parking, and submit a report to the mayor and to the speaker of the council indicating the criteria used to select such locations. Such locations may include real property owned by the city as well as real property owned by other governmental entities that the city may contract with to provide such parking.

§ 2. This local law takes effect immediately.

SELVENA N. BROOKS-POWERS, *Chairperson*; FARAH N. LOUIS, CARLINA RIVERA, LINDA LEE, MERCEDES NARCISSE, LINCOLN RESTLER, NANTASHA M. WILLIAMS, JULIE WON, ARI KAGAN, DAVID M. CARR, JOANN ARIOLA; 11-0-0; *Absent*: Amanda Farías and Kalman Yeger; Committee on Transportation and Infrastructure, *September 28, 2023*.

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

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

By the Presiding Officer –

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

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
MYRANDA MENDEZ	40 River Road, Apt. 7M New York, New York 10044	5
SAKINAH SPRINGS	33 Eagle Street Brooklyn, New York 11222	33
MARISSA LEFKOWITZ	163 Columbia Street, Apt. 2A Brooklyn, New York 11231	39
TONYA HOLMAN	646 Rutland Road, Apt. 6G Brooklyn, New York 11203	41
SANYA OMAROVA- BERGMAN	1150 Brighton Beach Ave, Apt. 6-J Brooklyn, New York 11235	48
RICHARD VELEZ	50-A Wolfkov Lane Staten Island, New York 10303	49

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

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

- | | | |
|------|--|---|
| (1) | Int. No. 279-A - | Purchase of zero emission vehicles by the city. |
| (2) | Int. No. 349-A - | Dyslexia screening in city jails and referrals to evidence-based programs. |
| (3) | Int. No. 743-A - | Requiring certain city employees to identify themselves during encounters with the public. |
| (4) | Int. No. 906-A - | Parking for tractor trailers and other commercial trucks. |
| (5) | Preconsidered
Int. No. 1190 - | One-time exception to the maximum age requirement for membership in the fire department. |
| (6) | Preconsidered
Res. No. 787 - | Determining the current base proportion. |
| (7) | Preconsidered
Res. No. 788 - | Computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2024 to the State Board of Real Property Tax Services (CBP Class Shares, Amended and Restated, September 28, 2023). |
| (8) | Preconsidered
Res. No. 789 - | Computing and certifying the adjusted base proportion of each class of real property for Fiscal 2024 to the State board of Real Property Tax (ABP Class Shares, Amended and Restated, September 28, 2023). |
| (9) | Preconsidered
Res. No. 790 - | Provide the amounts necessary for the support of the government of the city of New York and the counties therein and for payment of indebtedness (Tax-Fixing Resolution, Amended and Restated, September 28, 2023). |
| (10) | L.U. No. 253 – | App. C 230117 ZMK (1233 57th Street Rezoning) , Borough of Brooklyn, Community District 12, Council District 44
(Coupled to be Filed) |

- (11) **L.U. No. 254 –** **App. N 230118 ZRK (1233 57th Street Rezoning)**, Borough of Brooklyn, Community District 12, Council District 44
(Coupled to be Filed)
- (12) **L.U. No. 259 & Res. No. 800 -** **App. C 200101 ZMK (2761 Plumb 2nd Street Rezoning)**, Borough of Brooklyn, Community District 15, Council District 48.
- (13) **L.U. No. 262 & Res. No. 801 -** **App. C 220456 ZMR (125 Greaves Lane)**, Borough of Staten Island, Community District 3, Council District 51.
- (14) **L.U. No. 264 & Res. No. 802 -** **App. C 230291 ZMX (1460-1480 Sheridan Boulevard)**, Borough of the Bronx, Community District 9, Council District 17.
- (15) **L.U. No. 265 & Res. No. 803 -** **App. N 230292 ZRX (1460-1480 Sheridan Boulevard)**, Borough of the Bronx, Community District 9, Council District 17.
- (16) **L.U. No. 266 & Res. No. 804 -** **App. G 230032 XIM (ShareNYC-244 East 106th Street Article XI Disposition)**, Borough of Manhattan, Community District 11, Council District 8.
- (17) **Preconsidered L.U. No. 273 & Res. No. 798 -** Red Oak, Manhattan, Community District 7, Council District No. 7.
- (18) **Preconsidered L.U. No. 274 & Res. No. 799 -** Stevenson Commons, Bronx, Community District No. 9, Council District No. 18.
- (19) **Resolution approving various persons Commissioners of Deeds.**

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Holden, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **47**.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 906-A**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Holden, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **46**.

Negative – Yeger – **1**.

The following was the vote recorded for **Preconsidered Res. No. 787**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **41**.

Negative – Ariola, Carr, Holden, Paladino, Vernikov, and the Minority Leader (Council Member Borelli) – **6**.

The following was the vote recorded for **Preconsidered Res. Nos. 788, 789, and 790**:

Affirmative – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **40**.

Negative – Ariola, Carr, Holden, Paladino, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) – **7**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 279-A, 349-A, 743-A, 906-A, and Preconsidered Int. No. 1190.*

RESOLUTIONS

Presented for voice-vote

The following are the respective Committee Reports for each of the Resolutions referred to the Council for a voice-vote pursuant to Rule 8.50 of the Council:

At this point, the Speaker (Council Member Adams) announced that the following item has been **preconsidered** by the Committee on Environmental Protection, Resiliency and Waterfronts and has been favorably reported for adoption.

Report for voice-vote item Res. No. 796

Report of the Committee on Environmental Protection, Resiliency and Waterfronts in favor of approving a Resolution calling on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

The Committee on Environmental Protection, Resiliency and Waterfronts, to which the annexed preconsidered resolution was referred on September 28, 2023, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Environmental Protection, Resiliency and Waterfronts for Int. No. 279-A printed in the Report of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 796:)

Preconsidered Res. No. 796

Resolution calling on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

By Council Members Powers, Gennaro, Rivera, Velázquez, Restler and Marte.

Whereas, Section 163 of the New York State Finance Law defines “best value” to be a basis for awarding contracts that optimizes quality, cost, and efficiency among responsive and responsible bidders, in contrast to a least cost basis, which requires award to the lowest responsible bidder; and

Whereas, Use of a best value basis may allow the Mayor of New York City (the Mayor) to procure goods and services that both have a higher lifetime value than those procured with a least cost basis and are provided by businesses that encourage workers’ rights, social justice, and environmentalism; and

Whereas, When evaluating bids on the basis of best value, the Mayor may consider certain factors of interest, such as whether the bidder has a history of poor performance or labor violations, is a small business or certified minority- or women-owned business, or will employ union labor, which may result in a higher-quality work product; and

Whereas, The rules that govern procurement by the Mayor are set by New York State (the State) and the New York City Procurement Policy Board (PPB), which has a majority of members that are appointed by the Mayor; and

Whereas, Section 103 of the State General Municipal Law and the rules of the PPB allow the Mayor to award purchase contracts on the basis of best value; and

Whereas, The rules of the PPB also allow the Mayor to require that bidders competing on the basis of best value submit, in addition to a bid price, certain information, such as a jobs plan, which may detail a bidder's commitment to job creation, implementing a targeted plan to hire individuals facing barriers to employment and displaced workers, and offering living wages, benefits, and worker trainings; and

Whereas, The Council of the City of New York (the Council) may require that, beginning July 1, 2025, all light- and medium-duty vehicles procured by the Mayor be zero emission vehicles (ZEVs), and that, beginning July 1, 2028, all heavy-duty vehicles procured by the Mayor be zero emission vehicles, such that all light- and medium-duty vehicles in the New York City (the City) fleet are ZEVs by July 1, 2035, and that all heavy-duty vehicles in the City fleet are ZEVs by July 1, 2038, subject to certain exceptions; and

Whereas, In order for the City to transition to a ZEV fleet, the Mayor will likely need to allow existing internal combustion engine vehicle contracts to expire and award new contracts to purchase, operate, and maintain ZEVs; and

Whereas, The Mayor should award these ZEV contracts on the basis of best value to ensure that the City fleet is manufactured and maintained by trained professionals who have a history of producing high-quality goods and services and are employed by bidders who are committed to job creation, paying living wages, offering benefits, and providing worker training and retraining; and

Whereas, The Mayor should also require that bidders competing for ZEV contracts submit a jobs plan that includes information concerning the number of jobs that would be created by the contract, the minimum wage level for each type of job used to fulfill the contract, and efforts to retrain employees familiar with internal combustion engine vehicles; and

Whereas, The submission of a jobs plan would allow the Mayor to award ZEV contracts to bidders who provide the greatest beneficial citywide economic impact; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

JAMES F. GENNARO, *Chairperson*; JENNIFER GUTIÉRREZ, ROBERT F. HOLDEN, JULIE MENIN, SANDY NURSE, LINCOLN RESTLER; 6-0-0; *Absent*: Kamillah Hanks; Committee on Environmental Protection, Resiliency & Waterfronts, September 28, 2023.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1189

By Council Members Abreu, Brannan, Hanif, Krishnan, Won, Ayala, Paladino and Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to background checks for child care providers, employees, and volunteers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.23 to read as follows:

§ 17-199.23 Background checks for child care providers, employees, and volunteers. If the department has completed a background check for a child care provider, employee, or volunteer within the previous 5 years, the department shall not require a subsequent background check for such provider, employee, or volunteer unless (i) such provider, employee, or volunteer has not been employed by a child care provider in the city for more than 180 consecutive days within the previous 5 years, or (ii) a background check for such child care provider, employee, or volunteer is otherwise required by law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Preconsidered Res. No. 787

Resolution establishing for Fiscal 2024 a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion.

By Council Member Ayala.

Whereas, Section 1803-b(1)(b) requires the New York City Council (the “Council”) to distribute the tax levy among the four classes of real property based on the adjusted base proportions as computed by the Council; and

Whereas, Pursuant to section 1803-a(1)(5), the adjusted base proportions are computed using the current base proportions as calculated by the Council; and

Whereas, Section 1803-a(1)(c) of the Real Property Tax Law requires that if any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion for such class of property, shall exceed five percent, such excess over five percent must be shifted to any other class of property (this percent limit to be known as the “Class Share Cap”); and

Whereas, Notwithstanding the provisions of section 1803-a(1)(c), for Fiscal 2024, pursuant to Chapter 347 of the State Laws of 2023, the Council is authorized to adjust the class share cap by changing the percent increase of the current base proportion of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such percent increase shall be no more than five percent, and provided further that such determination must be made by November 1, 2023; and

Whereas, For Fiscal 2024, the Council has determined to set a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion; now, therefore, be it

Resolved, That the Council of the City of New York establishes for Fiscal 2024 a limit of a zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 788

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING BASE PERCENTAGE, CURRENT PERCENTAGE AND CURRENT BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2024 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Member Ayala.

Whereas, On February 22, 2023 the State Board of Real Property Tax Services (SBRPTS) certified the final State equalization rate, class ratios and class equalization rates for the City's 2022 assessment rolls, required by Article 18 of the Real Property Tax Law; and

Whereas, Section 1803-a(1) of the Real Property Tax Law, requires the Council to compute and certify, to the SBRPTS, for each tax levy, the base percentage, the current percentage and the current base proportion of each class of real property in the City subsequent to the date on which the SBRPTS files with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2024 assessment rolls, pursuant to Section 1212 of the Real Property Tax Law; and

Whereas, On June 30, 2023, the Council adopted a resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2024 to the SBRPTS pursuant to Section 1803-a of the Real Property Tax Law (the "June 30th Resolution"); and

Whereas, The June 30th Resolution reflects a five percent limit on any increase in the current base proportion for any class of real property, as compared with the previous year's adjusted base proportion; and

Whereas, After the adoption of the June 30th Resolution, Section 1803-a of the Real Property Tax Law was amended by Chapter 347 of the State Laws of 2023, to authorize the Council to adjust the limit on the percent increase of the current base proportion of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such limit shall be no more than five percent, and provided further that such determination must be made by November 1, 2023; and

Whereas, On September 28, 2023, the Council adopts herewith a resolution that sets a limit of zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Base Percentages, Current Base Percentages and Current Base Proportions for Fiscal 2024. (a) The Council hereby computes and certifies the base percentage, the current percentage and the current base percentage for the City's Fiscal 2024 assessment rolls as shown on SBRPTS Form RP-6700, attached hereto as Exhibit A and incorporated herein by reference (the "CBP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the CBP Certificate and to file it with the SBRPTS after the date on which the SBRPTS filed with the Clerk of the Council a certification setting forth the final state equalization rate, class ratios and class equalization rates for the City's Fiscal 2024 assessment rolls, pursuant to Section 1212 of the Real Property Tax Law.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

ATTACHMENT: Exhibit A - the CBP Certificate

(For text of the Exhibit A Chart, known as the "CBP Certificate", please refer to the legislation section of the New York City Council website <https://council.nyc.gov> and search in the attachments section of [the Res. No. 788 of 2023 file](#))

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 789

RESOLUTION AMENDING AND RESTATING THE RESOLUTION COMPUTING AND CERTIFYING ADJUSTED BASE PROPORTION OF EACH CLASS OF REAL PROPERTY FOR FISCAL 2024 TO THE STATE BOARD OF REAL PROPERTY TAX SERVICES PURSUANT TO SECTION 1803-a, REAL PROPERTY TAX LAW.

By Council Member Ayala

WHEREAS, On May 25, 2023, pursuant to Section 1514 of the New York City Charter, the Commissioner of the Department of Finance delivered to the Council the certified assessment rolls for all real property assessable for taxation in the City in each borough thereof for Fiscal 2024, a certified copy of which is in the Office of the Clerk of the City pursuant to Section 516 of the Real Property Tax Law (the "Fiscal 2024 Assessment Rolls"); and

Whereas, On June 30, 2023, pursuant to Section 1803-a(1) of the Real Property Tax Law the Council adopted a resolution in which the Council computed and certified the current base proportion, the current percentage and the base percentage of each class of real property in the City for Fiscal 2024 pursuant to Section 1803-a (1), Real Property Tax Law (the "Current Base Proportion Resolution"); and

Whereas, Section 1803-a (5) of the Real Property Tax Law requires the Council, subsequent to the filing of the final Fiscal 2024 Assessment Rolls, to adjust current base proportions computed pursuant to the Current Base Proportion Resolution to reflect additions to and removals from the Fiscal 2024 Assessment Rolls as described therein (each such current base proportion so adjusted to be known as an "Adjusted Base Proportion"); and

Whereas, Within five days upon determination of the Adjusted Base Proportions, Section 1803-a (6) of the Real Property Tax Law, requires the Council to certify, to the State Board of Real Property Tax Services (SBRPTS), the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from the additions to or removals from the Fiscal 2024 Assessment Rolls as described above, and the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from changes other than those referred to above; and

Whereas, After the June 30th adoption of the Current Base Proportion Resolution, Section 1803-a of the Real Property Tax Law was amended by Chapter 347 of the State Laws of 2023, to authorize the Council to adjust the limit on the percent increase of the current base proportion of any class over its adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion, provided that such limit shall be no more than five percent, and provided further that such determination must be made by November 1, 2023; and

Whereas, On September 28, 2023, the Council adopts herewith a resolution that sets a limit of zero percent increase of the current base proportion of any class over the adjusted base proportion of the immediately preceding year for purposes of determining the current base proportion (the "Class Share Cap Resolution");

Whereas, Pursuant to the amendment to Section 1803-a of the Real Property Tax Law and Class Share Cap Resolution, on September 28, 2023, the Council amended and restated the Current Base Proportion Resolution computing and certifying the base percentage, current percentage and current base proportion of each class of real property for Fiscal 2024 to the SBRPTS pursuant to Section 1803-a of the Real Property Tax Law;

NOW, THEREFORE, be it resolved by The Council of The City of New York as follows:

Section 1. Computation and Certification of Adjusted Base Proportions and Related Information for Fiscal 2024. (a) The Council hereby computes and certifies the Adjusted Base Proportion for each class of real property applicable to the City, the assessed value of all property in each class of real property, the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from the additions to or removals from the Fiscal 2024 Assessment Rolls as described in Section 1803-a (5) of the Real Property Tax Law, and the net change in assessed value for each class on the Fiscal 2024 Assessment Rolls resulting from changes other than those described in Section 1803-a (5) of the Real Property Tax Law, as shown on SBRPTS Form RP-6702, attached hereto as Exhibit A and incorporated herein by reference (the "ABP Certificate").

(b) The Clerk of the Council is hereby authorized and directed to execute the ABP Certificate and to file it with the SBRPTS no later than five days after the date hereof.

Section 2. Effective Date. This resolution shall take effect as of the date hereof.

(For text of the Exhibit A Chart, known as the "ABP Certificate", please refer to the legislation section of the New York City Council website at <https://council.nyc.gov> and search in the attachments section of the Res. No. 789 of 2023 file)

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Res. No. 790

Resolution amending and restating the resolution to provide the amounts necessary for the support of the government of the city of New York and the counties therein and for the payment of indebtedness therefore, for the fiscal year beginning on July 1, 2023 and ending on June 30, 2024, by the levy of taxes on the real property in the city of New York, in accordance with the provision of the constitution of the state of New York, the Real Property Tax Law and the charter of the city of New York.

By Council Member Brannan.

(For text of Res No. 790 of 2023, please refer to the legislation section of the New York City Council website at <https://council.nyc.gov> for the Res. No. 790 of 2023 file)

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered Int. No. 1190

By Council Members Brewer, Ariola, Holden, Yeager, Schulman, Farías, Gennaro, Rivera, Brooks-Powers, Carr and Kagan.

A Local Law in relation to a one-time exception to the maximum age requirement for membership in the fire department for certain persons during the next promotional exam period

Be it enacted by the Council as follows:

Section 1. Notwithstanding any inconsistent provision of section 15-103 of the administrative code of the city of New York, no person shall be restricted from taking the first promotion examination for firefighter that is given after the effective date of this local law on the basis of exceeding the otherwise applicable maximum age requirement to qualify for the force of the fire department of the city of New York, if such person: (i) had not passed their twenty-ninth birthday on or before December 31, 2019; and (ii) would have otherwise been eligible during the 2020 calendar year to file an application for a promotion examination as a member of the emergency medical services bureau of the fire department of the city of New York. No person who qualifies under this local law shall be disqualified from membership in the department on the basis of exceeding such maximum age requirement because of having passed their twenty-ninth birthday subsequent to the filing of their application.

§ 2. This local law shall take effect immediately.

Adopted by the Council (preconsidered and approved by the Committee on Fire and Emergency Management).

Res. No. 791

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.

By Council Members Brewer, Hanif, Restler and Marte.

Whereas, U.S. Census Bureau data show that the median income among Americans aged 55 years to 64 years declined by 2.6 percent between 2020 and 2021, from an estimated \$77,872 per year to an estimated \$75,842 per year; and

Whereas, Similarly, the median income among U.S. adults aged 65 years and older decreased by 2.6 percent between 2020 and 2021, from an estimated \$48,866 per year to an estimated \$47,620 per year; and

Whereas, U.S. Census Bureau data also reveal that the prevalence of poverty among Americans aged 65 years and older increased between 2020 and 2021, from 8.9 percent, or over 4.8 million people, to 10.3 percent, or more than 5.8 million older adults; and

Whereas, Moreover, 4.2 percent, or over 2.3 million, of U.S. adults aged 65 years and older lived in deep poverty in 2021; and

Whereas, Furthermore, 24.9 percent, or more than 3.9 million, of disabled U.S. adults were in poverty in 2021; and

Whereas, The number of disabled U.S. adults living in poverty grew between 2020 and 2021, from about 3.7 million to over 3.9 million; and

Whereas, As of 2021, 7.7 percent of adults in New York State and 6.9 percent of adults in New York City were disabled; and

Whereas, According to the New York State Office of Temporary and Disability Assistance, as of November 2021, 631,101 people in New York State and 372,302 people in New York City received Supplemental Security Income (SSI)—a program providing monthly payments to supplement modest incomes of disabled people and of people aged 65 years and older; and

Whereas, New York State Department of Labor data demonstrate that 10.9 percent of adults aged 55 years to 74 years and 13.1 percent of adults aged 75 years and older in New York State lived in poverty in 2021; and

Whereas, Likewise, 15.6 percent of adults aged 55 years to 74 years and 19.8 percent of adults aged 75 years and older in New York City were in poverty in 2021; and

Whereas, According to the U.S. Bureau of Labor Statistics, between April 2022 and April 2023, prices paid by urban consumers for all items, as measured by the Consumer Price Index, increased by 4.9 percent nationally and by 3.7 percent in New York State; and

Whereas, Between May 2022 and May 2023, residential rent in the New York Metropolitan Area grew by 6 percent; and

Whereas, To contextualize residential rent increase in the New York Metropolitan Area, the U.S. Census Bureau reported that the median rent in New York City in 2021 was \$1,579 per month or \$18,948 per year; and

Whereas, The U.S. Census Bureau also calculated that in New York City, the median monthly homeowner costs, inclusive of a mortgage, amounted to \$2,913 in 2021; and

Whereas, According to the U.S. Internal Revenue Service, as of 2023, the median property tax in New York State was \$3,755 per year, or, on average, 1.23 percent of the property value; and

Whereas, Among the counties encompassed by New York City, as of 2023, the median property tax was \$2,653 per year in Bronx County, \$2,903 per year in Kings County, \$5,873 per year in New York County, \$2,914 per year in Queens County, and \$2,842 per year in Richmond County; and

Whereas, A number of programs in New York offer assistance to older adults and disabled persons to address rent increases and property taxes; and

Whereas, The Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) help eligible persons aged 62 years and older and eligible tenants with disabilities, respectively, to remain in affordable housing by freezing their rent, with their landlords receiving a property tax credit to cover the difference between the increased and the original rent amount; and

Whereas, To be eligible for SCRIE or DRIE, a tenant's combined annual household income has to be \$50,000 or less; and

Whereas, However, per the Economic Policy Institute's Family Budget Calculator, a household of one adult and no children needs an annual income of \$56,718 in 2020 dollars to attain a modest, yet adequate standard of living in the New York Metropolitan Area; and

Whereas, According to the U.S. Bureau of Labor Statistics' Consumer Price Index Inflation Calculator, a household with an annual income of \$50,000 in May 2022 dollars needs an annual income of \$52,023 in May 2023 dollars to sustain the same standard of living in the New York Metropolitan Area; and

Whereas, The Senior Citizen Homeowners' Exemption (SCHE) and the Disabled Homeowners' Exemption (DHE) provide a property tax exemption for eligible persons aged 65 years and older and for disabled people, respectively, who own one-, two-, or three-family homes, condominiums, or cooperative apartments, provided that the total combined annual income of the property owner and spouse or co-owner does not exceed \$58,399; and

Whereas, However, per the U.S. Bureau of Labor Statistics' Consumer Price Index Inflation Calculator, a household with an annual income of \$58,399 in May 2022 dollars needs an annual income of \$60,762 in May 2023 dollars to sustain the same standard of living in the New York Metropolitan Area; and

Whereas, Moreover, the U.S. Social Security Administration implements an annual cost-of-living adjustment, based on the Consumer Price Index, to Social Security and Supplemental Security Income benefits to ensure that the purchasing power of benefits is not eroded by inflation; and

Whereas, For example, Social Security and Supplemental Security Income benefits were increased by 5.9 percent in January 2022 and by 8.7 percent in January 2023; and

Whereas, Given that an applicant's income calculations for SCRIE, DRIE, SCHE, and DHE include Social Security benefits, and income calculations for SCRIE and DRIE additionally incorporate Supplemental Security Income benefits, a cost-of-living adjustment to these benefits could render an otherwise eligible tenant or homeowner ineligible for rent freezing or a property tax exemption, thereby placing the person at risk of housing displacement and homelessness; and

Whereas, With the aim of ensuring that older adults and disabled persons are not displaced from their homes, and that many more people are able to benefit from SCRIE, DRIE, SCHE, and DHE, State Senator Brian Kavanagh introduced S.2960 in the New York State Senate, and Assembly Member Deborah J. Glick introduced companion bill A.5741 in the New York State Assembly, which would provide for annual adjustment of the maximum income threshold for eligibility for SCRIE, DRIE, SCHE, and DHE by any increase in the Consumer Price Index; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.

Referred to the Committee on Aging.

Int. No. 1191

By Council Member Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to taxicab license durations

Be it enacted by the Council as follows:

Section 1. Paragraph 4 of subdivision d-1 of section 19-504 of the administrative code of the city of New York, as added by local law 110 for the year 2020, is amended to read as follows:

4. A taxicab license shall be valid for a period of [one year] 2 years, upon the expiration of which a taxicab licensee may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

§ 2. This local law takes effect immediately after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1192

By Council Member Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to authorizing physician assistants and nurse practitioners to conduct medical exams of taxi driver license applicants

Be it enacted by the Council as follows:

Section 1. Subdivision d of section 19-505 of the administrative code of the city of New York, as added by local law number 115 for the year 1993, and amended by local law number 5 for the year 2009, is amended to read as follows:

d. Each applicant for a driver's license under the provisions of this chapter, other than a commuter van driver's license, shall be examined as to [his or her] *such applicant's* physical condition by a duly licensed physician, *physician assistant, or nurse practitioner*, designated by the commission; each such applicant shall also be examined by the commission as to [his or her] *such applicant's* knowledge of the city, as well as city and state laws governing the idling of engines, and if the result of any of these examinations is unsatisfactory, [he or she] *such applicant* shall be refused a license.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 792

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.5001-A/S.2515-B, in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal.

By Council Members Brooks-Powers, Hanif and Restler.

Whereas, In the 2022-2023 academic year, over 1,000,000 students were enrolled in the New York City Department of Education's school system, the largest school district in the United States; and

Whereas, The City launched Vision Zero in January 2014, an initiative recognizing that traffic crashes causing serious injury and death are preventable incidents that can be systematically addressed and reduced; and

Whereas, As part of the City's comprehensive plan to eliminate traffic deaths and serious injuries, the City currently operates speed cameras in 750 school zones to reduce speeding in these areas; and

Whereas, Despite these measures, it has been reported that there have been an alarming number of traffic accidents happening near or outside of New York City schools over the years, including those that ended in a child being killed; and

Whereas, The New York City Police Department (NYPD) eliminated 486 crossing guard headcount positions in the most recent Fiscal Year 2024 New York City Adopted Budget, ahead of the 2023-2024 academic school year; and

Whereas, According to a statement by the Office of the Mayor in January 2022, crashes at intersections are responsible for 55 percent of pedestrian fatalities and 79 percent of pedestrian traffic injuries; and

Whereas, A pedestrian scramble, also known as a "Barnes Dance" or "scramble crosswalk," among other names, is a type of traffic measure that allows pedestrians to cross street intersections in all directions simultaneously, during an exclusive pedestrian phase when all vehicular traffic is stopped; and

Whereas, Pedestrian scrambles enable vehicles to turn without having to wait for pedestrians to cross by eliminating concurrent pedestrian crossings; and

Whereas, According to the New York City Department of Transportation (DOT), Barnes Dances reduce conflicts between vehicles and pedestrians, but have potential trade-offs to their implementation benefits, including increased sidewalk crowding, increased pedestrian and vehicular delays, and pedestrian and vehicular non-compliance; and

Whereas, According to the National Association of City Transportation Officials (NACTO), pedestrian scrambles can have the benefits of increasing pedestrian visibility, reducing conflicts between vehicles and pedestrians, reducing pedestrian crossing time and exposure, and reducing the buffer zone between vehicles and pedestrians; and

Whereas, A.5001-A, sponsored by Assembly Members Brian Cunningham and Deborah Glick, and S.2515-B, sponsored by State Senator Jessica Ramos, and pending in the New York State Assembly, would amend the New York State Vehicle and Traffic law in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal; and

Whereas, Such legislation could increase the safety of New York City students traveling to and from school; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.5001-A/S.2515-B, in relation to establishing scramble crosswalks leading to and from school buildings during times of student arrival and dismissal.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1193

By Council Member Farías.

A Local Law to amend the administrative code of the city of New York, in relation to the department of investigation's oversight of the police department use of surveillance technology

Be it enacted by the Council as follows:

Section 1. Section 14-188 of the administrative code of the city of New York as added by local law number 65 for the year 2020 is amended by adding a new subdivisions g and h to read as follows:

g. Upon request, the department shall provide the commissioner of investigation with prompt access to the following information:

1. an itemized list of all surveillance technologies currently used by the department, including specifications of the functionality of each such technology, the types of data collected by each such technology, and which department unit maintains control of information collected by each such technology;

2. any access and retention policies for data collected by surveillance technologies utilized by the department;

3. any access and retention policies for data collected by surveillance technologies utilized by the department that are included in existing contracts with entities from which the department procures such surveillance technologies.

h. No later than January 15, 2024, and quarterly thereafter, the department shall provide the commissioner of investigation with an list all surveillance technologies that were newly acquired by the department or which the department discontinued using during the prior quarter, and all access and retention policies for data collected by such surveillance technologies included in any executed contracts with entities form which the department procured such surveillance technology during the prior quarter.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1194

By Council Member Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to citizen noise complaints

Be it enacted by the Council as follows:

Section 1. Subdivisions (d) and (e) of section 24-261 of the administrative code of the city of New York are amended to read as follows:

(d) In any proceeding brought by the department after receiving a complaint pursuant to subdivision (a) of this section, the board shall award the complainant, out of the proceeds collected, fair and reasonable compensation, which shall not exceed [twenty-five] 25 percent of the proceeds collected, for disclosure of information or evidence not in the possession of the department, which leads to the imposition of the civil penalty; *provided that for any proceeding brought by the department after receiving a complaint pursuant to subdivision (b) of section 24-244, the board shall award the complainant, out of the proceeds collected, \$5 as compensation.*

(e) In any proceeding brought by a complainant, the board shall award, out of the proceeds collected, [fifty] 50 percent of any civil penalty as fair and reasonable compensation to such person; *provided that for any proceeding brought by a complainant pursuant to subdivision (b) of section 24-244, the board shall award, out of the proceeds collected, \$10 as compensation to such person.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1195

By Council Member Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a police department policy for using facial recognition technology and regular audits to ensure compliance

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 14-188.1 to read as follows:

§ 14-118.1 *Facial recognition policy and evaluation.* a. *The department, after considering information from entities with expertise in surveillance technologies and privacy, shall create and post on its website, a written policy that establishes procedures and regulations for the department's use of facial recognition technologies. Such policy shall include, but need not be limited to, the following information: a description of the department's use of facial recognition technologies; restrictions placed on access and use of such technologies by department personnel, including procedures for supervisory approval and internal oversight to safeguard against improper use of such technologies; and data retention and use policies, including policies applicable to department personnel utilizing such searches through third-party platforms.*

b. *The policy established pursuant to subdivision a of this section shall include guidelines related to the modification of the original image used for comparison analysis by facial recognition technology, which at a minimum shall require that any modifications made to an image be documented, including through maintaining records describing any such change made, the date such changes were made, and retained copies of all modified images utilized for facial recognition analysis.*

c. *The department shall conduct biannual audits of the its use of facial recognition technology. Such audits shall be documented and provided to the department of investigation, and published on the department's website. Such audits shall include a log of each search conducted using facial recognition technology, and for each such search include the following information:*

- (1) *the date search was conducted;*
- (2) *the name of personnel accessing the facial recognition technology;*
- (3) *the name of the facial recognition technology used, including identification of any governmental or private database utilized for such search;*
- (4) *the purpose the search was conducted;*
- (5) *whether an image was modified prior to analysis, and if so, a description of the alteration or enhancement made to such image; and*

(7) whether the search yielded match candidates.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1196

By Council Members Hudson, Marte, Bottcher, Sanchez and Restler.

A Local Law to amend the administrative code of the city of New York, in relation to complaints of housing violations.

Be it enacted by the Council as follows:

Section 1. Subchapter 5 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new article 11 to read as follows:

ARTICLE 11
PROCEDURE FOR COMPLAINTS OF HOUSING VIOLATIONS

§ 27-2155 *Complaints of housing violations. a. Definitions. As used in this section, the term “designated citywide languages” has the same meaning as set forth in subdivision a of section 23-1101.*

b. The department shall require a tenant or occupant of a dwelling unit in a residential building submitting a complaint of a violation of this code to include, in a form prescribed by the department, contact information for such tenant or occupant, including but not limited to a phone number.

c. No later than 30 days after the department notifies a building owner of a complaint of a violation of this code submitted by a tenant or occupant of a dwelling unit in a residential building, the department shall visit the premises to verify whether such violation has occurred. If the department is unable to enter the dwelling unit to verify whether such violation has occurred, the department shall post on the door of such unit and provide to the building owner a notice that shall include, but not be limited to, the following information in English and the designated citywide languages:

- 1. The case number of the complaint and the date the complaint was submitted;*
- 2. The date the department attempted to enter the premises to verify whether such violation occurred;*
- 3. Information on how complaints of housing violations are resolved by the department; and*
- 4. The department’s phone number and website for tenants to schedule an appointment with the department for services relating to housing complaints and violations.*

d. If the department is unable to enter the dwelling unit after visiting the premises at least two times on different days to verify whether a violation of this code has occurred, the department shall contact the tenant or occupant by phone call and text message to schedule an appointment to visit the premises. If the department is unable to reach the tenant or occupant by phone or text message, the department shall categorize the complaint as unresolved and shall post on the door of the dwelling unit and provide to the building owner a notice that shall include, but not be limited to, the following information in English and the designated citywide languages:

- 1. The dates the department attempted to enter the premises to verify whether such violation occurred;*
- 2. The reason why the complaint is being categorized as unresolved; and*
- 3. The department’s phone number and website for tenants to schedule an appointment with the department for services relating to housing complaints and violations.*

e. Any building owner or tenant or occupant who submitted a complaint of a violation of this code may contact the department to schedule an appointment for the department to visit the premises to verify whether such a violation has occurred or has been resolved.

f. A complaint of a violation of this code shall be categorized as closed only when the department has verified that a condition has been cured, a condition does not exist or such complaint has otherwise been resolved.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Housing and Buildings.

Res. No. 793

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation to extend the statute of limitations for medical negligence and related injury civil suits to ten years.

By Council Members Hudson, Menin and Schulman.

Whereas, New York City has both a large number of medical facilities and providers, and a high volume of malpractice claims; and

Whereas, In New York State (“State”), the statute of limitations to sue for a particular condition, illness or injury resulting from medical malpractice is two years and 6 months from date of malpractice, or from the end of continuous treatment rendered by the party or entity; and

Whereas, This statute of limitations is the shortest negligence statute in the State, except for claims against municipalities; and

Whereas, The current statute of limitations causes undue hardship for victims of medical malpractice and related injuries, particularly in cases arising out of a misdiagnosis or failure to diagnose, where the patient may not discover the injury suffered until well after the statute of limitations has expired; and

Whereas, The current statute of limitations does not account for cases where the injury may not manifest itself until years after the negligent act, such as, for example, a patient exposed to radiation that eventually leads to cancer; and

Whereas, The State has already recognized the need for discovery of injuries in cases of toxic torts, enacting Civil Practice Laws & Rules (CPLR) Section 214-c in 1986, which delays the statutory period to initiate a lawsuit until individuals exposed to toxic substances have discovered their injuries; and

Whereas, In 1992, CPLR Section 214-c was amended to include implantation within “exposure” to remedy an injustice to patients with silicone breast implants; and

Whereas, The current statute of limitations is founded on an outdated principle that a lawsuit based on negligence must be filed at the time of the negligent act; and

Whereas, Other states, including New Jersey and North Carolina, recognize that some injuries do not manifest at the time of the negligent act, and permits victims of medical malpractice to discover their injury before their statutory period to initiate a lawsuit runs out; and

Whereas, Extending the statute of limitations would remove this barrier, which effectively allows a patient’s rights to expire before they are even aware they had rights in the first place; and

Whereas, While some individuals and lawyers may try to take advantage of statutes of limitations, such as, for example, by waiting until just before it expires in hopes of securing a settlement, or by disputing the date of injury; and

Whereas, According to a report by the Medical Liability Monitor, as of 2021, New York is among the states with the highest medical malpractice rates in the country; and

Whereas, These high rates are often attributed to the large number of medical malpractice claims in the State and the high cost of defending against such claims; and

Whereas, Such legislation would prevent the statute of limitations from being used as an unfair and inequitable shield for professionally negligent medical misconduct; now, therefore be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation to extend the statute of limitations for medical negligence and related injury civil suits to ten years

Referred to the Committee on Health.

Res. No. 794

Resolution calling upon the New York Legislature to pass and the Governor to sign legislation to ensure equal educational opportunity, basic civil rights protections and laws and policies that prohibit bias-based victimization, exclusion, and erasure of LGBTQ+ young people in K-12 New York State schools, as called for in GLSEN’s 2023-2024 “Rise Up for Youth” campaign.

By Council Members Hudson, Cabán, Richardson Jordan and Hanif.

Whereas, The Gay, Lesbian and Straight Education Network (GLSEN) is an organization founded in 1990 by teachers to create affirming learning environments for lesbian, gay, bisexual, transgender, queer, questioning, intersex and asexual (LGBTQ+) youth; and

Whereas, According to GLSEN, there are over 2 million LGBTQ+ youth who attend schools in the United States; and

Whereas, A 2020 report published by the Williams Institute at the University of California at Los Angeles School of Law estimated 113,000 youth between ages of 13 and 17 in New York State identify as LGBTQ+; and

Whereas, GLSEN’s “Rise Up For Youth” campaign calls upon adults and allies in positions of authority to support equal opportunities in education, and rise up to address transphobia, homophobia, racism, and all forms of bigotry and discrimination; and

Whereas, According to the 2021 National School Climate Survey State Snapshot (NSCSSS), anti-LGBTQ+ remarks from students and staff were reported as being overheard by 96 percent of the LGBTQ+ student body in New York State schools; and

Whereas, The 2021 NSCSSS noted LGBTQ+ students in New York State reported experiencing discrimination at school related to their gender—in particular transgender and nonbinary students—who reported being prevented from using their name or preferred pronouns in school, being prevented from using the locker room or rest room aligned with their gender, or being prevented from playing on the sports team that were consistent with their gender; and

Whereas, According to the 2021 NSCSSS, while 97 percent of New York State LGBTQ+ students could identify at least one school staff member that they knew to be supportive of LGBTQ+ students, only 72 percent of students could identify 6 or more supportive school staff members; and

Whereas, Although only 25 percent of LGBTQ+ students reported being taught positive representations of LGBTQ+ people, history, or events, 23 percent of the LGBTQ+ students reported their school as having a comprehensive anti-bullying/harassment policy that included protections on sexual orientation and gender identity; and

Whereas, Recommendations from the 2021 NSCSSS include implementing professional development for school staff, increasing LGBTQ+ inclusive curricular resources to enable higher academic achievement while working proactively to lower incidence of LGBTQ+ victimization, and seeking to ensure a safe learning environment for all; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York Legislature to pass, and the Governor to sign, legislation to ensure equal educational opportunity, basic civil rights protections, and laws and policies that prohibit bias-based victimization, exclusion, and erasure of LGBTQ+ young people in K-12 New York State schools, as called for in GLSEN’s 2023-2024 “Rise Up for Youth” campaign.

Referred to the Committee on Women and Gender Equity.

Int. No. 1197

By Council Members Lee, Ung, Schulman, Narcisse, Hanks, Holden, Velázquez, Riley, Joseph, Stevens, Dinowitz, Louis, Williams, Paladino and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to building emissions calculations, adjustments and penalties

Be it enacted by the Council as follows:

Section 1. Section 28-320.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-320.3 Building emissions limits. Except as otherwise provided in this article, or otherwise provided by rule, on and after January 1, 2024 a covered building shall not have annual building emissions higher than the annual building emissions limit for such building as determined in accordance with this section based on the occupancy group of the building. For garden-type maisonette dwelling projects, as defined by section 4 of the multiple dwelling law, and covered buildings held in the cooperative or condominium form of ownership, ground floor open and green spaces adjacent to the building and located on the same tax lot shall be considered as part of the gross floor area of the building for the purpose of calculating the building's greenhouse gas emissions.

§ 2. Section 28-320.6.1 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to read as follows:

§ 28-320.6.1 Determination of penalty. In considering the amount of civil penalty to be imposed pursuant to this article, a court or administrative tribunal shall give due regard to the aggravating or mitigating factors including:

1. The respondent's good faith efforts to comply with the requirements of this article, including investments in energy efficiency projects or [and] greenhouse gas emissions reductions before the effective date of this article;
2. The respondent's history of compliance with this article;
3. The respondent's compliance with the conditions of any adjustment to the applicable building emissions limit, issued by the department pursuant to section 28-320.7;
4. Whether the noncompliance was directly related to unexpected and unforeseeable events or conditions during the calendar year outside the control of the respondent;
5. The respondent's access to financial resources, where the court or administrative tribunal may consider the financial hardship of a building owned by such respondent as evidence of such respondent's access to such financial resources or, for residential buildings comprised of condominiums or cooperative units, the court or administrative tribunal may consider the median property value of the units in the residential building, as determined by the department of finance, as a mitigating factor; and
6. Whether payment of such penalty would impact the operations of facilities critical to human life or safety.

§ 3. Article 320 of Chapter 3 of Title 28 of the administrative code of the city of New York is amended by adding a new section 28-320.6.1.2 to read as follows:

§ 28-320.6.1.2 Reduced civil penalties for certain covered buildings. For covered buildings held in the cooperative or condominium form of ownership comprised of units with an average assessed value of \$65,000 or less, as determined by the department of finance, that qualify for a penalty reduction based on the mitigating factors of section 28-320.6.1, civil penalties shall be reduced according to the following schedule:

1. From January 1, 2030 to December 31, 2035, civil penalties shall be reduced by 100 percent;
2. From January 1, 2036 to December 31, 2040, civil penalties shall be reduced by 50 percent; and
3. From January 1, 2041 to December 31, 2045, civil penalties shall be reduced by 25 percent.

§ 4. Section 28-320.7 of the administrative code of the city of New York is amended by adding new items 3, 4 and 5 to read as follows:

3. Such an adjustment may be granted upon a specific determination that a covered building comprised of condominiums or cooperative units has made prior retrofits to such building that contributed to building emissions reduction, including oil to gas conversions.

4. Such an adjustment may be granted upon a specific determination that a covered building comprised of condominiums or cooperative units has installed a solar photovoltaic system for energy generation on the building.

5. Such an adjustment may be granted upon a specific determination that a covered building comprised of cooperative or condominium units has submetered the individual apartments.

§ 5. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Res. No. 795

Resolution calling on the New York State legislature to pass, and the Governor to sign, legislation prohibiting patient steering and mandating outpatient care integration.

By Council Members Menin, Schulman and Narcisse.

Whereas, Over many years, multiple studies have indicated a considerable hospital-based racial and ethnic segregation of Medicaid patients, both nationally and within New York City (NYC), according to BMC Health Services Research; and

Whereas, This segregation is attributed to several factors, including proximity and location of hospitals, patient preference, insurance coverage, and patient steering through medical referrals; and

Whereas, Patient steering is a practice where healthcare providers direct or influence patients to seek care from specific providers or facilities based on the patient's insurance coverage or ability to pay, which contributes to disparities in healthcare outcomes and limits patients' ability to make informed choices about their healthcare providers; and

Whereas, In 2008, on behalf of Bronx Health REACH, New York Lawyers for the Public Interest (NYLIP) filed a complaint with the New York State Office of the Attorney General to address patient steering by 3 prestigious NYC private hospitals, New York-Presbyterian, Mount Sinai, and Montefiore; and

Whereas, In their complaint, NYLIP accused these hospitals of referring Medicaid patients to residents and fellow clinics staffed by trainees while patients with private insurance were referred to experienced, board-certified, attending physicians; and

Whereas, According to The American Medical Association (AMA) Journal of Ethics, patient steering is common among many academic health centers nationally and in NYC; and

Whereas, A series of articles published in the New York Times in 2022 exposed NYU Langone’s practice of prioritizing affluent V.I.P. patients over other emergency room patients, revealing potential discrimination against vulnerable patients who are uninsured or on Medicaid; and

Whereas, Reportedly, NYU Langone would often perform cursory check-ups and send their poor and homeless patients to the neighboring safety net hospital, Bellevue; and

Whereas, The AMA Journal of Ethics asserts that segregation based on insurance is often a “de facto proxy for segregation by race,” as the majority of Medicaid recipients tend to be from Black and Brown communities who are systematically disadvantaged; and

Whereas, In New York State, about 80% of the 4 million nonelderly Medicaid recipients identify as Black, Hispanic, Asian American, or another non-white race or ethnicity; and

Whereas, In NYC alone, about 4,437,456 New Yorkers are enrolled in Medicaid, the majority of whom are people of color; and

Whereas, The majority of NYC Medicaid recipients receive care at already over-burdened and under-resourced, non-affiliated Community Hospitals, which often results in lower quality of care and health outcomes; and

Whereas, A 2023 study examining hospitals' patient distribution based on race and ethnicity in the NYC Metropolitan area found that hospitals with larger non-white patient populations tended to be safety net hospitals with higher proportions of Medicaid recipients while neighboring private hospitals with similar bed sizes and services tended to have mainly white patients with private insurance; and

Whereas, For example, NYU Langone Medical Center and Bellevue Hospital have similar bed size, number of inpatient and outpatient visits, and are a few blocks apart, yet they saw vastly different levels of Black patients in 2016—Bellevue (26%) and NYU Langone (9%)—according to the New School, Center for NYC Affairs; and

Whereas, Similar trends suggesting patient steering are associated with Memorial Sloan Kettering (MSK), NYC’s premier cancer hospital, where the number of Black patients with Medicaid was 2%, as well as the Hospital for Special Surgery (HSS), as only 49 or 0.3% of the HSS’s 14,000 patients were Black with Medicaid, per a 2020 report by New School, Center for NYC Affairs; and

Whereas, Many studies have pointed to Medicare recipients experiencing greater barriers to scheduling appointments as compared to privately insured individuals, since public medical centers are usually over capacity while private medical centers hesitate to receive Medicaid recipients due to its lower reimbursement rates; and

Whereas, This obstructs vulnerable New Yorkers access to timely outpatient care and increases the risk of poor health outcomes, exacerbating inequalities in our healthcare system; and

Whereas, Integration of outpatient care involves the coordination and collaboration of healthcare providers across different settings, ensuring seamless transitions and continuity of care for patients; and

Whereas, To improve healthcare outcomes and ensure equitable health access for minority and indigent populations, it is crucial to address patient steering and promote the integration of outpatient care in both public and private hospitals; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State legislature to pass, and the Governor to sign, legislation prohibiting patient steering and mandating outpatient care integration in New York State.

Referred to the Committee on Hospitals.

Int. No. 1198

By Council Members Narcisse, Brooks-Powers, Lee, Nurse and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to outreach and education regarding the proper disposal of household cooking oil and grease

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-533 to read as follows:

§ 24-533 Disposal of cooking oil and grease. The commissioner of environmental protection, in collaboration with the commissioner of sanitation, shall engage in outreach and education regarding the proper disposal of household cooking oil and grease. Such outreach and education shall include the dissemination to the general public of written materials regarding the proper disposal of household cooking oil and grease and posting such written materials on the department of environmental protection's website.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Preconsidered Res. No. 796

Resolution calling on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

By Council Members Powers, Gennaro, Rivera, Velázquez, Restler and Marte.

Whereas, Section 163 of the New York State Finance Law defines “best value” to be a basis for awarding contracts that optimizes quality, cost, and efficiency among responsive and responsible bidders, in contrast to a least cost basis, which requires award to the lowest responsible bidder; and

Whereas, Use of a best value basis may allow the Mayor of New York City (the Mayor) to procure goods and services that both have a higher lifetime value than those procured with a least cost basis and are provided by businesses that encourage workers’ rights, social justice, and environmentalism; and

Whereas, When evaluating bids on the basis of best value, the Mayor may consider certain factors of interest, such as whether the bidder has a history of poor performance or labor violations, is a small business or certified minority- or women-owned business, or will employ union labor, which may result in a higher-quality work product; and

Whereas, The rules that govern procurement by the Mayor are set by New York State (the State) and the New York City Procurement Policy Board (PPB), which has a majority of members that are appointed by the Mayor; and

Whereas, Section 103 of the State General Municipal Law and the rules of the PPB allow the Mayor to award purchase contracts on the basis of best value; and

Whereas, The rules of the PPB also allow the Mayor to require that bidders competing on the basis of best value submit, in addition to a bid price, certain information, such as a jobs plan, which may detail a bidder’s commitment to job creation, implementing a targeted plan to hire individuals facing barriers to employment and displaced workers, and offering living wages, benefits, and worker trainings; and

Whereas, The Council of the City of New York (the Council) may require that, beginning July 1, 2025, all light- and medium-duty vehicles procured by the Mayor be zero emission vehicles (ZEVs), and that, beginning July 1, 2028, all heavy-duty vehicles procured by the Mayor be zero emission vehicles, such that all light- and medium-duty vehicles in the New York City (the City) fleet are ZEVs by July 1, 2035, and that all heavy-duty vehicles in the City fleet are ZEVs by July 1, 2038, subject to certain exceptions; and

Whereas, In order for the City to transition to a ZEV fleet, the Mayor will likely need to allow existing internal combustion engine vehicle contracts to expire and award new contracts to purchase, operate, and maintain ZEVs; and

Whereas, The Mayor should award these ZEV contracts on the basis of best value to ensure that the City fleet is manufactured and maintained by trained professionals who have a history of producing high-quality goods and services and are employed by bidders who are committed to job creation, paying living wages, offering benefits, and providing worker training and retraining; and

Whereas, The Mayor should also require that bidders competing for ZEV contracts submit a jobs plan that includes information concerning the number of jobs that would be created by the contract, the minimum wage level for each type of job used to fulfill the contract, and efforts to retrain employees familiar with internal combustion engine vehicles; and

Whereas, The submission of a jobs plan would allow the Mayor to award ZEV contracts to bidders who provide the greatest beneficial citywide economic impact; now, therefore, be it

Resolved, That the Council of the City of New York calls on the Mayor of New York City, when contracting for the purchase, operation, and maintenance of zero emission vehicles, to procure on the basis of best value.

Adopted by the Council by voice-vote (preconsidered and approved by the Committee on Environmental Protection, Resiliency and Waterfronts).

Int. No. 1199

By Council Members Restler, Cabán, De La Rosa, Abreu, Powers, Lee, Hanif, Avilés, Krishnan, Marte, Ossé, Sanchez, Ayala, Rivera and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to emergency response protocols on days of air quality emergency

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new subchapter 10 to read as follows:

**SUBCHAPTER 10
AIR QUALITY EMERGENCY RESPONSE PROTOCOLS**

§ 24-191 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Air quality index. The term “air quality index” means the index established by the United States environmental protection agency for the purpose of reporting daily air quality.

Clean air center. The term “clean air center” means any facility that has an adequate air filtration system and an appropriate air quality testing mechanism that is designated by the city to provide air quality relief to the public whenever there is an occurrence or a forecast of an air quality emergency.

Face covering. The term “face covering” means any face mask or respirator recommended by the department of health and mental hygiene, the federal centers for disease control and prevention, or the national institute for occupational safety and health, including but not limited to KN95, N95, N99, N100, P95, P99, P100, R95, R99, and R100 respirators.

High-occupancy vehicle lane. The term “high-occupancy vehicle lane” means any traffic lane designated for exclusive use by vehicles with 2 or more occupants for all or part of a day.

Nonessential employee. The term “nonessential employee” means any employed person who is able to complete their work functions remotely, as determined by the person’s employer in accordance with applicable federal, state, and local requirements.

Spare the air day. The term “spare the air day” means a day on which the air quality index is expected to or does exceed 150.

§ 24-192 Spare the air day response protocols. a. Spare the air day declaration. On a day when the air quality index is expected to or does exceed 150, the department shall declare such day a spare the air day. On such day, the department shall post on its website and publicly disseminate the following information:

1. A message that such day is a spare the air day;
2. Information about how to stay safe on spare the air days;
3. A message encouraging drivers to refrain from private vehicle usage on such day;
4. A message encouraging all employers to allow remote work for all their nonessential employees on such day;
5. Information about how to register for any emergency notification system operated and controlled by the New York city office of emergency management as described in section 30-115;
6. Information about additional services, materials, and allowances the city is making available to the public during such day; and
7. Information about any limitations the city is imposing on the public to reduce air pollution during such day.

b. Clean air centers. On spare the air days, the department shall coordinate with the New York city office of emergency management and any other relevant agency to ensure that all clean air centers are open to the public.

c. High-occupancy vehicle lanes. On spare the air days, the department shall coordinate with the department of transportation, the police department, the New York city office of emergency management, and any other relevant agency to allow high-occupancy vehicle lanes to be used by eligible vehicles during the entirety of such days.

d. Access to shelters. On spare the air days, the department shall coordinate with the department of homeless services, the New York city office of emergency management, and any other relevant agency to allow short-term emergency shelter access to any eligible homeless person as defined in section 21-301.

e. Distribution of face coverings. On spare the air days, the department, in collaboration with the New York city office of emergency management and any other relevant agency, shall distribute free face coverings at locations in every community board district.

f. Prohibition on outdoor charcoal fires. On spare the air days, no person shall cause or permit the kindling, maintenance, or use of any outdoor picnic or barbecue fire involving equipment designed to utilize charcoal.

g. Other activities that impair air quality prohibited. On spare the air days, no person shall engage in any other activities, as determined by the department in collaboration with the New York city office of emergency management and any other relevant agency, that lead to the deterioration of outdoor air quality.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1200

By Council Members Restler, Abreu, Menin, De La Rosa, Powers, Gennaro, Lee, Cabán, Hanif, Avilés, Krishnan, Marte, Ossé, Sanchez, Ayala, Rivera and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to develop and implement a plan regarding public notification during air quality emergencies

Be it enacted by the Council as follows:

Section 1. Section 30-115 of the administrative code of the city of New York, as added by local law number 31 for the year 2017, is amended to read as follows:

§ 30-115 Emergency notifications. a. *Definitions. For purposes of this section, the following terms have the following meanings:*

Air quality emergency. The term “air quality emergency” means a circumstance during which the air quality index for a particular day is expected to or does exceed 150.

Air quality index. The term “air quality index” means the index established by the United States environmental protection agency for the purpose of reporting daily air quality.

b. Any emergency alert originated by a city office or city agency that is issued through a commercial mobile service alert system established pursuant to section 1201 of title 47 of the United States code shall, to the extent practicable and to the extent permissible under regulations enacted pursuant to such section, be issued in no fewer than the two most commonly spoken languages within the area covered by the emergency alert as determined by the commissioner in consultation with the department of city planning, provided that this subdivision does not require the issuance of an emergency alert in a language if exigent circumstances prohibit the issuance of an alert in such language.

[b.] c. Any emergency notification system operated and controlled by the office of emergency management for the purposes of aggregating information obtained from other offices or agencies to inform the public about emergencies or disruptive events through e-mail, text, phone, social media platform, or internet-based feed shall offer each notification in no fewer than the seven most commonly spoken languages within the city as determined by the commissioner in consultation with the department of city planning, provided that this requirement shall not delay or prohibit the immediate issuance of notifications in any individual language. Notifications shall be separated into distinct messages in separate feeds for each language. A general version of each notification may be used when a real-time translation is unavailable, provided that priority shall be placed upon making notifications available with the greatest specificity possible. Any dissemination limitation applicable to an English language notification may be applied to its equivalent notification in another language. If no potential recipient is registered for a specific language, then a notification need not be disseminated in that language.

d. The commissioner shall develop and implement a plan to ensure that notifications relating to an air quality emergency that are disseminated through any such emergency notification system meet the criteria set forth in this subdivision, and shall coordinate with any relevant agencies to obtain the relevant information to be contained in such notifications. The criteria for such notifications include but are not limited to the following:

- 1. Such notifications are frequent;*
- 2. Such notifications are timely;*
- 3. Such notifications are disseminated in advance of such air quality emergency, to the extent possible;*
- 4. Such notifications include the expected air quality index;*
- 5. Such notifications include information about how to stay safe during such air quality emergency, including but not limited to such information targeting individuals who are sensitive to poor air quality;*
- 6. Such notifications direct the recipient of any such notification to the website of the department of environmental protection for further information on the city’s response to such air quality emergency;*
- 7. Such notifications include information about additional services, materials, and allowances the city is making available to the public during such air quality emergency; and*
- 8. Such notifications include information on any limitations the city is imposing on the public to reduce air pollution during such air quality emergency.*

§ 2. No later than 90 days after the effective date of this local law and annually thereafter for a total of 3 annual reports, the commissioner of emergency management shall issue a report to the speaker of the council regarding the contents of the plan developed pursuant to subdivision d of section 30-115 of the administrative code of the city of New York as added by section one of this local law and any relevant updates regarding such plan.

§ 3. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1201

By Council Members Restler, Powers, De La Rosa, Abreu, Brewer, Lee, Cabán, Hanif, Avilés, Krishnan, Marte, Ossé, Sanchez, Ayala, Rivera and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of emergency management to develop and implement a comprehensive plan for air quality emergencies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-117 to read as follows:

§ 30-117 Comprehensive plan for air quality emergencies. a. Definitions. For purposes of this section, the following terms have the following meanings:

Air quality emergency. The term “air quality emergency” means a circumstance during which the air quality index for a particular day is expected to or does exceed 150.

Clean air center. The term “clean air center” means any facility that has an adequate air filtration system and an appropriate air quality testing mechanism that is designated by the city to provide air quality relief to the public whenever there is an occurrence or a forecast of an air quality emergency.

Face covering. The term “face covering” means any face mask or respirator recommended by the department of health and mental hygiene, the federal centers for disease control and prevention, or the national institute for occupational safety and health, including but not limited to KN95, N95, N99, N100, P95, P99, P100, R95, R99, and R100 respirators.

High-occupancy vehicle lane. The term “high-occupancy vehicle lane” means any traffic lane designated for exclusive use by vehicles with 2 or more occupants for all or part of a day.

b. The commissioner, in coordination with any other relevant agency, shall develop and implement a comprehensive and long-term plan for addressing air quality emergencies. Such plan shall include the following protocols:

1. Identification by the office of which other agencies or offices of city, state, or federal government the office shall contact or consult;

2. Identification by the office of circumstances under which the office would activate emergency support functions;

3. Identification by the office of circumstances under which the office would call upon the state office of emergency management within the division of homeland security and emergency services or other jurisdictions for assistance, or request mutual aid assistance from the state or other jurisdictions pursuant to article 2-B of the executive law;

4. Creating or designating clean air centers for use by the public;

5. Any measures deemed appropriate by the office to protect the health of the public during an air quality emergency, including but not limited to the distribution of face coverings and increasing access to shelter for eligible homeless persons as defined in section 21-301;

6. Any measures deemed appropriate by the office to inform the public about an air quality emergency, involving consideration by the office of its plan regarding notifications relating to an air quality emergency that is required pursuant to section 30-115;

7. Limiting use of motor vehicles in the city fleet for essential purposes only during an air quality emergency, as such purposes are determined by the office;

8. Any measures deemed appropriate by the office to reduce the deterioration of air quality, including but not limited to allowing more extensive use of high-occupancy vehicle lanes and prohibiting outdoor charcoal fires during an air quality emergency; and

9. Any other specific actions the office may take during an air quality emergency.

c. No later than 90 days after the effective date of the local law that added this section and annually thereafter, the commissioner shall issue a report to the speaker of the council setting forth the actions taken by the office pursuant to the plan developed and implemented in accordance with subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1202

By Council Members Riley, Gutiérrez, Louis, Krishnan, Restler, Farías, Narcisse, Won, Abreu, Dinowitz, Schulman and Williams.

A Local Law to amend the administrative code of the city of New York, in relation to nutrition standards and beverage options for children’s meals served in food service establishments

Be it enacted by the Council as follows:

Section 1. Section 17-199.11 of the administrative code of the city of New York, as added by local law number 75 for the year 2019, subdivision d as amended by local law number 80 for the year 2021 and subdivision f as added by local law number 80 for the year 2021, is amended to read as follows:

§ 17-199.11 Food service establishment *nutrition standards and beverage options for children’s meals.*

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Children’s meal. The term “children’s meal” means a food or combination of food items listed on a menu or menu board and intended for consumption by children to which the presumption described in subdivision [e] g attaches.

Food. The term “food” has the same meaning as in article 71 of the New York city health code.

Food service establishment. The term “food service establishment” means any establishment inspected pursuant to the restaurant grading program established pursuant to subdivision a of section 81.51 of the New York city health code.

Menu or menu board. The term “menu or menu board” has the same meaning as in section 81.49 of the New York city health code.

b. The selection of beverages listed as part of the children’s meal shall be limited to the following:

1. Water, sparkling water or flavored water, with no added natural or artificial sweeteners;
2. [Flavored or unflavored] *Unflavored* nonfat or [one] 1 percent fat dairy milk, [or flavored] or unflavored non-dairy beverage that is nutritionally equivalent to fluid milk, in a serving size of [eight] 8 ounces or less; or
3. One hundred percent fruit or vegetable juice, or any combination thereof, with no added natural or artificial sweeteners, in a serving size of [eight] 6.75 ounces or less. Such juice may contain water or carbonated water.

c. Nothing in this section prohibits a food service establishment from providing upon request by a customer a substitute beverage other than the beverage required under subdivision b of this section.

d. *A food service establishment that offers children’s meals shall offer at least 2 children’s meals that:*

1. *Contain no trans fat and no more than:*
 - (a) 550 calories;
 - (b) 700 milligrams of sodium;
 - (c) 10 percent of calories from saturated fat; and
 - (d) 15 grams of added sugar; and
2. *Contain servings of at least 2 of the following, at least 1 of which shall comply with subparagraph (a) or (b):*
 - (a) *At least one half cup of fruit, or a serving of fruit juice that complies with paragraph 3 of subdivision b of this section;*
 - (b) *At least one half cup of vegetables;*
 - (c) *At least one half cup of nonfat or low-fat yogurt or a beverage that complies with paragraph 2 of subdivision b of this section;*
 - (d) *At least 1 ounce of meat, meat alternative, or other protein, including poultry, seafood, eggs, pulses, soy products, nuts and seeds; or*
 - (e) *A whole grain product that contains at least 8 grams of whole grains and also:*
 - (1) *Lists whole grain as the first ingredient;*
 - (2) *Contains at least 50 percent whole grains by weight of the product; or*
 - (3) *Contains at least 50 percent whole grains by weight of the grains.*

e. The department shall promulgate rules regarding how restaurants shall identify and promote the children's meals that comply with the nutrition standards in subdivision d of this section on menus and menu boards.

f. Any food service establishment that violates any of the provisions of this section or any rule promulgated thereunder by the department shall be liable for a civil penalty of \$100. Where a person is found to have violated this section or any rule promulgated thereunder by the department, the department shall commence a proceeding to recover any civil penalty authorized by this section by the service of a summons returnable to the office of administrative trials and hearings.

[e.] *g. It shall be a rebuttable presumption that a food item or combination of food items on a menu or menu board is intended for consumption by children if the item or items are shown on the menu or menu board in any one of the following ways:*

1. Alongside any of the following words: "child," "children," "kids," "junior," "little," "kiddie," "kiddo," "tyke," any synonym or abbreviation of such words, or any word the department determines would similarly identify a children's meal;

2. Alongside a cartoon illustration, puzzle or game;

3. Accompanied *by* or being offered with a toy or [kid's] *or game for children*; or

4. With a limitation on the maximum age of a person who can select the item or items.

[f.] *h. Any food service establishment that violates this section or any rules promulgated thereunder shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of this section or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.*

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

Referred to the Committee on Health.

Int. No. 1203

By Council Members Riley, Restler and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to provide a letter of incarceration to all individuals as they leave the department's custody

Be it enacted by the Council as follows:

Section 1. Section 9-128 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. At release, the department of correction shall provide a letter of incarceration, a document that specifies the dates that that a person entered and was released from department custody, to every individual, regardless of whether they were held pre-trial or were subject to an order of commitment that provides that such incarcerated individual shall remain in the custody of the department.

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

Referred to the Committee on Criminal Justice.

Res. No. 797

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.7456A/S.1931B, which prohibits residential and commercial properties from operating digital billboards or signs that use flashing, intermittent or moving lights near certain Mitchell-Lama housing.

By Council Member Riley.

Whereas, Artificial light is a common occurrence in New York City (City), due to lamp posts that illuminate the City's sidewalks, flood lights highlighting landmarks, and digital signs showcasing advertisements; and

Whereas, Science News, an online publication, reported in a study that the night sky grew about 10 percent brighter around the world, on average, every year from 2011 to 2022, due to artificial lights; and

Whereas, The International Dark Sky Association, an international organization that combats light pollution worldwide, defines light pollution as the inappropriate or excessive use of artificial light; and

Whereas, Not only does light pollution affect the number of stars a person can see at night, it can also affect a person's health; and

Whereas, According to an article published in Integrative Cancer Therapies (ICT), a peer reviewed academic journal, melatonin plays a critical role in regulating circadian rhythms, which are responsible for controlling sleeping cycles; and

Whereas, The ICT article also stressed that excessive nighttime light exposure can suppress the production of melatonin, disrupt sleeping cycles, and may create an elevated risk of cancer; and

Whereas, It is critical to take steps to minimize exposure to artificial light during the evening hours; and

Whereas, It has been reported that residents in Co-op City, a Bronx development in the Mitchell Lama housing program, had intrusive lights from billboards that have been entering their apartments in the evening, causing discomfort and keeping them up all night; and

Whereas, Mitchell Lama housing is a type of affordable housing for middle income New Yorkers; and

Whereas, A.7456A, sponsored by Assembly Member Michael Benedetto in the New York State Assembly, and S.1931B, sponsored by State Senator Jamaal Bailey in the New York State Senate, would prohibit the use of digital billboards near certain Mitchell Lama housing in the City; and

Whereas, Limiting the use of artificial light could promote healthier sleep patterns and the overall health of residents living in a building affected by light pollution; now, therefore be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.7456A/S.1931B, which prohibits residential and commercial properties from operating digital billboards or signs that use flashing, intermittent or moving lights near certain Mitchell-Lama housing.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1204

By Council Members Rivera, Cabán, the Public Advocate (Mr. Williams), and Council Members Abreu, Restler, Powers, Hudson, Avilés, Krishnan, Hanif, Marte and Richardson Jordan.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to procedures following the death of an individual in custody of the department of correction and a report on compassionate release

Be it enacted by the Council as follows:

Section 1. Section 626 of the New York city charter is amended by adding a new subdivision i to read as follows:

i. Procedures following the death of an individual in custody. 1. Upon the death of an individual in custody of the department, the board shall investigate the circumstances surrounding such death. After allowing enough

time for the department of correction to notify the public of such death as set forth in subdivision b or c of section 9-166 of the administrative code but no later than 10 days after such death, the board shall publish on its website a preliminary report. Such report must include:

- (a) The individual's name;
- (b) The individual's age;
- (c) The individual's race;
- (d) The individual's gender;
- (e) The location where the individual died;
- (f) The facility assigned to the individual;
- (g) The individual's housing assignment and housing assignment history;
- (h) Whether the individual, during the period of incarceration when the individual died, had engaged with the mental health system at least 3 times, had been prescribed certain classes of medication, or had otherwise been assessed by correctional health services, as defined in subdivision a of section 9-166 of the administrative code, as needing further mental health treatment;
- (i) Whether the individual had been diagnosed with a chronic health condition;
- (j) A summary of grievances, complaints, and requests for assistance filed by the individual while in custody;
- (k) Whether the board referred such death to the department of investigation; and
- (l) Whether the board referred such death to the office of the attorney general of New York.

2. Upon conclusion of the investigation:

(a) The board shall prepare a final report on the investigation that includes recommendations on how the department can prevent the circumstances that contributed to the individual's death and the names of employees of the department and of correctional health services, as defined in subdivision a of section 9-166 of the administrative code, involved in the circumstances that contributed to such death.

(b) The board shall submit the final report to the department and correctional health services, as defined in subdivision a of section 9-166 of the administrative code, to allow the department and correctional health services to provide a response to the board, pursuant to subdivision k of section 9-166 of the administrative code.

(c) After 2 weeks have passed since the board submitted the final report to the department and correctional health services, as defined in subdivision a of section 9-166 of the administrative code, or after the department and correctional health services have provided a response to the board regarding such final report, whichever comes first, the board shall publish on its website the final report and the department's and correctional health services' response, if any. The board shall not publish the final report on its website until either 2 weeks have passed since the board submitted the final report to the department and correctional health services or the department and correctional health services have provided a response to the board.

3. The board shall publish on its website the final report within 6 months after such death. If the investigation has not concluded within 6 months after such death, the board shall publish on its website an update on the investigation on the day the final report is due and every 60 days thereafter until the final report is published.

§ 2. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding new sections 9-166, 9-167, and 9-168 to read as follows:

§ 9-166 Procedures following the death of an individual in custody of the department. a. Definitions. For the purposes of this section, the term "correctional health services" means any health care entity designated by the city of New York as the agency or agencies responsible for health services for incarcerated individuals in the care and custody of the department. When the responsibility is contractually shared with an outside provider, this term also applies.

b. Within 1 hour of pronouncement of death of an individual in custody, the department shall notify the office of chief medical examiner, the deceased's defense attorney, and the board of correction of such death. The department shall document that the department notified the next of kin pursuant to section 3-10 of title 40 of the rules of the city of New York, regarding deaths of incarcerated individuals, or a successor provision and shall include the name of the employee of the department who contacted the next of kin, the name of the next of kin who was notified, the means of communication through which the next of kin was notified, the relationship of the next of kin to the deceased, and the time and date that the department made such notification. The department shall notify the board of correction that the next of kin had been notified of such death. Immediately after notifying the deceased's next of kin, the office of chief medical examiner, the deceased's defense attorney, and

the board of correction, the department shall notify the public of such death by issuing a press release to all media outlets that have requested to receive press releases from the department and posting such press release on the department's website.

c. If the next of kin is not known or if the department is unable to reach the next of kin within 24 hours of pronouncement of such death, the department shall inform correctional health services, and correctional health services shall notify any family contacts included in the deceased's medical record. If the department is unable to reach the next of kin within 24 hours of pronouncement of death, the department shall notify the public of the death as set forth in subdivision b of this section, but shall withhold the name of the deceased. If the department has not been able to notify the next of kin after 72 hours have passed since the department's first attempt to notify the next of kin, the department shall notify the public of the death as set forth in subdivision b of this section, including the name of the deceased.

d. The department shall return the deceased's personal items to the next of kin within 30 days of the pronouncement of death.

e. After the department has notified the public of the death as set forth in subdivision b or c of this section, the department shall publish on its website reports sent to the state commission of correction pursuant to subdivision (b) of section 7508.2 of title 9 of the New York codes, rules and regulations, regarding reportable incidents, or a successor provision.

f. The department shall preserve video footage related to the circumstances that contributed to the death of an individual in custody.

g. Upon pronouncement of death of an individual in custody of the department, the department and correctional health services shall immediately provide all books, records, documents, papers, and video footage relevant to such death to the board of correction and shall immediately provide additional such materials to the board of correction upon request.

h. The department shall immediately provide video footage related to the circumstances that contributed to the individual's death to the next of kin upon request.

i. The department and correctional health services shall conduct a joint investigation of each death of an individual in custody of the department, including the review of all medical records of the deceased in the possession of the department and correctional health services and all records related to the deceased's time in custody of the department. The department and correctional health services shall submit a joint report of their findings to the board of correction.

j. If the department of investigation issues a report regarding the death of an individual or individuals in custody, the department and correctional health services shall publish a response to such report on their websites. If the report contains recommendations for the department or correctional health services, the department or correctional health services shall respond to each recommendation and indicate whether and how it will implement each such recommendation. If the department or correctional health services determines that it does not intend to implement a recommendation, the department or correctional health services shall provide the reasons for such determination.

k. The department and correctional health services shall respond in writing to each report issued by the board of correction pursuant to paragraph 2 of subdivision i of section 626 of the charter within 2 weeks after receiving such report. If the report contains recommendations for the department or correctional health services, the department and correctional health services shall respond to each recommendation and indicate whether and how they will implement each recommendation. If the department or correctional health services determines that it does not intend to implement the recommendation, the department or correctional health services shall provide the reasons for such determination. The department and correctional health services shall update the board of correction 6 months after responding to the recommendations pursuant to this subdivision and every 6 months thereafter on progress made towards implementing each recommendation until each recommendation is fully implemented.

l. No later than 30 days after the board of correction publishes the final report on the death of an individual in custody pursuant to paragraph 2 of subdivision i of section 626 of the charter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding the status of employees of the department identified in the board of correction's final report as being involved in the circumstances that contributed to the individual's death. If the department opens a staff misconduct case regarding an employee's involvement in circumstances that contributed to the individual's

death, the commissioner shall update the report required by this subdivision every 60 days from the date of first submission and posting until all staff misconduct cases have been closed. The department shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website each such updated report. The report required by this subdivision must include for each employee identified:

1. Whether the employee was terminated;
2. Whether the employee resigned;
3. Whether a staff misconduct case was opened regarding the employee's involvement in circumstances that contributed to the individual's death;
4. If a staff misconduct case was opened regarding the employee's involvement in the circumstances that contributed to the individual's death:
 - (a) Any unique identifier used by the department to identify the staff misconduct case, such as the case number;
 - (b) The date the staff misconduct case was initiated by the department;
 - (c) The date the staff misconduct case was closed;
 - (d) The category of any alleged misconduct offenses;
 - (e) A description of the alleged staff misconduct;
 - (f) If the staff misconduct case is being adjudicated by the office of administrative trials and hearings, the date on which the case was referred to the office of administrative trials and hearings;
 - (g) The status of the staff misconduct case as of the date of the report;
 - (h) The disposition of the staff misconduct case;
 - (i) The penalty and discipline imposed, if any; and
 - (j) Whether the staff misconduct case was referred to the department of investigation, a district attorney, or the United States department of justice.

§ 9-167 Jail death review board. a. There is hereby established a review board to be known as the jail death review board. The jail death review board shall study deaths of individuals in custody of the department to identify systemic issues that contributed to such deaths and shall keep a record of its proceedings. No later than January 31, 2025, and yearly thereafter, the jail death review board shall submit to the mayor and the speaker of the council a report describing the activities of such board over the preceding year, the systemic issues identified pursuant to this section, and any actions taken by any member of such board to address the systemic issues identified pursuant to this section.

- b. Such board shall meet quarterly.
- c. The jail death review board shall be composed of the following members:
 1. The deputy mayor for public safety, or such deputy mayor's designee, who shall serve as chair;
 2. The chief medical officer of correctional health services, as defined in subdivision a of section 9-166, or such officer's designee;
 3. The commissioner or such commissioner's designee;
 4. The commissioner of health and mental hygiene or such commissioner's designee; and
 5. The executive director of the board of correction, or such director's designee.
- d. The staff of such board shall be composed of employees of the board of correction.

§ 9-168 Report on compassionate release. a. No later than 3 months after the effective date of the local law that added this section, and quarterly thereafter, the commissioner shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a quarterly report regarding individuals who have been released from custody due to a medical condition.

b. The quarterly report must include a table in which each separate row references a unique individual who had been released from custody due to a medical condition. Each such row must include the following information, as well as any additional information the commissioner deems appropriate, set forth in separate columns:

1. The name of the incarcerated individual who was released;
 2. The name of the individual or entity that requested the incarcerated individual be released;
 3. The date the request for release was submitted for approval;
 4. The date the individual's release was approved; and
 5. The date the individual was released.
- c. The report required by subdivision b of this section shall include a data dictionary.

d. Except as otherwise expressly provided in this section, no report required by subdivision b of this section shall contain personally identifiable information.

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

Referred to the Committee on Criminal Justice.

Int. No. 1205

By Council Members Rivera, Schulman, Abreu, Hanif, Marte and Krishnan.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the release of birds for commercial purposes

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-200.1 to read as follows:

§ 17-200.1 *Prohibition on the release of birds for commercial purposes. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Bird. The term “bird” means a bird, including but not limited to a rock dove, homing pigeon, ringneck dove, or a barbary dove, purchased or kept for the purpose of releasing such bird for a fee.

Release. The term “release” means to free a bird from restraint or confinement with the intent to allow or enable such bird to fly unrestrained, temporarily or permanently, in the wild.

b. No person shall keep or retain any bird for the purpose of releasing such bird for a fee and no person shall offer to release or release a bird for a fee.

c. Penalty. 1. Any person convicted of any prohibited act set forth in subdivision b of this section is guilty of a misdemeanor and subject to a fine of no more than \$1,000, or imprisonment for no more than 1 year, or both, for each violation.

2. The penalties provided in this section shall not preclude the imposition of any other penalty provided for by law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Int. No. 1206

By Council Member Williams, the Public Advocate (Mr. Williams) and Council Members Ung and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the borough presidents to provide equal employment opportunity trainings to community board members

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-511 to read as follows:

§ 3-511 *Community board member training. Each borough president shall provide equal employment opportunity training to community board members including, but not limited to, anti-sexual harassment training and anti-discrimination training. Borough presidents may coordinate with other government agencies, such as the department of citywide administrative services, to provide such trainings.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1207

By Council Members Won and Marte.

A Local Law to amend the administrative code of the city of New York, in relation to police department transparency in the use of surveillance technology

Be it enacted by the Council as follows:

Section 1. Section 14-188 administrative code of the city of New York, as added by local law number 65 for the year 2020 is amended to read as follows:

§ 14-188 Annual surveillance reporting and evaluation. a. Definitions. As used in this section, the following terms have the following meanings:

Surveillance technology. The term “surveillance technology” means equipment, software, or systems capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. Surveillance technology does not include:

1. routine office equipment used primarily for departmental administrative purposes;
2. parking ticket devices;
3. technology used primarily for internal department communication; or
4. cameras installed to monitor and protect the physical integrity of city infrastructure.

Surveillance technology impact and use policy. The term “surveillance impact and use policy” means a written document that includes the following information:

1. a description of the capabilities of a surveillance technology;
2. rules, processes and guidelines issued by the department regulating access to or use of such surveillance technology as well as any prohibitions or restrictions on use, including whether the department obtains a court authorization for such use of a surveillance technology, and, if so, the specific type of court authorization sought;
3. safeguards or security measures designed to protect information collected by such surveillance technology from unauthorized access, including but not limited to the existence of encryption and access control mechanisms;
4. policies and/or practices relating to the retention, access, and use of data collected by such surveillance technology;
5. policies and procedures relating to access or use of the data collected through such surveillance technology by members of the public;
6. [whether] *names of* all entities outside the department, *including local government entities, state government entities, federal government entities, or private entities, that have access to the information and data collected by such surveillance technology, including:* (a) [whether the entity is a local governmental entity, state governmental entity, federal governmental entity or a private entity,(b)] the type of information and data that may be disclosed [by] to each such entity, and [(c)] (b) [any] *the specific* safeguards or restrictions imposed by the department on [such] *each such* entity regarding the use or dissemination of the information collected by such surveillance technology;
7. whether any training is required by the department for an individual to use such surveillance technology or access information collected by such surveillance technology;
8. a description of internal audit and oversight mechanisms within the department to ensure compliance with the surveillance technology impact and use policy governing the use of such surveillance technology;
9. any tests or reports regarding the health and safety effects of the surveillance technology; and
10. any potentially disparate impacts of the *surveillance technology and* surveillance technology impact and use policy on any protected groups as defined in the New York city human rights law.

b. Publication of surveillance technology impact and use policy. The department shall propose a surveillance technology impact and use policy and post such proposal on the department's website, at least 90 days prior to the use of any new surveillance technology. Such impact and use policies shall be published for all distinct *surveillance technologies utilized by the department, regardless of whether such technology overlaps in functionality or capability with any other technology for which a separate impact and use statement exists.*

c. Existing surveillance technology. For existing surveillance technology as of the effective date of the local law that added this section, the department shall propose a surveillance technology impact and use policy and post such proposal on the department's website within 180 days of such effective date.

d. Addendum to surveillance technology impact and use policies. When the department seeks to acquire or acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or in a manner not previously disclosed through the surveillance technology impact and use policy, the department shall provide an addendum to the existing surveillance technology impact and use policy describing such enhancement or additional use.

e. Upon publication of any proposed surveillance technology impact and use policy, the public shall have 45 days to submit comments on such policy to the commissioner.

f. The commissioner shall consider public comments and provide the final surveillance technology impact and use policy to the speaker and the mayor, and shall post it on the department's website no more than 45 days after the close of the public comment period established by subdivision e of this section.

§ 2. Section 803 of the New York city charter is amended by adding a new subdivision c-1 to read as follows:

c-1. The commissioner shall prepare annual audits of surveillance technology impact and use policies as defined in section 14-188 of the administrative code that shall:

1. assess whether the New York city police department's use of surveillance technology, as defined in section 14-188 of the administrative code, complies with the terms of the applicable surveillance technology impact and use policy;

2. describe any known or reasonably suspected violations of the surveillance technology impact and use policy, including but not limited to complaints alleging such violations made by individuals pursuant to paragraph (6) of subdivision c of this section; and

3. publish recommendations, if any, relating to revisions of any surveillance technology impact and use policies.

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

Referred to the Committee on Public Safety.

Preconsidered L.U. No. 273

By Council Member Brannan:

Red Oak, Block 1861, Lot 10, Manhattan, Community District 7, Council District No. 7.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 274

By Council Member Brannan:

Stevenson Commons, Block 3600, Lots 30 and 40, Bronx, Community District No. 9, Council District No. 18.

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 275

By Council Member Salamanca:

Application number C 220453 ZMK (703 Myrtle Avenue Rezoning) submitted by Ranco Capital, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13b, changing from an M1-1 District to an R7D District and establishing within the proposed R7D District a C2-4 District, Borough of Brooklyn, Community District 3, Council District 33.

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).

Preconsidered L.U. No. 276

By Council Member Salamanca:

Application number N 220454 ZRK (703 Myrtle Avenue Rezoning) submitted by Ranco Capital, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 3, Council District 33.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, September 29, 2023

Committee on Criminal Justice

Carlina Rivera, Chairperson

Oversight - Department of Correction and Department of Probation’s Programming and Reentry Services.

Int 1203 - By Council Member Riley - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of correction to provide a letter of incarceration to all individuals as they leave the department’s custody.

Council Chambers – City Hall.....10:00 a.m.

Tuesday, October 3, 2023

Committee on Rules, Privileges & Elections

Keith Powers, Chairperson

Agenda to be announced

Committee Room – City Hall.....10:00 a.m.

Wednesday, October 4, 2023

Committee on Finance

Justin Brannan, Chairperson

Int 1070 – By Council Member Gutiérrez – **A Local Law** to amend the administrative code of the city of New York, in relation to reinstatement of the biotechnology credit against the general corporation tax, the unincorporated business tax, and the corporate tax of 2015.

Council Chambers – City Hall.....10:00 a.m.

Committee on Health jointly with the
Subcommittee on Covid Recovery and Resiliency

Lynn C. Schulman, Chairperson
Francisco P. Moya, Chairperson

Oversight - Analyzing the Summertime Surge in Covid-19 Cases.

Committee Room – City Hall.....10:00 a.m.

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

See Land Use Calendar

Committee Room – City Hall.....1:00 p.m.

Thursday, October 5, 2023

Committee on Finance

Justin Brannan, Chairperson

Preconsidered Res ___ - By Council Member Brannan - 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

Council Chambers – City Hall.....Agenda – 1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged the death of one-year old Nicholas Dominici at a Bronx daycare center in Council Member Sanchez's district. He passed away on September 15, 2023 after being exposed to fentanyl. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to the family of young Nicholas as well as to all children who were recovering from opioid exposure along with their families.

The Speaker (Council Member Adams) acknowledged the death of Dale West. Mr. West fell to his death escaping a fire while repairing a home in Council Member Mealy's district. He passed away on August 14, 2023 at the age of 49 and leaves behind a nine-year old son. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to his family during this very difficult time.

* * *

The Speaker (Council Member Adams) wished a meaningful and reflective Yom Kippur to the city's Jewish communities. She also wished a *Chag Sukkot sameach* to those celebrating the joyful holiday of Sukkot.

The Speaker (Council Member Adams) acknowledged that September 29th marked the start of the traditional Chinese Mid-Autumn Festival which is a holiday based on the lunar calendar. She noted that other Asian countries would also be observing their own lunar calendar holidays during this time period such as South Korea's Thanksgiving *Chuseok* holiday and Japan's *Tsukimi* Mid-Autumn Festival. The Speaker (Council Member Adams) wished a happy and healthy celebration to all.

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The Speaker (Council Member Adams) acknowledged that Special Counsel Jim Caras was retiring from the Council at the end of the week. She described Mr. Caras as a true public servant who had made an immeasurable impact on the lives of New Yorkers. She noted that Mr. Caras joined the Council in 1992 and served as counsel to the Committees on Consumer Affairs, Finance, and State and Federal Legislation – he subsequently became Counsel to the Finance Division as well as Deputy General Counsel. The Speaker (Council Member Adams) further noted that Mr. Caras had also served for a number of years at Manhattan Borough President Gale A. Brewer's office before returning to the Council in 2019 to become General Counsel and Special Counsel. She spoke of how he had improved the Council's budgetary powers through his commitment to budget transparency and in securing record Units of Appropriation and important Terms and Conditions during various budgetary negotiations. The Speaker (Council Member Adams) praised his public service, his hard work, and his distinguished tenure in the Council. She also attested to how great of a friend and human being that Mr. Caras was.

At this point, the Speaker (Council Member Adams) and Council Member Brewer presented Mr. Caras with a Council proclamation. Council Member Brewer praised Mr. Caras as a leading expert on such matters as the Charter's separation of powers, Home Rule issues, the powers of the city under state law and the state constitution, and high-profiled litigation between the Mayor and the Council. Mr. Caras spoke briefly to those assembled and thanked everyone. He expressed his fortune to have had a most wonderful career in city government. At the end of the presentation, those assembled in the Chambers applauded and cheered in appreciation of Mr. Jim Caras.

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting on Thursday, October 5, 2023.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of September 28, 2023 on the New York City Council website at <https://council.nyc.gov>.

