

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 21, 2021, 2:07 p.m.

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

Council Members

Corey D. Johnson, *Speaker*

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

Absent: Council Members Cabrera, Cumbo, R. Diaz Sr., Menchaca, Perkins, Ulrich and Van Bramer.

At the time of this Stated Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

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

There were 42 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.

INVOCATION

The Invocation was delivered by Deacon Kevin McCormack, Principal, who serves as a spiritual leader at Xaverian High School, located at 7100 Shore Road, Brooklyn, NY 11209.

Blessed are You, Lord of all Creation
 source of life and growth, of peace and joy.
 Your daughters and sons have been given
 the gift and the burden of administration and leadership.
 You have tasked them
 with the protection and well-being
 of all your people in this great city.
 The people of our city are gathered
 from all corners of the world
 with wonderfully different languages,
 cultures, histories, and beliefs.
 Each person, with their joys and hopes
 as well as their grief and anguish,
 reflect You in their unique and grace-filled lives.
 Lord, please bless these leaders
 with the eyes, ears, and hearts
 to see, hear, and know their neighbors.
 Bless these leaders with the vision, patience, and wisdom
 to understand their mission.
 Bless them with good judgment,
 courage, and faith in their work.
 And bless them with the sense of justice
 to serve your people wisely
 and the necessary sense of humor
 needed to communicate, debate,
 and compromise with each other.
 Help us to remember that You share with us
 the power to administer and serve
 and that the work we do is Your work.
 Bless us always with Your presence,
 Your insight, Your kindness.
 Amen.

On behalf of Council Member Brannan, the Speaker (Council Member Johnson) moved to spread the Invocation in full upon the record.

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York City had reached 34,480 as of October 20, 2021.

The Speaker (Council Member Johnson) acknowledged the death of former U.S. Secretary of State Colin Powell who died at the age of 84 on October 18, 2021. He noted that Secretary Powell was born in Harlem, raised in the South Bronx, and was a CUNY graduate. He emphasized that Secretary Powell was a native New Yorker and a proud American who had lived a life of public service which won him bipartisan praise. On behalf of the Council, the Speaker (Council Member Johnson) offered his deepest condolences to his family and friends.

The Speaker (Council Member Johnson) acknowledged the death of two New Yorkers who died during the course of their employment: *deliverista* Abu Salamiah, 51, was killed on October 16, 2021 during a robbery for his e-bike in Manhattan after he had finished his GrubHub shift; and deli worker Ahmed Almulaiki, 34, was killed on October 19, 2021 by a customer in East Harlem.

The Speaker (Council Member Johnson) asked for a Moment of Silence for those New Yorkers who had died from COVID-19, for those New Yorkers who had died while on the job, and for former U.S. Secretary of State Colin Powell.

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

* * *

ADOPTION OF MINUTES

Council Member Gennaro moved that the Minutes of the Stated Meeting of September 23, 2021 be adopted as printed.

LAND USE CALL-UPS

M-342

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 210412 ZSM, C 210413 ZSM, C 210414 ZSM, C 210415 ZSM, and C 210417 PPM (175 Park Avenue) be subject to Council review. These items are related to Application No. C 210416 ZRM.

Coupled on Call-Up Vote.

M-343

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 210398 ZSX (WIN Powers) be subject to Council review. This item is related to Application No. C 210399 HAX.

Coupled on Call-Up Vote.

M-344

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application Nos. C 210438 ZSM and C 210438(A) ZSM (250 Water Street) be subject to Council review. These items are related to Application No. N 210439 ZRM.

Coupled on Call-Up Vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Vallone, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **39**.

Present, Not Voting – Feliz, Kallos, and Rodriguez.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer Affairs and Business Licensing

Report for Int. No. 499-A

Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses; and to repeal section 20-241 of the administrative code of the city of New York.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 727), respectfully

REPORTS:

I. INTRODUCTION

On October 21, 2021, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Diana Ayala, will hold a vote on two bills: Introduction Number 499-A (Int. 499-A), in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses; and to repeal section 20-241 of the administrative code of the city of New York; and Introduction Number 1145-A (Int. 1145-A), in relation to creating an exception to the item pricing requirement for retail stores with scanners available for consumer use. The Committee previously heard testimony from the Department of Consumer and Worker Protection (DCWP) (formerly the Department of Consumer Affairs), worker and trade groups, business associations, and other interested stakeholders and this feedback informed the final versions of the bills.

II. BACKGROUND

a. Newsstands

Historically, newsstands were ubiquitous in New York City. In the 1950s over 1,500 locations provided periodicals and sundries around our City.¹ Today, just over 350 newsstands are in operation.² According to the Newsstand Operators Association, most newsstands are run by immigrants who make a modest income from running these small businesses,³ as consumer demand for print periodicals has lessened.⁴ City newsstands were historically operated by independent owners, and the style of stands varied considerably, giving way to concerns about structural safety and aesthetic value.⁵ In the mid-1990s, the City convened a Streetscape Task Force to recommend improvements to the City's street environment, which led to amendments to newsstands' regulatory structure. Local Law 29 of 1997 allowed the Department of Transportation to offer a single franchise for the

¹ Gary M. Stern, "Are NYC Newsstands Nearing Oblivion?" *Observer*, September 3, 2014, available at: <https://observer.com/2014/09/are-nyc-newsstands-nearing-oblivion/>

² "Newsstands" NYC Open Data, available at: <https://data.cityofnewyork.us/Transportation/Newsstands/kfum-nzw3>

³ Robert Bookman, New York City Newsstand Operators Association, testimony before the Committee on Consumer Affairs and Business Licensing, September 14, 2021, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343894&GUID=DD334618-5D68-4C09-8C69-26680DA98B89&Options=ID|Text|&Search=499>

⁴ Gary M. Stern, "Are NYC Newsstands Nearing Oblivion?" *Observer*, September 3, 2014, available at: <https://observer.com/2014/09/are-nyc-newsstands-nearing-oblivion/>

⁵ See Hannah Howard, "How New Yorkers Are Fighting to Save the City's Struggling Newsstands", *Thrillist*, May 12, 2017, available at: <https://www.thrillist.com/lifestyle/new-york/how-new-yorkers-are-fighting-to-save-the-citys-struggling-newsstands>; and Local Law 29 of 1997, available at:

http://www.laguardiawagnerarchive.lagcc.cuny.edu/pages/FileBrowser.aspx?LinkToFile=FILES_DOC/NYCC_DOCS/Bills/int955.htm.

construction and maintenance of newsstands, which would eventually replace the old structures.⁶ Current operators were given the opportunity to become franchisees.⁷ While Local Law 29 was repealed, the current oversight structure for newsstands was established by a subsequent resolution⁸ and local law.⁹ The franchise contract was offered to CEMUSA in 2005, and then to JCDecaux, which acquired CEMUSA in 2014.¹⁰

When Local Law 41 of 1998 repealed Local Law 29 of 1997, the new law repealed the old law's allowance for corporations and partnerships to operate newsstands.¹¹ That allowance has never been reinstated. Instead, newsstands can only be operated by single person who require a license, which must be renewed every two years for a fee of \$1,076.¹²

The prohibition on operating a newsstand as a corporate entity, such as a corporation or limited liability company, means that newsstand operators must run their businesses as sole proprietors. But being able to incorporate, like many businesses choose to do, has its advantages. Incorporating would shield the operators' personal assets - such as their homes or college savings accounts - from being used to satisfy business debts and lawsuits.¹³ It would also allow the operators to bring a family member or an employee into the business.¹⁴ An employee who has worked at a newsstand for decades is unable, under the current law, to become a partner at the newsstand and take over from the existing operator after they retire.¹⁵ According to Robert Bookman, counsel to the New York City Newsstand Operators Association, there are "countless examples of current newsstand employees who are eager to do this and become an owner, but have no legal means of doing so."¹⁶ Existing newsstand operators have therefore advocated for their right to form corporate entities, as the 1997 law allowed.¹⁷

Newsstands have struggled in recent years. A 2018 Pew Research study found that 43 percent of U.S. adults say they get their news via news websites or social media, which is more than the 16 percent of adults who get their news from print newspapers.¹⁸ According to the New York City Newsstand Operators Association, the pandemic has also caused newsstand operators to struggle: "Sidewalk newsstands depend on street traffic and are primarily located in business areas, in Midtown and lower Manhattan. The amount of office worker foot

⁶ Local Law 29 of 1997, available at:

http://www.laguardiawagnerarchive.lagcc.cuny.edu/pages/FileBrowser.aspx?LinkToFile=FILES_DOC/NYCC_DOCS/Bills/int955.htm; New York City Department of Transportation, "Coordinated Street Furniture", <https://www1.nyc.gov/html/dot/html/infrastructure/streetfurniture.shtml> (last accessed on September 10, 2021).

⁷ Local Law 29 of 1997, available at:

http://www.laguardiawagnerarchive.lagcc.cuny.edu/pages/FileBrowser.aspx?LinkToFile=FILES_DOC/NYCC_DOCS/Bills/int955.htm

⁸ Resolution 1004 of 2003, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=440224&GUID=37D96881-60CB-4F14-9C14-DDB5A1C5E1E5&Options=Advanced&Search=>.

⁹ Local Law 64 of 2003, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=440441&GUID=40123AC2-00A4-4295-9093-E7A77948C1B7&Options=ID|Text|&Search=64>.

¹⁰ New York City Department of Transportation, "Coordinated Street Furniture"

<https://www1.nyc.gov/html/dot/html/infrastructure/streetfurniture.shtml> (last accessed on September 10, 2021).

¹¹ Local Law 41 of 1998, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=431204&GUID=97738387-8CB3-4BA0-AC0B-3A99686CBBC1&Options=ID|Text|&Search=41>

¹² NYC Business, "Newsstand License", <https://www1.nyc.gov/nycbusiness/description/newsstand-license> (last accessed on September 10, 2021).

¹³ Robert Bookman, New York City Newsstand Operators Association, testimony before the Committee on Consumer Affairs and Business Licensing, September 14, 2021, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343894&GUID=DD334618-5D68-4C09-8C69-26680DA98B89&Options=ID|Text|&Search=499>

¹⁴ Robert Bookman, New York City Newsstand Operators Association, testimony before the Committee on Consumer Affairs and Business Licensing, September 14, 2021, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343894&GUID=DD334618-5D68-4C09-8C69-26680DA98B89&Options=ID|Text|&Search=499>

¹⁵ Robert Bookman, New York City Newsstand Operators Association, testimony before the Committee on Consumer Affairs and Business Licensing, September 14, 2021, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343894&GUID=DD334618-5D68-4C09-8C69-26680DA98B89&Options=ID|Text|&Search=499>

¹⁶ *Id.*

¹⁷ Robert Bookman, New York City Newsstand Operators Association, testimony before the Committee on Consumer Affairs and Business Licensing, September 14, 2021, available at:

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3343894&GUID=DD334618-5D68-4C09-8C69-26680DA98B89&Options=ID|Text|&Search=499>

¹⁸ Elisa Shearer "Social media outpaces print newspapers in the U.S. as a news source", *Pew Research Center*, December 10, 2018, available at: <https://www.pewresearch.org/fact-tank/2018/12/10/social-media-outpaces-print-newspapers-in-the-u-s-as-a-news-source/>

traffic is nowhere near what it was. These are extremely challenging times for newsstands.”¹⁹ Thus, giving newsstand operators the ability to partner at more populated and therefore lucrative newsstand locations may create more stable businesses in this field.

b. Item Pricing

In New York City, retail stores are required to comply with the City’s item pricing law that requires all products offered for sale to be individually labeled with a price sticker.²⁰ The law also sets out specific exemptions. Provided that a shelf price is listed, the following products do not require individual pricing labels: milk; small products priced under one dollar; eggs; fresh produce; items such as gum, candies or chips that weigh less than five ounces; cigarettes and tobacco products; frozen juice; ice cream; jarred baby food; bulk items; items sold in vending machines; items sold for in-store consumption; frozen, bagged foods; and items that are on sale for less than a week and are displayed in a separate section at the end of an aisle.²¹ Under the definition of ‘retail store’, the legislation also specifies that this does not include stores: with less than two full-time employees; that make less than \$2 million in annual gross sales; or that primarily sell food for consumption on the premises.²²

Over the past few years, the Council has revisited the issue of item pricing. For example, in 2011, this Committee held an oversight hearing on DCWP’s enforcement of supermarket regulations after there was concern that supermarkets were regularly overcharging customers. At the hearing, industry representatives testified that, due to technological advancements with check-out and price scanners, individual item pricing was somewhat redundant. The industry also argued that, due to high rates of inventory turnover, relying on price stickers may actually increase the chances of improper pricing.²³ Similarly, in 2017, the City enacted Local Law 5, which gives retail stores a 30-day window to remedy a first-time item pricing violation. To avoid the payment of a civil penalty, the retailer must submit evidence that the violation has been cured within 30 days of the notice of violation and prior to the commencement of an adjudication of such notice of violation.²⁴ At the Committee hearing on an earlier version of Int.1145-A, advocates detailed the difficulties retailers have marking the price of each item at a store. Advocates explained that due to human error it is nearly impossible for an employee to correctly mark the price of each one of the thousands of items in a store, which leaves the store vulnerable to fines from DCWP.²⁵ According to one advocate, “creating an exception for the item-pricing requirement would eliminate one of the biggest fines this industry sees.”²⁶

In recent years, jurisdictions across New York State have taken action to enable retailers to use new technologies to prevent stores from needing to label individual items. In 2010, Westchester County passed a new amendment allowing retailers to apply for a waiver of the item-pricing law on an annual basis provided that the retailer demonstrates that: its check-out scanners are at least 98 percent accurate; price check scanners are readily available to consumers throughout the store; and shelf labels are provided for all items.²⁷ Laurence Gottlieb, director of Westchester County’s Office for Economic Development, justified the exemption for retail stores saying: “Given the economic climate, we must ensure we are stripping away the red tape that constricts smart business growth. This amendment strikes the right balance between protecting the interests of the consumer and

¹⁹ Jane L. Levere, “What Does the Future Hold for Newsstands in a Post-Pandemic World?”, *Adweek*, March 26, 2021, available at: <https://www.adweek.com/commerce/what-does-the-future-hold-for-newsstands-in-a-post-pandemic-world/>

²⁰ N.Y. Admin. Code §20-708.1(b).

²¹ N.Y. Admin. Code §20-708.1(c).

²² N.Y. Admin. Code §20-708.1(a).

²³ New York City Council, Committee on Consumer Affairs ‘Oversight: DCA’s Enforcement of Supermarket Regulations’, January 6, 2011, hearing transcript, available at: [file:///C:/Users/lskrzypiec/Downloads/Hearing%20Transcript%20\(1\).pdf](file:///C:/Users/lskrzypiec/Downloads/Hearing%20Transcript%20(1).pdf).

²⁴ New York City Local Law 2017/5, available at: <file:///C:/Users/lskrzypiec/Downloads/Local%20Law%205.pdf>.

²⁵ New York City Council, Committee on Consumer Affairs, December 18, 2018, hearing transcript, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3704322&GUID=0226C596-0054-4329-99CD-49323058200D&Options=ID|Text|&Search=1145>

²⁶ Nelson Eusebio, National Supermarket Association, Testimony before the Committee on Consumer Affairs, December 18, 2018, hearing transcript, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3704322&GUID=0226C596-0054-4329-99CD-49323058200D&Options=ID|Text|&Search=1145>

²⁷ “Changes to Item Pricing Law” Westchester County, available at: <https://www.westchestergov.com/previous-releases/3782-changes-to-item-pricing>

the needs of business owners -- interests that should not be mutually exclusive."²⁸ Similar item pricing legislation has also been enacted in Nassau, Suffolk, Rockland, Erie, Rensselaer and St. Lawrence counties.²⁹

III. LEGISLATIVE ANALYSIS

a. Int. 499-A

Int. 499-A would amend existing law to explicitly allow current and new licensees to hold a newsstand license as a business entity - such as a corporation, partnership, limited liability company or other association - as long as each shareholder, partner, member or principal does not have another source of income, excluding investment income, that exceeds what is earned by operating the newsstand (Section 20-229 (a)). Existing law has been interpreted only to allow operators to hold a newsstand license in their personal capacity.

The bill contains deeming provisions (Section 20-229 (b) (2)) that would help DCWP to enforce a limit on two newsstand locations per licensee. This bill would also prohibit any licensee from renting or attempting to rent out their newsstand; doing so would be a basis for license revocation (Section 20-229 (c) and Section 20-232, respectively). Finally, in Section 7, the bill requires DCWP to mail current newsstand licensees, before their next license renewal, a letter explaining: (i) the process by which current newsstand licenses may convert their newsstand license to one held by a corporation, partnership, limited liability company or other association, including the requirements of Sections 20-110 and 20-111 of the Administrative Code, which impose on licensees a requirement to gain approval from the DCWP Commissioner or their designee in writing when certain corporate changes take place, to prevent a license becoming void; and (ii) any requirements of Tobacco Retail Dealer licensees or Electronic Cigarette Retail Dealer licensees that would be imposed as a result of holding the licenses as a corporation, partnership, limited liability company or other association.

Additionally, this bill would repeal Section 20-241, which contains the existing provision limiting newsstand licensees to two locations. The requirement that newsstand licensees operate from no more than two locations would instead be set forth in Section 20-229 (b) (1) of the bill. Subsequent sections in the subchapter would be renumbered accordingly.

b. Int. 1145-A

This bill would exempt certain retail stores that sell certain stocking keeping units – items with a “SKU” scannable bar code – from being required to label each physical item with a price, provided the item and the store meets certain conditions. Section 20-708.1 (a) (3) of the existing law defines “retail store” as a store that sells stock keeping units, but excludes any business that: (i) is not open to the general public, has members who pay a direct fee to qualify for membership and is not required to collect sales tax on transactions with members; (ii) has the owner as the business’s only full-time employee, or certain people in the owner’s family and only two additional full-time employees; (iii) had annual gross sales of stock keeping items of less than two million dollars, unless part of a certain, larger retail entity with annual gross sales of stock keeping items of two million dollars or more in the previous calendar year; and (iv) engages primarily in the sale of food for on-premises consumption or otherwise engages in a specialty trade exempted by the DCWP Commissioner by promulgated rule.

Section 1 of the bill adds a definition of “price scanner” to Section 20-708.1 (a) of the Administrative Code. “Price scanner” would mean a “laser scanning or other computer assisted price checking mechanism used in conjunction with scanner codes.” Section 2 amends Section 20-708.1 (c), which exempts certain items from being priced individually by a retail store, provided the store provides a shelf price and a price look-up function. Int. 1145-A would add a paragraph 15 to the list of exempted items; paragraph 15 would exempt any stock keeping item from being individually labeled with a price, provided that the item is able to be scanned by a price scanner, and the retail store selling it, offering it for sale or exposing it for sale has a sufficient number of clearly marked and functioning price scanners, in proportion to retail size, in adequate locations. The Commissioner of DCWP would be required to promulgate rules clarifying this requirement.

²⁸ *Id.*

²⁹ *Id.*

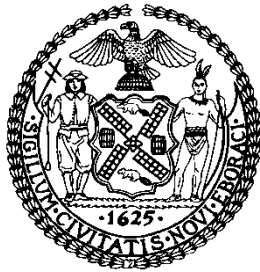
Section 3 of this bill makes a technical edit to the title of Section 20-708.1 (d), which more clearly describes the information contained therein.

This bill would take effect 120 days after it becomes law, except that DCWP may take such measures necessary for the bill’s implementation, including promulgating rules, before such date.

UPDATE

On October 21, 2021, the Committee passed Introduction Nos. 499-A and 1145-A by a vote of seven in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 499-A:)



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

**PROPOSED INTRO. NO: 499-A
COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses; and to repeal section 20-241 of the administrative code of the city of New York.

SPONSOR(S): By Council Members Koslowitz, Kallos, Rivera.

SUMMARY OF LEGISLATION: Proposed Int. No. 499-A would expand the eligibility requirements for a newsstand license to allow partnerships, corporations and other business entities to obtain a license. The bill would maintain the limit of two licenses per entity, but would create deeming provisions to help ensure that individuals do not use corporate or other business entities to exceed the license limit. The bill would also prohibit any licensee from renting or attempting to rent out their newsstand; doing so would be a basis for license revocation. Finally, the bill also requires the Department of Consumer and Worker Protection (DCWP) to mail current newsstand licensees, before their next license renewal, a letter explaining important legal requirements that may be applicable if holding a newsstand license as a corporate entity.

EFFECTIVE DATE: This bill would take effect 120 days after it becomes law, except that the section requiring DCWP to mail a letter to current licensees would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2022

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY 2023
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Consumer and Worker Protection (DCWP) is already performing the outreach requirements outlined in this bill. Therefore, existing resources would be used to comply with this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced by the Council on February 14, 2018 as Int. No. 499-A and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on September 15, 2021 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 499-A, will be heard by the Committee on October, 21 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 18, 2021.

(For text of Int. No. 1145-A and its Fiscal Impact Statement, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 1145-A printed in these Minutes; for text of Int. No. 499-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 499-A and 1145-A.

(The following is the text of Int. No. 499-A:)

Int. No. 499-A

By Council Members Koslowitz, Kallos and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to allowing corporations, partnerships and other business entities to obtain newsstand licenses; and to repeal section 20-241 of the administrative code of the city of New York

Be it enacted by the Council as follows:

Section 1. Subdivision f of section 20-228 of the administrative code of the city of New York, as added by local law 5 for the year 2013, is amended to read as follows:

f. Stoop line stand. A stand or booth operated on a sidewalk for the sale or display of the articles enumerated in subdivision b of section 20–233 of this subchapter, which shall be subject to the restrictions and requirements of sections 20–233 through [20–241] 20-241.1 of this subchapter.

§ 2. Section 20-228 of the administrative code of the city of New York is amended by adding a new subdivision g, to read as follows:

g. *Dependent child.* A child or stepchild who is financially dependent on a parent or guardian.

§ 3. Section 20-229 of the administrative code of the city of New York, as amended by local law 64 for the year 2003, is amended to read as follows:

§ 20-229 License required. *a.* No person shall [maintain or] operate a newsstand or newsstands unless licensed pursuant to this subchapter, and unless [the operation of the newsstand is his or her principal employment] *such person has no other income, excluding investment income, which exceeds the income such person earns from the operation of the newsstand or newsstands; provided, however, that if such person is a corporation, partnership, limited liability company or other association, each shareholder of such corporation, each partner of such partnership, each member of such limited liability company or each principal of such other association, respectively, shall have no other income, excluding investment income, which exceeds the income such shareholder, partner, member or principal earns from the operation of such newsstand or newsstands.* No license shall be issued to [an individual] *a person* for the operation of a newsstand that is not a replacement newsstand and that has been constructed and installed by a franchisee pursuant to a franchise unless such operator has reimbursed such franchisee for the costs of construction and installation of such newsstand as determined by the department in accordance with paragraph two of subdivision c of section [20-241.1] 20-241 of the code.

b. 1. No person shall be issued more than two licenses to operate a newsstand pursuant to this subchapter.

2. For purposes of determining the number of licenses held by a person pursuant to paragraph 1 of this subdivision, the following provisions shall apply:

(a) A natural person shall be deemed to hold the license issued in the name of such natural person's dependent child, a partnership in which such natural person is a partner, a corporation in which such natural person is an officer, director or shareholder, or a limited liability company in which such natural person is a member, manager or officer.

(b) A corporation shall be deemed to hold the license issued in the name of:

(1) An officer, director or shareholder of such corporation;

(2) Another corporation where such corporation and such other corporation share a common officer, director or shareholder, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such other corporation;

(3) A limited liability company where such corporation or any of its officers, directors or shareholders is a member, manager or officer of such limited liability company, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such limited liability company; or

(4) A partnership where such corporation or any of its officers, directors or shareholders is a partner in such partnership, or such corporation or any of its officers, directors or shareholders has any direct or indirect interest in such partnership.

(c) A limited liability company shall be deemed to hold the license issued in the name of:

(1) A member, manager or officer of such limited liability company;

(2) Another limited liability company where such limited liability company and such other limited liability company share a common member, manager or officer, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such other limited liability company;

(3) A corporation where such limited liability company or any of its members, managers or officers is an officer, director or shareholder in such corporation or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such corporation; or

(4) A partnership where such limited liability company or any of its members, managers or officers is a partner in such partnership, or such limited liability company or any of its members, managers or officers has any direct or indirect interest in such partnership.

(d) A partnership shall be deemed to hold the license in the name of:

(1) A partner of such partnership;

(2) Another partnership where such partnership is a partner in such other partnership, such partnership and such other partnership share a common partner, or such partnership or any of its partners has any direct or indirect interest in such other partnership;

(3) A corporation where such partnership or any of its partners is an officer, director or shareholder in such corporation, or such partnership or any of its partners has any direct or indirect interest in such corporation; or

(4) A limited liability company where such partnership or any of its partners is a member, manager or officer in such limited liability company, or such partnership or any of its partners has any direct or indirect interest in such limited liability company.

c. No person applying for or holding a newsstand license shall rent or attempt to rent the newsstand to another person.

§ 4. Section 20-232 of the administrative code of the city of New York, as amended by local law 80 for the year 2021, is amended to read as follows:

§ 20-232 Revocation. In addition to any other basis for [revoking] *revocation*, a newsstand license may be revoked upon a finding by the commissioner that the location listed in such license was not utilized for a period of two consecutive months or more [or] that the newsstand licensee is not using the stand primarily for the sale of newspapers and periodicals, *or that the newsstand licensee rented or attempted to rent the newsstand to another person*. If the commissioner chooses to exercise such power of revocation, the commissioner shall first notify the licensee of an anticipated revocation in writing and afford the licensee thirty days from the date of such notification to correct the condition. The commissioner shall notify the licensee of such thirty-day period in writing. If the licensee proves to the satisfaction of the commissioner that the condition has been corrected within such thirty-day period, the commissioner shall not revoke such license. The commissioner shall permit such proof to be submitted to the commissioner electronically or in person. The licensee may seek review by the commissioner of the determination that the licensee has not submitted such proof within fifteen days of receiving written notification of such determination.

§ 5. Section 20-241 of the administrative code of the city of New York is REPEALED and section 20-241.1 of such code is renumbered section 20-241.

§ 6. Section 20-241.2 of the administrative code of the city of New York is renumbered section 20-241.1.

§ 7. The department shall mail the following information to each newsstand licensee prior to their next license renewal: (i) an explanation of the process by which such licensee may convert their newsstand license to one held by a corporation, partnership, limited liability company or other association, including the requirements of sections 20-110 and 20-111 of this code; and (ii) the requirements of licensees to engage in business as a retail dealer, pursuant to subchapter 1 of this chapter, and as an electronic cigarette retail dealer, pursuant to subchapter 35 of this chapter, that would be imposed on such licensee as a result of holding each such license as a corporation, partnership, limited liability company or other association.

§ 8. This local law takes effect 120 days after it becomes law, except that section 7 of this local law takes effect immediately.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BEN KALLOS, JUSTIN L. BRANNAN, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, October 21, 2021.

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

Report for Int. No. 1145-A

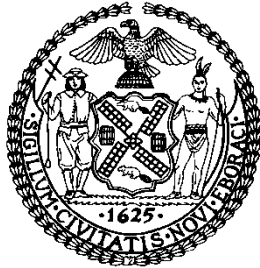
Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating an exception to the item pricing requirement for retail stores with scanners available for consumer use.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on October 17, 2018 (Minutes, page 3874) respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Consumer Affairs and Business Licensing for Int. No. 499-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1145-A:



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

**PROPOSED INTRO. NO: 1145-A
COMMITTEE: Consumer Affairs and Business
Licensing**

TITLE: A local law to amend the administrative code of the city of New York, in relation to creating an exception to the item pricing requirement for retail stores with scanners available for consumer use.

SPONSOR(S): Council Member Koo, Powers, Levine, Cornegy, Grodenchik, Reynoso, Chin, Kallos, Cabrera, Gjonaj, Ayala, Holden, Gibson, Adams, Koslowitz, Levin, Diaz, Rodriguez, Maisel, Vallone, Ulrich.

SUMMARY OF LEGISLATION: Proposed Int. No. 1145-A would exempt grocery stores and other retailers that sell stock keeping units (“SKUs”) from being required to label each of the items they sell with a price, under certain conditions. Under this bill, any stock keeping item that is able to be scanned by a price scanner; and is sold in a retail store with a sufficient number of clearly marked and functioning price scanners for consumer use, that are placed in adequate locations, would be exempt from the item pricing requirement. The Department of Consumer and Worker Protection would be required to promulgate rules that further specify these conditions.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Florentine Kabore, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced by the Council on October 17, 2018 as Int. No. 1145 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on December 18, 2018 and the legislation was laid over. The bill was subsequently amended, and the amended version, Proposed Int. No. 1145-A, will be heard by the Committee on October, 21 2021. Upon successful vote by the Committee, the bill will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1145-A:)

Int. No. 1145-A

Grodenchik, Reynoso, Chin, Kallos, Cabrera, Gjonaj, Ayala, Holden, Gibson, Koslowitz, Levin, D. Diaz, Rodriguez, Maisel, Ampry-Samuel, Rivera, Feliz and Ulrich.

A Local Law to amend the administrative code of the city of New York, in relation to creating an exception to the item pricing requirement for retail stores with scanners available for consumer use

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-708.1 of the administrative code of the city of New York, subdivision a as added by local law number 84 for the year 1991 and subparagraph (a) of paragraph 3 of subdivision a as amended by local law number 27 for the year 1998, is amended to read as follows:

a. Definitions. The following terms shall have the following meanings for the purpose of this section:

1. "Stock keeping unit", known in the industry as "SKU", shall mean each group of items offered for sale of the same brand name, quantity of contents, retail price, and variety within the following categories:

(a) Food, including all material, solid, liquid or mixed, whether simple or compound, used or intended for consumption by human beings or domestic animals normally kept as household pets and all substances or ingredients to be added thereto for any purpose;

(b) Napkins, facial tissues, toilet tissues, paper towelling and any disposable wrapping or container for the storage, handling, serving, or disposal of food;

(c) Detergents, soaps and other cleansing agents; and

(d) Non-prescription drugs, feminine hygiene products and health and beauty aids.

2. "Stock keeping item" shall mean each individual item of a stock keeping unit offered for sale. This shall include two or more pieces packaged for sale together.

3. "Retail store" shall mean a store engaged in selling stock keeping units at retail. A store which is not open to the general public but is reserved for use by its members shall come within the provisions of this definition unless the members must pay a direct fee to the store to qualify for membership and the store is not required to collect sales tax on transactions with members. A retail store shall not include any store which:

(a) Has as its only full-time employee the owner thereof, or the parent, spouse, domestic partner or child of the owner, and in addition thereto not more than two full-time employees; or

(b) Had annual gross sales of stock keeping items in the previous calendar year of less than two million dollars, unless the retail store is part of a network of subsidiaries, affiliates or other member stores, under direct or indirect common control, which, as a group, had annual gross sales of stock keeping items in the previous calendar year of two million dollars or more; or

(c) Engages primarily in the sale of food for consumption on the premises or in a specialty trade which the commissioner determines, by rule, would be inappropriate for item pricing.

4. "Item price" shall mean the tag, stamp or mark affixed to a stock keeping item which sets forth, in arabic numerals, the retail price thereof.

5. "Advertised price" shall mean the price of a stock keeping unit which a retail store has caused to be disseminated by means of promotional methods such as an in-store sign, or newspaper, circular, television or radio advertising.

6. "Shelf price" shall mean the tag or sign placed at each point of display of a stock keeping unit, which clearly sets forth the retail price of the stock keeping items within that stock keeping unit.

7. "Computer-assisted checkout system" shall mean any electronic device, computer system or machine which indicates the selling price of a stock keeping item by interpreting its universal product code, or an in-house product code, or by use of its price look-up function.

8. "Price look-up function" shall mean the capability of any checkout system to determine the retail price of a stock keeping item by way of the manual entry into the system of a code number assigned to that particular stock keeping unit by the retail store or by way of the checkout operator's consultation of a file maintained at the point of sale.

9. "Inspector" shall mean the commissioner or his or her designee.

10. *"Price scanner" shall mean a laser scanning or other computer assisted price checking mechanism used in conjunction with scanner codes.*

§ 2. Subdivision c of section 20-708.1 of the administrative code of the city of New York, as added by local law number 84 for the year 1991, is amended to read as follows:

c. Certain items exempted. The following stock keeping items need not be item priced as provided in subdivision b of this section provided that a shelf price and a price look-up function are maintained for such stock keeping items:

1. Milk.
2. Stock keeping items which are under three cubic inches in size, and weigh less than three ounces, and are priced under one dollar.
3. Eggs.
4. Fresh produce not packaged for final retail sale.
5. Products sold through a vending machine.
6. Food sold for consumption on the premises.
7. Snack foods such as cakes, gum, candies, chips and nuts offered for sale in single packages and weighing five ounces or less.
8. Cigarettes, cigars, tobacco and tobacco products.
9. Food offered for sale in bulk.
10. Frozen juice.
11. Ice cream.
12. Frozen foods packaged for final retail sale in plastic bags.
13. Stock keeping items on sale for one week or less, where such stock keeping items are not otherwise item priced, are located in a segregated display at the end of an aisle, and the sale period, the name of the product and the advertised price are clearly and conspicuously posted on a sign at the point of display. Failure to display this information shall be deemed a deceptive practice under section 20-701 of this code.
14. Baby food packaged in jars.

15. *Any stock keeping item that is capable of being scanned, and which is sold, offered for sale, or exposed for sale at a retail store that has, as determined by rule of the commissioner, a sufficient number, in proportion to the retail store size, of clearly marked and functioning price scanners for consumer use, in adequate locations.*

§ 3. Subdivision d of section 20-708.1 of the administrative code of the city of New York, as added by local law number 84 for the year 1991, is amended to read as follows:

d. [Scanner] *Checkout scanner* accuracy. In a retail store with a laser scanning or other computer-assisted checkout system, an inspector shall be permitted to compare the disclosed retail price of any one stock keeping item within any stock keeping unit sold in the retail store, whether or not exempt under subdivision c of this section, not to exceed five hundred stock keeping items at any one inspection, with the programmed computer price. The retail store shall provide such access to the computer as is necessary for the inspector to make the determination. The inspector shall also make note of undercharges on the inspection report. In the event that the programmed computer price exceeds the lowest price a retail store is permitted to charge for a stock keeping

item under subdivision e of this section, this shall be deemed a deceptive practice under section 20-701 of this code.

§ 4. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, BEN KALLOS, JUSTIN L. BRANNAN, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, October 21, 2021.

in Manhattan

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

Report of the Committee on Finance

Report for Int. No. 1919-A

Report of the Committee on Finance in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the notification of recording of real estate instruments.

The Committee on Finance, to which the annexed proposed amended local law was referred on April 22, 2020 (Minutes, page 835), respectfully

REPORTS:

I. Introduction

On October 21, 2021, the Committee on Finance (Committee), chaired by Council Member Daniel Dromm, will hold a second hearing on Proposed Introduction (Int.) Number (No.) 1919-A, titled a Local Law to amend the administrative code of the city of New York, in relation to exemptions from the sale of tax liens. This is the second hearing on this bill, which was subsequently amended after introduction. At the first hearing on October 13, 2020, which was jointly held with the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, the Committee heard testimony from representatives from the NYC Department of Finance (DOF), the Office of the City Register, the Department of Housing Preservation and Development (HPD), legal service providers, advocates, and other key stakeholders to learn more about the how real property deed fraud is affecting New York City homeowners and the efforts that are being made to combat it.

II. Background

In recent years, the occurrence of real property scams, such as real property deed fraud, have been on the rise.¹ Factors that have led to this increase include the 2008 foreclosure crisis and resulting recession, as well as

¹ See Press Release: Attorney General James Launches Protect Our Homes Initiative To Combat Deed Theft, New York State Attorney General, January 11, 2020, available at: <https://ag.ny.gov/press-release/2020/attorney-general-james-launches-protect-our-homes-initiative-combat-deed-theft> (last accessed October 4, 2020); see also “What You Need to Know About Foreclosure ‘Rescue’ Scams,”

the significant rise in property values that the City has seen as part of its ensuing recovery. These factors make schemes to obtain real property even more lucrative for fraudsters and criminals. Moreover, as a result of the COVID-19 pandemic, homeowners facing snowballing debts and possible defaults may become more vulnerable to deed fraud scams. Homeowners targeted for deed fraud scams “are largely from the most vulnerable segments of our society—people of color, the elderly, the financially disadvantaged, the medically infirm, the uneducated, and the unsophisticated.”²

While deed fraud scams occur through differing methods, all involve the fraudulent transfer of the ownership of a home to a third party.³ The results of these scams can be devastating to homeowners, who may already be struggling under the weight of an impending foreclosure or a death in the family, both financially and emotionally, when they realize that the home they thought they owned may now on paper belong to someone else.

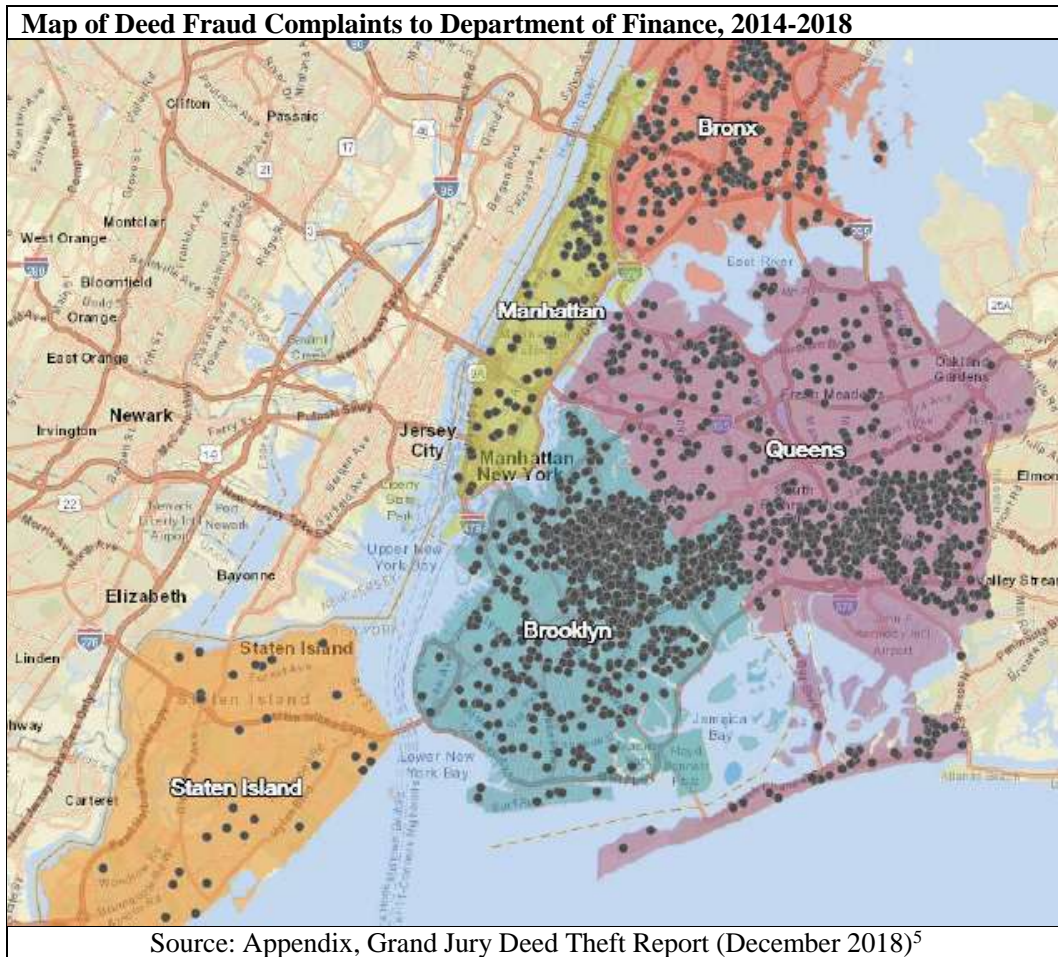
On a local level, complaints of deed fraud are reported to the New York City Sheriff which is housed within DOF. DOF reports receiving 3,152 deed theft complaints between July 2014 and June 2020, with approximately half coming from Brooklyn.⁴

The Legal Aid Society, March 31, 2020, available at: <https://www.legalaidnyc.org/get-help/housing-problems/what-you-need-to-know-about-foreclosure-rescue-scams/> (last accessed October 4, 2020).

² See Report of the Grand Jury of the Supreme Court State of New York First Judicial District, December 2018, available at: <https://www.manhattanda.org/wp-content/uploads/2018/12/Deed-Fraud-Grand-Jury-Report.pdf> (last accessed October 4, 2020); see also Center for NYC Neighborhoods and the Lawyers’ Committee for Civil Rights Under Law, “Who Can You Trust? The Foreclosure Rescue Scam Crisis in New York,” Dec. 2014, available at: <http://cnycn.org/wp-content/uploads/2014/12/Who-Can-You-Trust.pdf> (last accessed October 4, 2020).

³ “Deed Theft Scams,” Center for NYC Neighborhoods, available at: <http://cnycn.org/2015/06/deed-theft-scams/> (last accessed October 4, 2020).

⁴ See “Report on Local Law 249-2017 FY2020 2nd Quarter,” New York City Department of Finance, January 2020; “Report on Local Law 249-2017 FY2020 3rd Quarter,” New York City Department of Finance, April 2020; “Report on Local Law 249-2017 FY2020 4th Quarter,” New York City Department of Finance, July 2020.



Map insert above shows the boroughs of New York City with dots indicating locations where there have been deed fraud complaints between 2014 and 2018, with clusters of deed fraud complaints centered in South Queens and Eastern Brooklyn.

The vast majority of these complaints were closed upon further investigation; however, between July 2014 and June 2020, DOF made 110 referrals to the City’s district attorneys for criminal investigation, 48 of which led to arrests.⁶ In addition, the Office of the Attorney General receives three to four reports of deed theft a week, predominantly from Brooklyn, Queens, Northern Manhattan, and The Bronx.⁷

Common Deed Fraud Scams

There are two main typologies of deed theft: forged deeds and fraudulently transferred deeds.⁸ The first type of deed fraud is the outright forgery of deeds, in which the scammer will create a fake deed, sign as the buyer, forge the signature of the homeowner/seller, and record the deed, to make it look like they purchased the home.⁹ Such fraud makes it possible for a scammer to borrow against the property, sell it, or evict the rightful owner

⁵ Grand Jury Deed Fraud Report, *supra* fn 2.

⁶ *See id.*

⁷ Press Release, *supra* fn 1.

⁸ *See* “Deed Theft Hits Close to Home,” available at: <https://rozariolaw.com/deed-fraud-hits-close-to-home/> (last accessed October 4, 2020); *see also* Stephanie Saul, “Real Estate Companies Scheme to Defraud Owners Out of Their Homes,” N.Y. TIMES, Nov. 7, 2015, available at: <https://www.nytimes.com/2015/11/08/nyregion/real-estate-shell-companies-scheme-to-defraud-owners-out-of-their-homes.html>.

⁹ *See e.g.* Saul, *supra* fn 8.

and live there.¹⁰ Cases of forged deeds often occur where property has been vacant for long periods of time, there is an absentee property owner, or when property has recently been inherited after the death of the prior homeowner and the new owner has not yet taken possession.¹¹ Often, the forgers will take possession of the property without the legitimate owner's knowledge.¹²

In one such situation, a man learned that his name had been signed on a fraudulent deed, which was subsequently filed with the City Register transferring his property, only after conducting a title search.¹³ In another such situation, a woman learned that her vacant family home was being occupied by strangers after noticing that her water bill had increased.¹⁴ The deed to the house had been fraudulently executed and recorded, and the new "owner" had moved in.¹⁵

The second type of deed fraud involves tricking homeowners into signing their properties over to a scammer without knowing what they are doing.¹⁶ Often this happens in the context of a foreclosure rescue scam, whereby scammers take advantage of desperate homeowners who have fallen behind in their mortgage payments by offering various types of assistance, such as a loan modification or mortgage assistance in exchange for a fee.¹⁷

Common scenarios of fraudulently transferred deeds include the "lease/buyback" and the "bait and switch."¹⁸ Under a "lease/buyback" scam, a homeowner is induced into signing a deed under the pretense that the deed transfer is required by their bank.¹⁹ The scammer promises to save a homeowner's property from foreclosure (and in some cases repair the homeowner's credit and/or pay off their debts).²⁰ In exchange, the homeowner is required to "temporarily" sign the deed over to a third party.²¹ Typically, the homeowner will be presented with various alleged foreclosure rescue documents to sign. The homeowner neither reads nor understands the documents before signing. As a result, the homeowner unwittingly signs a document transferring ownership of the property.²² The homeowner can continue to remain at the property, but must pay "lease" payments to the scammer, who assures the homeowner that they can buy back the property in the future.²³ Despite these assertions, the homeowner soon discovers they are, in fact, unable to buy back their property, and may instead be evicted by the new owner.²⁴

Under the "bait and switch" scam, the homeowner may not even realize that they have signed over their deed because they are induced to sign blank or fraudulently characterized paperwork. Typically, the homeowner will be presented with various alleged foreclosure rescue documents to sign. The homeowner neither reads nor understands the documents before signing. As a result, the homeowner unwittingly signs a document transferring ownership of the property.²⁵ Once the transfer documents are executed, and the homeowner believes that he or she has been rescued from foreclosure, the scammer will try to evict the homeowner.²⁶

¹⁰ See Press Release, *supra* fn 1.

¹¹ See "Deed Theft Hits Close to Home," *supra* fn 8.

¹² See *id.*; see also Amber Jamieson, "The Extraordinary 'Theft' of a Woman's NYC Home," N.Y. POST, Oct. 12, 2014, available at: <https://nypost.com/2014/10/12/woman-fights-to-take-back-house-stolen-in-deed-fraud-scam/> (last accessed October 4, 2020).

¹³ See Colin Moynihan, "7-Year Fight to Reclaim a House Stolen in the Wave of a Pen," N.Y. TIMES, Jan. 16, 2011, available at: <https://www.nytimes.com/2011/01/17/nyregion/17house.html>.

¹⁴ See Jamieson, *supra* fn 12.

¹⁵ See *id.*

¹⁶ See "Who Can You Trust?," *supra* fn 1.

¹⁷ See *id.*

¹⁸ See "Homeowner Scams Overview," available at: <https://www.homeownerhelpny.com/scams-explained> (last accessed October 4, 2020).

¹⁹ See "Written Testimony submitted by the Office of Kings County District Attorney Eric Gonzalez to the Joint Legislative Hearing to Examine the Crisis Facing Homeowners in Brooklyn and throughout New York City," March 15, 2019, available at:

https://www.nysenate.gov/sites/default/files/article/attachment/written_testimony_submitted_by_the_office_of_kings_county_district_attorney_eric_gonzalez.pdf; see also "Homeowners: Beware of Foreclosure Rescue Scams," available at:

<https://www.legalservicesnyc.org/storage/PDFs/kyr%20foreclosure-%20loan%20mod%20scams.pdf> (last accessed October 4, 2020).

²⁰ See "Homeowners: Beware of Foreclosure Rescue Scams," <https://www.legalservicesnyc.org/storage/PDFs/kyr%20foreclosure-%20loan%20mod%20scams.pdf> (last accessed October 4, 2020); Nicole Lester Arrindell and Jenny Eisenberg, "Advocating for Victims of Foreclosure Rescue Scams," March 25, 2015, available at:

https://empirejustice.org/training_post/advocating-victims-foreclosure-rescue-scams/ (last accessed October 4, 2020).

²¹ See *id.*

²² See *id.*

²³ See *id.*

²⁴ See *id.*

²⁵ See *id.*

²⁶ See *id.*

In both types of cases, the property frequently changes ownership numerous times after a deed is signed away, making it extremely difficult to find the proper owner.²⁷ Making these cases more complicated to investigate and prosecute is the rise of the use of sham limited liability companies (“LLCs”) to effectuate these scams.²⁸ LLCs are a hybrid type of legal structure that provides their owners with the protection from liability afforded to corporations together with the tax efficiencies and operational flexibility of partnerships.²⁹ LLCs also have the ability to shield the names of their owners and, when used to purchase property, can make it difficult to ascertain who actually owns the property.³⁰

These scams are frequently perpetrated by distressed property consultants – individuals or entities who offer to provide foreclosure assistance to distressed homeowners.³¹ Although some distressed property consultants are legitimate and offer assistance to homeowners in financial distress, many seek out distressed homeowners in order to perpetrate theft or fraud.³² They search public foreclosure notices³³ on file with the local County Clerk’s office³⁴ and contact the distressed homeowner by mail, by phone, or in person by knocking on the homeowner’s door.³⁵

One distressed property consultant, Launch Development LLC, would entice distressed homeowners to enter into a buyback agreement, whereby the homeowner would sell the property to Launch Development with the understanding that the property would be returned to the homeowner, and that the homeowner could remain in the property during the interim.³⁶ The homeowner would subsequently be forced to move out of the property.³⁷ Another such, August West Development, persuaded a homeowner who had fallen behind on his mortgage payments to sign paperwork that, inadvertently, sold the house valued at \$1.5 million for \$630,000.³⁸

III. Powers of the Department of Finance

There are two offices within DOF that have authority over deeds and combatting deed fraud. The City Register³⁹ records and maintains deeds, while the City Sheriff⁴⁰ investigates cases of alleged deed fraud and, when appropriate, makes arrests.

The City Register

In Manhattan, Brooklyn, Queens, and the Bronx, the City Register is responsible for recording and maintaining all official documents related to transfers of real property and certain interests in personal property related to co-operatives.⁴¹ The documents recorded and maintained by the City Register include deeds, mortgages, satisfactions or assignments of mortgages, powers of attorney, and the Commercial Code financing

²⁷ See *id.*

²⁸ See Saul, *supra* fn 8.

²⁹ See NYS Department of State Division of Corporations, “Limited Liability Companies FAQs” <https://www.dos.ny.gov/corps/llcfaq.asp> (last accessed on October 4, 2020).

³⁰ See Saul, *supra* fn 8.

³¹ See Kimiko de Freytas-Tamura, “Why Black Homeowners in Brooklyn Are Being Victimized by Fraud,” N.Y. TIMES, Oct. 21, 2019, available at: <https://www.nytimes.com/2019/10/21/nyregion/deed-theft-brooklyn.html>.

³² See “Who Can You Trust?,” *supra* fn 1.

³³ See The Legal Aid Society, “What You Need to Know About Foreclosure ‘Rescue’ Scams,” <https://www.legalaidnyc.org/get-help/housing-problems/what-you-need-to-know-about-foreclosure-rescue-scams> (last accessed on October 5, 2020).

³⁴ See New York State Department of State, “Foreclosure Rescue Scams & Home Equity Theft,” https://www.dfs.ny.gov/consumers/scams_schemes_frauds/foreclosure_rescue_scams (last accessed on October 5, 2020).

³⁵ See *id.*

³⁶ See Press Release Department of Justice, U.S. Attorney’s Office Southern District of New York, “Father And Son Plead Guilty In Mortgage Fraud Scheme,” Apr. 11, 2018, <https://www.justice.gov/usao-sdny/pr/father-and-son-plead-guilty-mortgage-fraud-scheme> (last accessed on October 5, 2020).

³⁷ See *id.*

³⁸ See Mikey Light and Michael Gartland, “Bed-Stuy family cries foul over deal that could leave them homeless,” N.Y. DAILY NEWS, Jun. 24, 2019, available at: <https://www.nydailynews.com/new-york/brooklyn/ny-bed-stuy-family-house-sold-20190624-6r4upvsblnbztoak4qg475xm64-story.html>.

³⁹ Section 1525 of the Charter requires the Mayor to appoint a City Register who will be within DOF.

⁴⁰ Section 1526 of the Charter requires that the Office of the City Sheriff be within DOF subject to the supervision of the Commissioner of Finance.

⁴¹ In Staten Island, those functions are carried out by the County Clerk.

documents for co-operatives.⁴² To facilitate this responsibility, DOF maintains a database of all property records called the Automated City Register Information System (“ACRIS”). The City Register accepts all recorded documents electronically through that system.⁴³ In addition, the publicly searchable database allows users to search for and view documents from 1966 to the present.⁴⁴

The City Register also collects the Real Property Transfer Tax (“RPTT”) and Mortgage Recording Tax (“MRT”) when documents are submitted for recording.⁴⁵ The forms and other documents for paying these taxes are prepared through ACRIS.

The City Register’s discretion with respect to recording deeds is extremely limited. The Real Property Law sets forth all requirements for recording deeds, mortgages, and other written instruments relating to the conveyance of real property within New York State.⁴⁶ Pursuant to the Real Property Law, every conveyance presented to the City Register must be recorded, so long as the written instrument being recorded has the appropriate signatures and is notarized or otherwise appropriately witnessed and that all fees have been paid.⁴⁷ The New York State Court of Appeals has found that, so long as these requirements are satisfied, the City Register has no discretion in whether to record a written instrument – doing so is merely a “ministerial duty.”⁴⁸ This is true even where the City Register may identify that the deed may be fraudulent.⁴⁹

The Office of the City Sheriff

The Office of the City Sheriff is headed by the Sheriff who may appoint an Undersheriff for each county, as well as Deputy Sheriffs.⁵⁰ The Sheriff is an officer of the court whose main job is to serve and execute legal processes/mandates issued by the State courts, legal community and the general public.⁵¹ The Office of the City Sheriff enforces court mandates and processes. The majority of its duties include: 1) discovery and seizure of property; 2) cigarette tax and license enforcement; 3) arrests; and 4) serving a variety of mandates, orders, and decrees issued by various courts.⁵²

The Sheriff, Undersheriffs, and Deputy Sheriffs are designated as peace officers with the authority to make arrests, including warrantless arrests.⁵³ As part of its investigatory and arrest powers, the Office of the City Sheriff has a Bureau of Criminal Investigation (“BCI”), which serves as the agency’s criminal tax and financial crimes investigation unit. BCI conducts a wide variety of criminal investigations such as investigations into alleged real property deed fraud.⁵⁴ In doing so, the Sheriff works collaboratively with other governmental officials like the New York City Police Department, the District Attorneys’ Offices, and the State Department of Taxation and Finance.⁵⁵

⁴² See DOF Checklist for Document Recording, available at:

http://www1.nyc.gov/assets/finance/downloads/pdf/land_records/doc_recording_checklist.pdf (last accessed October 4, 2020); see also, DOF ACRIS Recording Fees, available at: <http://www1.nyc.gov/site/finance/taxes/property-uniform-commercial-code-ucc-financing-statement.page> (last accessed October 4, 2020).

⁴³ See DOF Automated City Register Information System, <https://a836-acris.nyc.gov/CP/> (last accessed October 4, 2020).

⁴⁴ See id.

⁴⁵ See DOF Divisions Organization Chart, <http://www1.nyc.gov/site/finance/about/divisions.page> (last accessed October 4, 2020). The RPTT is paid on all sales, grants, assignments, transfers or surrenders of real property in New York City and for the sale or transfer of at least 50 percent of ownership in a corporation, partnership, trust, or other entity that owns/leases property and transfers of cooperative housing stock shares. It applies whenever the sale or grant is more than \$25,000. The MRT is charged whenever a mortgage for property in New York City is recorded. See DOF Property Tax Highlights: Real Property and Property-Related Taxes, <http://www1.nyc.gov/site/finance/taxes/property.page> (last accessed October 4, 2020).

⁴⁶ See N.Y. State Real Property Law Art. 9.

⁴⁷ See N.Y. State Real Property Law § 291.

⁴⁸ *Merscorp, Inc. v. Romaine*, 8 N.Y.3d 90, 98 (2006)

⁴⁹ See Council of the City of New York, Testimony of City Register Annette Hill before the Committee on Finance, February 1, 2016, available at: <https://legistar.council.nyc.gov/View.ashx?M=F&ID=4251197&GUID=5038F017-AA0A-450C-B740-93F06D938C51>.

⁵⁰ See generally N.Y. County Law, Chapter 11, Article 17.

⁵¹ See DOF: Sheriff, <http://www1.nyc.gov/site/finance/sheriff-courts/sheriff.page> (last accessed October 4, 2020).

⁵² See id.

⁵³ See N.Y. Criminal Procedure Law §§ 2.10 and 2.20.

⁵⁴ See DOF: Sheriff, *supra* note 51.

⁵⁵ See id.

IV. Efforts by the Department of Finance to Combat Real Property Deed Fraud

The Commissioner of Finance has implemented a number of programs and policy changes to combat real property deed fraud. One of those initiatives is related to the Notice of Recorded Document Program.

In July 2010, DOF implemented the Notice of Recorded Document Program, which allows homeowners, lienors, or their designees (or executors/administrators of the estates of owners) to register to receive electronic or regular mail notification when a deed or deed-related document, or another document affecting an ownership interest in real property has been recorded against a property.⁵⁶ This free program alerts registered homeowners when documents are recorded without their knowledge and will allow them to take steps to limit the harm caused by the recording of a fraudulent document.⁵⁷

In December 2017, after DOF reported approximately 50,000 opt-in registrations,⁵⁸ the Council codified the program and made it opt-out, automatically registering each property owner named on the most recent deed-related or mortgage-related document recorded and indexed by the city register or the office of the Richmond county clerk.⁵⁹ The local law additionally requires that DOF report on the utilization of this system and on referrals to the Sheriff regarding suspected deed fraud. Finally, the local law additionally requires DOF to engage in outreach to homeowners about the program.⁶⁰

V. Recent Investigations on the Scope of the Deed Theft and Deed Fraud Crisis

The deed theft and deed fraud crisis has attracted much attention, including by the City Council in the immediately-prior session. In February 2016, the Committee on Finance convened a hearing on the City's Efforts to Combat Real Property Deed Fraud.⁶¹ The Committee received testimony from the Commissioner of Finance Jacques Jiha, City Register Annette Hill, and Sheriff Joseph Fucito detailing the administration's efforts, as well as testimony from several attorneys working to protect homeowners.

In December 2018, an investigative grand jury convened by Manhattan District Cyrus Vance, Jr. released a report of its own on the epidemic of fraud in the conveyance of residential real estate.⁶² The grand jury heard testimony from dozens of witnesses, including public officials, law enforcement officers, academics, and legal experts and recommended five categories of reforms:

1. Impose new requirements on licensed notaries public, including, requiring them (a) to keep a journal, and (b) to receive continuing legal education before the notary commission is renewed;
2. Implement new procedures to prevent and detect fraud involving residential real property, including, (a) requesting that the New York City Department of Finance capture IP addresses (the geographical location) associated with ACRIS, and (b) requiring limited liability companies to disclose all beneficial owners to the New York State Secretary of State and the New York City Department of Finance;
3. Amend the Penal Law (a) to create a class D felony of Offering a False Instrument for Filing in the First Degree applicable to the filing and the attempted filing of all false deeds and supporting documents necessary to the recording of a deed, and (b) to include "a deed and supporting documents necessary for the recording of a deed" as a qualifying instrument for Forgery in the First Degree and Criminal Possession of a Forged Instrument in the First Degree;

⁵⁶ See DOF, "Notice of Recorded Document Program Description," http://www1.nyc.gov/assets/finance/downloads/pdf/recorded_documents/notice_of_rec_descrip.pdf (last accessed October 4, 2020).

⁵⁷ See id.

⁵⁸ Council of the City of New York, Testimony of Joseph Fucito before the Committee on Finance (Oct. 18, 2017), available at <http://legistar.council.nyc.gov/View.ashx?M=F&ID=5532236&GUID=B4E99F3C-CE77-435E-B2C4-7E3750B2E57D>

⁵⁹ Local Law 249 of 2017.

⁶⁰ id.

⁶¹ New York City Council, Committee on Finance, "Oversight – The City's Efforts to Combat Real Property Deed Fraud," February 1, 2016, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2552366&GUID=6DA37D1F-68C9-4E62-8480-12C687EB43C1>

⁶² Grand Jury Deed Fraud Report, *supra* fn 2.

4. Establish procedures to restore residential real property to the rightful owner more expeditiously, including, (a) creating a summary procedure authorizing a prosecutor to move, upon conviction, for an order declaring a fraudulent deed void ab initio, and (b) requesting the City of New York to designate a liaison from an applicable governmental agency to work with pro bono attorneys to assist homeowners; and
5. Expand the rules of admissibility of evidence before the grand jury to permit the introduction of (a) all business record by affidavit from a custodian of records. and (b) remote audio-video testimony by witnesses who are located more than 100 miles from the grand jury.⁶³

Many of these policy recommendations require State, or joint City-State, action and none have yet specifically been enacted. One piece of legislation has been introduced to remedy notary fraud. A.5201/S.812 would require notaries to retain documents that are related to real property transfers in order to increase accountability of notaries and prevent fraudulent execution and transfer of deeds.⁶⁴

In March 2019, the State Legislature convened its own joint hearing, at Brooklyn Borough Hall, to examine the crisis facing homeowners in Brooklyn and throughout New York City, including the problem of deed theft.⁶⁵ Testimony was taken from homeowners, legal experts, foreclosure prevention advocates and stakeholders.⁶⁶ Significantly, the hearing helped build momentum for the eventual passage of a State law that provided greater consumer protections for owners targeted by foreclosure rescue scams by:

1. Prohibiting abusive and deceptive behaviors such as pretending to be law enforcement or government representatives, taking temporary ownership of a deed, or engaging in harassment of the homeowner or the homeowner's family;
2. Eliminating the requirement that a homeowner post a bond in order to file a lawsuit to stop a deed transfer;
3. Prohibiting loan modification consultants from requiring upfront fees for services;
4. Extending the amount of time a homeowner has to rescind transactions with distressed property consultants from five days to 14 days; and
5. Providing a clear legal path to restore the title of a property when there has been a criminal conviction based on fraudulent actions concerning a property transfer.⁶⁷

Finally, Attorney General Letitia James has been focused on combating deed fraud and deed theft. She convened a day of action in Prospect Lefferts Gardens and East Flatbush on January 11, 2020, launched the Protect our Homes initiative, to protect homeowners from deed theft scams through community education and outreach, enforcement, and by going door to door in Bedford-Stuyvesant to inform homeowners of various scams, along with dozens of other elected officials.⁶⁸

⁶³ See id.

⁶⁴ See A.5201, available at https://nyassembly.gov/leg/?default_fld=&bn=A05201&term=2019&Text=Y.

⁶⁵ See "A Legislative Report on the Hearing Regarding The Crisis Facing Homeowners in Brooklyn and throughout New York City," Aug. 28, 2019, available at

https://www.nysenate.gov/sites/default/files/article/attachment/a_legislative_report_on_the_hearing_regarding_the_crisis_facing_homeowners_in_brooklyn_and_throughout_new_york_city.pdf (last accessed October 4, 2020).

⁶⁶ Testimony, Joint Hearing to Examine the Crisis Facing Homeowners in Brooklyn, March 15, 2019, available at:

<https://www.nysenate.gov/newsroom/articles/2019/velmanette-montgomery/joint-legislative-hearing-crisis-facing-homeowners> (last accessed October 4, 2020).

⁶⁷ Chapter 167 of the Laws of 2018.

⁶⁸ See Press Release, *supra* fn 1.

VI. Legislation

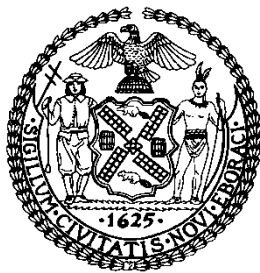
a. Analysis of Int. No. 1919-A

Section 1 of Int. No. 1919-A would require that notifications send to owners of property regarding the recording of a deed-related or mortgage-related document affecting such party's interest in such property additionally include information on actions the interested party can take if such interested party suspects that a fraudulent document recording has occurred, including but not limited to, information about whom to contact for assistance, to file a complaint or to report an alleged criminal violation.

Section 2 of Int. No. 1919-A would reduce the required frequency of Department of Finance reports on the notice of recorded document program from quarterly to annual.

Section 3 of Int. No. 1919-A would provide that the local law takes effect immediately, except that section one of such introduction takes effect 60 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1919-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INT. NO. 1919-A
 COMMITTEE: Finance**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the notification of recording of real estate instruments.

SPONSORS: Council Members Dromm, Kallos, Van Bramer, Chin, Yeger and Miller.

SUMMARY OF LEGISLATION: Proposed Int. No. 1919-A would amend the notification and reporting requirements relating to the Notice of Recorded Document Program administered by the Department of Finance (DOF). The legislation would require DOF to include certain information on its notices for recipients that suspect fraud in the related document recording, which includes information on who to contact for assistance, how to file a complaint, and how to report alleged criminal violation. Additionally, the legislation would change the frequency that DOF reports to the City Council on its notification system from quarterly to annual.

EFFECTIVE DATE: This local law would take effect immediately except that section one of this local law, which relates to the notice requirements, would take effect 60 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Andrew Wilber, Economist

ESTIMATE REVIEWED BY: Emre Edev, Assistant Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council as Introduction 1919 on April 22, 2020 and was referred to the Committee on Finance (Committee). A hearing was held by the Committee, jointly with the Committee on Housing and Buildings, on October 13, 2020 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 1919-A will be considered on by the Committee on October 21, 2021. Upon a successful vote by the Committee, the bill will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021.

Accordingly, this Committee recommends the adoption of Int. No. 1919-A;

(The following is the text of Int. No. 1919-A:)

Int. No. 1919-A

By Council Members Dromm, Kallos, Van Bramer, Chin, Yeger, Miller and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to the notification of recording of real estate instruments

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 7-628 of the administrative code of the city of New York, as added by local law number 249 for the year 2017, is amended to read as follows:

b. The department shall establish and maintain a system that provides any interested party a notification by e-mail, text message, or postal mail, that a deed-related or mortgage-related document affecting such party's interest in real property located in the city has been recorded against such property with the city register or the office of the Richmond county clerk, provided that the department has received notice of such recording from the office of the Richmond county clerk. *Such notification shall include information on actions such interested party could take if such interested party suspects that a fraudulent document has been recorded, including but not limited to, information about whom to contact for assistance, filing a complaint or reporting an alleged criminal violation.* The department shall not charge a fee for use of such notification system.

§ 2. The opening paragraph of subdivision e of section 7-628 of the administrative code of the city of New York, as added by local law number 249 for the year 2017, is amended to read as follows:

e. The department shall report on [a quarterly] *an annual* basis on the notification system established pursuant to subdivision b of this section, and shall include data for Richmond county to the extent that the department has received data from the office of the Richmond county clerk. Such report shall be submitted to

the council and published on the department's website no later than the first day of [February, May, August, and] November of each year[, with the first report due November 1, 2018]. Such report shall include, but not be limited to, the following information for the prior [quarter] *year*, disaggregated by borough:

§ 3. This local law takes effect immediately, except that section one of this local law takes effect 60 days after it becomes law.

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, October 21, 2021.

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

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

Report for Res. No. 1765

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on October 21, 2021, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2020 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget.

This Resolution, dated October 21, 2021 approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the new designation and the change in the designation of a certain organization receiving funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, and amends the description for the

Description/Scope of Services of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 2-17; sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Chart 18; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2020 Expense Budget, as described in Charts 19-20; and amends the description for the Description/Scope of Services of certain organizations receiving local and youth discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 21.

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

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 4 sets forth the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 5 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget. One of these designations will be effectuated upon a budget modification.

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

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 9 sets forth the new designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 13 sets forth the new designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget.

Chart 14 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2022 Expense Budget. All of these designations will be effectuated upon a budget modification.

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

Chart 16 sets forth the new designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 17 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 18 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 19 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 20 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 21 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2022, Fiscal 2021 and Fiscal 2020 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1765:)

Preconsidered Res. No. 1765

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

By Council Member Dromm.

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021 and Fiscal 2020 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

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

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1765 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, October 21, 2021.

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

Report of the Committee on General Welfare

Report for Int. No. 1716-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 25, 2019 (Minutes, page 3129), respectfully

REPORTS:

I. **Introduction**

On October 21, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will consider Int. No. 1716-A, sponsored by Council Member Adams, Int. No. 1717-A, sponsored by Council Member Ampry-Samuel, Int. No. 1719-A, sponsored by Council Member Chin, Int. No. 1727-A, sponsored by Council Member Levin, and Int. No. 1729-A, sponsored by Council Member Levin. The Committee previously held a hearing on these bills on October 31, 2019. At that hearing, those who testified included representatives from the Administration for Children's Services (ACS), child welfare advocates, legal service providers and other interested parties.

II. **Child Welfare Background**

Reports of abuse and neglect go through the Statewide Central Register of Child Abuse and Maltreatment (SCR) hotline, maintained by the New York State Office of Children and Family Services.¹ SCR staff relay information from the calls to the local child protective services for investigation, which is ACS in New York City.² ACS is required to investigate all reports received to ensure the safety and well-being of every child listed on the report.³ A Child Protective Specialist (CPS) will take the following steps during an investigation:⁴

- Have 24 hours to gather more information from the reporting person, if known.
- Make an unannounced visit to the child's/youth's home within 24 – 48 hours of the report. The CPS must see and speak to all children living in the home or with other caretakers, as well as all children/youth that are present in the home during the investigation.
- Speak to all adults or caretakers living in the home.
- Give the home a letter called a Notice of Existence, informing adults in the home that they have an open investigation of abuse or maltreatment. If an adult is not home, the CPS will leave a Notice of Home Visit letter informing residents of the visit.
- Check to make sure the home is free of hazards, has adequate food, safe sleeping arrangements, etc.
- Go to the child's/youth's school, talk to family members and other people who may know the child/youth, like a neighbor, building superintendent, teacher, doctor, nurse, NYPD, etc.

¹ NYS Office of Children and Family Services, "Child Protective Services," available at <https://ocfs.ny.gov/main/cps/>

² *Id.*

³ Administration for Children's Services, "A Parent's Guide to a Child Abuse Investigation," available at <https://www1.nyc.gov/site/acs/child-welfare/parents-guide-child-abuse-investigation.page>

⁴ Administration for Children's Services, "Child Safety," available at <https://www1.nyc.gov/site/acs/child-welfare/ChildAbuseNeglectKid.page>

- During the investigation, if it is determined that services are required, ACS will refer adults in the home to services and work with them to help receive those services.
- The CPS may offer the family Preventive Services (including mental health, substance use and other programs) or ask them to attend an Initial Child Safety Conference as a result of concerns noted during the investigation.

Within 60 days or fewer, the CPS determines whether or not the report is “indicated” or “unfounded”.⁵ If the CPS found enough evidence to support the claim that a child has been abused or neglected, the report is deemed as indicated and parents receive a letter from the CPS called a “Notice of Indication.”⁶ The letter notifies parents of their right to ask for a review of that decision. The request must be made within 60 days of the receipt of the letter.⁷ If the CPS did not find enough evidence to support the claim that a child has been abused or neglected, parents receive a letter from the SCR that the report was unfounded.⁸ However, even an unfounded report stays in the SCR for 10 years.⁹ All reports made to the SCR are kept on record until the youngest child in the family at the time of the investigation turns 28 years old.¹⁰ Once an investigation has been completed, results may vary, as follows:¹¹

- Closed with ACS, no services are needed.
- Referred to a community-based organization and closed with ACS.
- Referred to an ACS-contracted preventive provider in the family’s community, CPS closes its investigation.
- Referred to Family Court for court-ordered supervision. This occurs when there are heightened concerns, but the child/youth will remain in the community with their parent/caretakers. The family court could mandate the parent/caretaker to participate in services and for heightened oversight.
- Temporary placement in out-of-home care. This occurs when a child/youth cannot remain safely in the community with their parent/caretakers.

When a CPS and their supervisor determine that no safety interventions can be put in place to eliminate the imminent danger to a child, ACS will seek a Family Court order to place the child into foster care.¹² When Family Court is not in session, an emergency removal can occur without the permission of a judge, but CPS is required to file a petition in Family Court within the next business day.¹³

After an emergency removal occurs, ACS arranges for a parent to attend an Initial Child Safety Conference (ICSC) to discuss what a parent should do to keep a child safe.¹⁴ At the ICSC, parents have the right to bring family members or other supports.¹⁵ Additionally, parents are offered the services of a Parent Advocate.¹⁶ A Parent Advocate shares information about parents’ rights and responsibilities, explains the process and assists with any concerns or communication issues between a parent and ACS.¹⁷

⁵ Administration for Children’s Services, “A Parent’s Guide to a Child Abuse Investigation,” available at <https://www1.nyc.gov/site/acs/child-welfare/parents-guide-child-abuse-investigation.page>

⁶ *Id.*

⁷ *Id.*

⁸ *Id.*

⁹ Administration for Children’s Services, “A Parent’s Guide to Child Protective Services in New York City,” available at https://www1.nyc.gov/assets/acs/pdf/child_welfare/investigation/guide/ParentsGuide.pdf

¹⁰ *Id.*

¹¹ Administration for Children’s Services, “Child Safety,” available at <https://www1.nyc.gov/site/acs/child-welfare/ChildAbuseNeglectKid.page>

¹² New York City Administration for Children’s Services, “Will ACS Take My Child?” available at <https://www1.nyc.gov/site/acs/child-welfare/will-acs-take-my-child.page>.

¹³ New York City Administration for Children’s Services, “A Parent’s Guide to Child Protective Service in New York City” available at https://www1.nyc.gov/assets/acs/pdf/child_welfare/ACS_Parents_Guide_to_the_Child_Protective_Investigation.pdf

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ New York City Administration for Children’s Services, “Advocacy,” available at <https://www1.nyc.gov/site/acs/about/advocacy.page>

Under the Family Court Act, whenever a child is removed, the parent-respondent has a right to a hearing – known as a “1028” hearing¹⁸ – within three days of the removal.¹⁹ The court must also reunite the parent-respondent and the child unless it finds that doing so would put the child’s life or health at “imminent risk.”²⁰ Courts have determined that the hearing must take into account the harm of removing a child from the home and balance that harm with the risk of keeping the child in the home.²¹

Advocates have raised concerns that emergency removals have risen since the death of Zymere Perkins in October 2016.²² Historically, such high-profile child deaths have led to increased pressure on the child welfare system, with a greater number of reports to ACS of possible neglect and abuse.²³ There has been a 54% increase in Family Court petitions filed since 2014 and advocates say that the number of months to get to a fact-finding (or trial) stage is rising again.²⁴ This means that parents can be in programming, and children placed in foster care, sometimes for over a year even when no neglect or abuse allegations have yet been substantiated. The removal of children from their home is shown to have a deleterious effect on children.²⁵ These children are traumatized from being separated from their biological parents.²⁶ Research shows that they experience irreparable sense of loss, confusion and mistrust stemming from the separation.²⁷ Children’s sense of time is narrowly focused on the present; thus, for young children periods of weeks or months are not comprehensible.²⁸ The legislation the Committee is hearing today aims to ensure that parents and guardians are equipped with the information and resources that they need to effectively work with child protective specialists, ACS attorneys and family defense attorneys to ensure the safety and wellbeing of their children.

III. Bill Analyses

Int. No. 1716-A – A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services

Int. No. 1716-A would require the Administration for Children’s Services (ACS) to report on the total number of emergency removals of children each quarter. This bill would also require ACS to provide such information disaggregated by race, community district, and primary language of each child and parent or person legally responsible for the child. The bill would take effect on April 1, 2022.

Int. No. 1717-A – A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in child welfare system and a plan to address racial and income disparities

Int. No. 1717-A would require ACS to report on various demographic information including race, ethnicity, gender, community district, and primary language of parents and children at every step of the child welfare system and to create a plan to address any disparities identified as a result of such reporting. The bill would take effect immediately.

Int. No. 1719-A – A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

Int. No. 1719-A would require ACS to submit to the Council no later than July 31, 2022, and annually thereafter, information on how long it takes for the families of children in ACS custody to visit their child after

¹⁸ The right to a hearing is located in Section 1028 of the Family Court Act.

¹⁹ Family Court Act § 1028

²⁰ *Id.*

²¹ *Nicholson v. Scopetta*, 3 N.Y.3d 357, 378 (N.Y. 2004)

²² Abigail Kramer with data analysis by Angela Butel, Center for New York City Affairs, “Child Welfare Surge Continues: Family Court Cases, Emergency Child Removals Remain Up,” pp. (July 2018) available at <http://www.centrernyc.org/child-welfare-surge-continues/>

²³ *Id.*

²⁴ Child Welfare Surge Continues: Family Court Cases, Emergency Child Removals Remain Up Abigail Kramer July 2018

²⁵ Removal from the Home: Resulting Trauma, The UPenn Collaborative on Community Integration, available at <http://tucollaborative.org/wp-content/uploads/2017/04/Trauma-The-Impact-of-Removing-Children-from-the-Home.pdf>

²⁶ *Id.*

²⁷ *Id.*

²⁸ Committee on Early Childhood, Adoption and Dependent Care, “Developmental Issues for Young Children in Foster Care,” *Pediatrics* Nov 2000, 106 (5), available at <http://pediatrics.aappublications.org/content/106/5/1145>

a placement or transfer, as well as the number of children that are given placements in boroughs other than those which they are from, disaggregated by borough. The bill would take effect immediately.

Int. No. 1727-A – A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children’s services

Int. No. 1727-A would require ACS to report on emergency removal cases, which mean the removal of a child out of a home prior to a court hearing, when during the investigation of a report of abuse or neglect, ACS determines that such child is not safe at home. The bill would take effect on April 1, 2022.

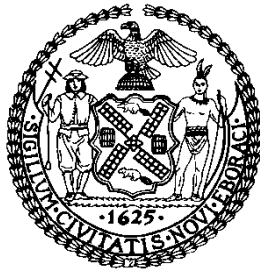
Int. No. 1729-A – A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report

Int. No. 1729-A would require ACS to provide a parent or caretaker written information about their right to request a fair hearing to challenge an indicated report made against a parent or caretaker during an ACS child protective investigation. The bill would take effect 150 days after it becomes law.

UPDATE

On October 21, 2021, the Committee passed Introduction Nos. 1716-A, 1717-A, 1719-A, 1727-A, and 1729-A by a vote of six in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1716-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1716-A
COMMITTEE: General Welfare**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services.

SPONSORS: Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Rosenthal, Yeger, Rivera, Levin, Koslowitz, D. Diaz, Koo, Kallos, Louis, and Dinowitz.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1716-A would require the Administration for Children’s Services (ACS) to report the total number of emergency removals of children each quarter, disaggregated by race, ethnicity, community district, and primary language spoken by each child and parent or person legally responsible for the child.

EFFECTIVE DATE: This local law would take effect on April 1, 2022.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures because ACS could use existing resources to comply with the provisions of the local law and any hiring that the agency believes would be necessary to fulfill the requirements of the legislation could be done within existing vacancies that are already accounted for in the budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs
Administration for Children's Services

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1716 on September 25, 2019 and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on October 31, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1716-A, will be considered by the Committee on October 21, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1716-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021.

(For text of the remaining bills with their Fiscal Impact Statements, please see the Report of the Committee on General Welfare for Int. Nos. 1717-A, 1719-A, 1727-A, and 1729-A, respectively, printed in these Minutes; for text of Int. No. 1716-A please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1716-A, 1717-A, 1719-A, 1727-A, and 1729-A.

(The following is the text of Int. No. 1716-A:)

Int. No. 1716-A

By Council Members Adams, Chin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Rosenthal, Yeger, Rivera, Levin, Koslowitz, D. Diaz, Koo, Kallos, Louis, Dinowitz, Barron and Eugene.

A Local Law to amend the administrative code of the city of New York, in relation to reporting demographic information for emergency removals by the administration for children's services

Be it enacted by the Council as follows:

Section 1. Section 21-901 of the administrative code of the city of New York, as amended by local law number 44 for the year 2013, is amended to read as follows:

§ 21-901. Definitions. Whenever used in this chapter, the terms set forth below are defined as follows:

"Abused child" means a child or youth who has been subjected to "physical abuse," "sexual abuse" and/or "psychological abuse" as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"ACS" means the administration for children's services, or any successor agency charged with operating the city's child welfare system.

"Bias-based incidents" means incidents, including fights or altercations between a child and another child or staff, that arose in whole or in part due to a child's perceived or actual sexual orientation, gender expression or gender identity, as reported by such child.

"Case worker" means a diagnostic child protective specialist assigned to a zone.

"Child" means "youth" as defined in this section.

"Commissioner" means the commissioner of ACS.

"Detention" means the temporary care and maintenance of youth held:

1. away from their homes pursuant to article three or seven of the family court act; or
2. pending a hearing for an alleged violation of the conditions of release from the New York state office of children and family services or ACS facility or authorized agency; or
3. pending a hearing for an alleged violation of a condition of parole as a juvenile offender; or
4. pending a return to a jurisdiction other than the one in which the youth is held; or
5. pursuant to a securing order of a criminal court if the youth named therein as principal is charged as a juvenile offender; or
6. pending a hearing on an extension of placement; or
7. pending transfer to a facility upon commitment or placement by a court.

"Detention facility" means a facility, certified by the New York state office of children and family services, for the care of youth detained in accordance with the provisions of the family court act, regulations of the New York state office of children and family services, and the criminal procedure law.

Emergency removal. "Emergency removal" means the removal of a child from such child's place of residence or from the custody of such child's parent, or person legally responsible for the child, pursuant to section 1024 of the family court act.

"Entry order" means an order entered pursuant to subdivision two of section ten hundred thirty-four of the family court act to enter specific premises where there is probable cause to believe an abused or neglected child may be found.

"Fiscal year" means the fiscal year for the city of New York.

"IRT investigation" means an instant response team investigation conducted pursuant to the Administration for Children's Services and Law Enforcement Instant Response Teams Protocol dated February 1998 or any protocol hereafter promulgated that sets forth guidelines for the use of interdisciplinary instant response teams.

"Limited secure placement facility" means a placement facility characterized by physically restricting construction, hardware and procedures which are less restrictive than the construction, hardware and procedures of a secure placement facility.

"Mechanical restraint" means the use of a mechanical device to restrict the movement or normal function of a portion of a child's body, including but not limited to, handcuffs, leg cuffs, daisy chains or waist restraint.

"Neglected child" means a child or youth who has been subjected to neglect as defined in section four hundred eighty-eight of the New York state social services law while in the custody of ACS.

"Non-secure detention or placement facility" means a detention or placement facility characterized by the absence of physically restricting construction, hardware and procedures.

"Physical injury or impairment" means any confirmed harm, hurt or damage resulting in a significant worsening or diminution of a child's physical condition.

"Physical restraint" means the use of bodily force to limit a child's freedom of movement during a physical confrontation or to prevent a confrontation.

"Placement" means the temporary care and maintenance of adjudicated youth held away from their homes pursuant to article three of the family court act.

"Placement facility" means a facility, certified by the New York state office of children and family services, for the care of youth placed in accordance with the provisions of the family court act and the regulations of the New York state office of children and family services.

"Room confinement" means the confinement of a child in a room, including but not limited to the child's own room, when locked or when the child is authoritatively told not to leave.

"Secure detention or placement facility" means a detention or placement facility characterized by physically restricting construction, hardware and procedures.

"Youth" means a person who resides in a juvenile detention or placement facility in the custody of ACS.

"Zone" means one of no fewer than 13 divisions of ACS child protective services headed by a deputy director who exercises oversight over the work of child protective managers, supervisors and child protective specialists in a specific geographic area, or the Office of Confidential Investigations.

§ 2. Subdivision 3 of section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is renumbered subdivision 5, and a new subdivision 3 is added to read as follows:

3. *Emergency removal information. The following information regarding emergency removals shall be included in the quarterly report required pursuant to this section:*

a. *The total number of children removed from their parent or a person legally responsible for the children on an emergency basis;*

b. *The race and ethnicity, including two or more races or ethnicities where applicable, of each child and person legally responsible for such child of a family involved in an emergency removal;*

c. *The community district of the residence of any family from which a child has been removed on an emergency basis;*

d. *The primary language(s) spoken by the parent or person legally responsible for the child from whom a child has been removed on an emergency basis;*

5. ACS may use preliminary data to prepare the report required by this chapter to be delivered no later than July 31, 2006 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

§ 3. This local law takes effect April 1, 2022.

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, October 21, 2021.

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

Report for Int. No. 1717-A

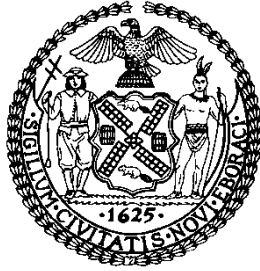
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in the child welfare system and a plan to address racial and income disparities.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 25, 2019 (Minutes, page 3131), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1716-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1717-A:



**THE COUNCIL OF THE CITY OF NEW YORK
 FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
 FISCAL IMPACT STATEMENT
 PROPOSED INTRO. NO: 1717-A
 COMMITTEE: General Welfare**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in the child welfare system and a plan to address racial and income disparities.

SPONSORS: Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala , Cornegy, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Kallos, Louis, and Dinowitz.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1717-A would require the Administration for Children’s Services (ACS) to annually report on various demographic information including race, ethnicity, gender, community district, and primary language of parents and children at every step of the child welfare system. ACS would also be required to create a plan to address any disparities identified by such reporting. The first report would be due on September 1, 2022, and recur annually thereafter on September 1. Such reports would be submitted to the Mayor, the Speaker of the City Council, and posted on ACS’ website.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures because ACS could use existing resources to comply with the provisions of the local law and any hiring that the agency believes would be necessary to fulfill the requirements of the legislation could be done within existing vacancies that are already accounted for in the budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
 Mayor’s Office of Legislative Affairs
 Administration for Children’s Services

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
 Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1717 on September 25, 2019 and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on October 31, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1717-A, will be considered by the Committee on October 21, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1717-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1717-A:)

Int. No. 1717-A

By Council Members Ampry-Samuel, Levin, Chin, Gibson, Ayala, Cornegy, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Kallos, Louis, Dinowitz and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to information regarding demographic information of parents and children at each step in the child welfare system and a plan to address racial and income disparities

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-919 to read as follows:

§ 21-919 *Demographic reporting and plan to address disparities. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Demographic information. The term “demographic information” means race or ethnicity, gender, community district, primary language, and any other category ACS deems relevant.

Step in the child welfare system. The term “step in child welfare system” includes, but is not limited to, when a report is accepted by the state central register and triggers an investigation, when an ACS investigation results in a case being determined indicated, when an ACS investigation results in a case being unfounded, when a case is handled by ACS in a non-investigatory manner; when a child is removed from their residence or the custody of their parent or primary caretaker on an emergency basis pursuant to section 1024 of the family court act, when a child is removed from their residence or the custody of their parent or primary caretaker pursuant to section 1027 of the family court act, when ACS files a child protective proceeding in family court pursuant to article 10 of the family court act, when ACS opens a preventive services case, and any other instance that ACS deems relevant.

b. Beginning September 1, 2022, and annually on September 1 thereafter, ACS shall submit to the mayor and speaker of the council and post on its website demographic information of parents and children at each step in the child welfare system. Such report shall include, but need not be limited to:

1. The total number of parents at each step in the child welfare system, disaggregated by demographic information; and

2. The total number of children at each step in the child welfare system, disaggregated by demographic information.

c. ACS shall address any disparate outcomes identified based on demographic information reported pursuant to subdivision b of this section in equity assessments required pursuant to subchapter 6 of chapter 1 of title 3 of the administrative code of the city of New York.

d. No information that is otherwise required to be collected and reported pursuant to this section shall be collected and reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, October 21, 2021.

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

Report for Int. No. 1719-A

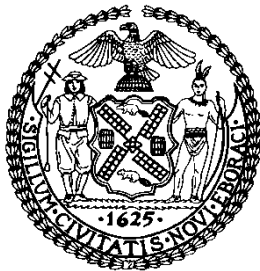
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 25, 2019 (Minutes, page 3134), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1716-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1719-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1719-A
COMMITTEE: General Welfare**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care.

SPONSORS: Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, and Dinowitz.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1719-A would require the Administration for Children's Services (ACS) to submit to the Council no later than July 31, 2022, and annually thereafter, information on the percent of foster care youth who had their first in-person visit within two, seven, and fourteen days from when initially in ACS custody, and the percentage of foster care youth who are placed in boroughs other than those which they are from, disaggregated by borough.

EFFECTIVE DATE: This local law would take effect immediately.

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

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures because ACS could use existing resources to comply with the provisions of the local law and any hiring that the agency believes would be necessary to fulfill the requirements of the legislation could be done within existing vacancies that are already accounted for in the budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs
Administration for Children's Services

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1719 on September 25, 2019 and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on October 31, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1719-A, will be considered by the Committee on October 21, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1719-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1719-A:)

Int. No. 1719-A

By Council Members Chin, Levin, Gibson, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, Dinowitz and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on youth in foster care

Be it enacted by the Council as follows:

Section 1. Section 21-902 of the administrative code of the city of New York, as added by local law 20 of 2006, is amended by adding a new subdivision 4 to read as follows:

4. *Contact with foster care youth. Beginning with the report due July 31, 2022, the report shall include the following information regarding contact between a foster care youth, as defined by section 21-902.1, and such youth's parent or caretaker:*

a. The percent of foster care youth who had their first in-person visit within 2 days; 7 days; and 14 days from when the foster care youth were initially placed in ACS custody; and

b. The percentage of foster care youth entering foster care in the quarter who received an ACS placement in a borough other than that which they are from, disaggregated by borough.

§ 2. This local law takes effect immediately.

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, October 21, 2021.

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

Report for Int. No. 1727-A

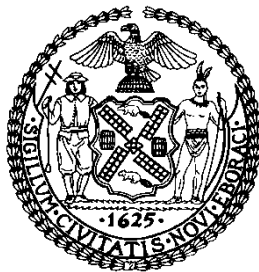
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children's services and quarterly and annual reporting.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 25, 2019 (Minutes, page 3145), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1716-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1727-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1727-A
COMMITTEE: General Welfare**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children's services and quarterly and annual reporting. **SPONSORS:** Council Members Levin, Chin, Ayala, Lander, Brannan, Reynoso, Adams, Ampry-Samuel, D. Diaz, Rosenthal, Koslowitz, Kallos, and Dinowitz.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1727-A would require the Administration for Children's Services (ACS) to report on emergency removal cases, which means the removal of a child out of a home prior

to a court hearing, when during the investigation of a report of abuse or neglect, ACS determines that such child is not safe at home.

EFFECTIVE DATE: This local law would take effect on April 1, 2022.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures because ACS could use existing resources to comply with the provisions of the local law and any hiring that the agency believes would be necessary to fulfill the requirements of the legislation could be done within existing vacancies that are already accounted for in the budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs
Administration for Children's Services

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1727 on September 25, 2019 and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on October 31, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1727-A, will be considered by the Committee on October 21, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1727-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1727-A:)

Int. No. 1727-A

By Council Members Levin, Chin, Ayala, Lander, Brannan, Reynoso, Adams, Ampry-Samuel, D. Diaz, Rosenthal, Koslowitz, Kallos, Dinowitz, Louis, Barron and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to emergency removals conducted by the administration for children's services and quarterly and annual reporting

Be it enacted by the Council as follows:

Section 1. Section 21-902 of the administrative code of the city of New York, as added by local law number 20 for the year 2006, is amended to read as follows:

§ 21-902 Quarterly Reports Regarding Child Welfare System. Beginning no later than July 31, 2006 and no later than the last day of the month following each calendar quarter thereafter, ACS will furnish to the speaker of the city council a report regarding New York City's child welfare system that includes, at a minimum, the following information:

1. Child protective services. The following information regarding child protective services shall be included in the quarterly report, disaggregated by zone:

a. number of case workers employed and number of vacancies in case work staff at the end of the reporting period;

b. experience of case workers, broken down by years of experience in New York City's child welfare system as follows: 1-3 years of experience; 3-5 years of experience; 5-7 years of experience; 7-9 years of experience; 9 or more years of experience;

c. average caseload of case workers;

d. number of case workers with a caseload of more than 15 cases;

e. number of level one supervisors;

f. experience of level one supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

g. number of level two supervisors;

h. experience of level two supervisors, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

i. number of child protective managers;

j. experience of child protective managers, broken down by years of experience in New York City's child welfare system as follows: number with 1-5 years of experience; 5-10 years of experience; 10-15 years of experience; 15-20 years of experience; 20 or more years of experience;

k. number of reports of suspected child abuse or neglect referred to the zone for investigation, disaggregated by the type of case;

l. number of reports of suspected child abuse or neglect referred to the zone for investigation that were indicated during the reporting period, disaggregated by the type of case and whether the case was referred to preventive services, court mandated services, foster care placement or closed;

m. number of unfounded cases, disaggregated by whether or not the case was referred to preventive services;

n. number of investigations that resulted in closure without referral to preventive services, disaggregated by the type of case and whether the case was indicated or unfounded and the reason for closure;

o. number of reports of suspected child abuse or neglect referred to the zone that involved a family with respect to which ACS had received at least one prior report of suspected abuse or neglect within the past 24 months, disaggregated by the type of case;

p. number of reports of suspected child abuse or neglect referred to the zone that involved a family that had at least one child previously in the foster care system, disaggregated by the type of case;

q. number of reports of suspected child abuse or neglect referred to protective services for which protective services conducted a 72-hour case conference, disaggregated by the type of case;

r. number of reports of suspected child abuse or neglect referred to protective services for which an elevated risk conference was held, disaggregated by the type of case;

s. number of IRT investigations commenced; and

t. number of entry orders sought and number of entry orders obtained.

2. Family Reunification. The following information regarding family reunification shall be provided in the quarterly report:

a. number of families reunited from foster care during the reporting period, disaggregated by zone and by length of stay in foster care in six month intervals;

b. of all families reunited during the reporting period, the number of families receiving aftercare services, disaggregated by zone and by the type of services being received; and

c. number of children who entered foster care during the reporting period who had been in the custody of the child welfare system within the thirty-six months immediately preceding the reporting period, disaggregated by zone.

3. *Emergency Removal Information. Definitions. For purposes of this subdivision, the term “emergency removal” means the removal of a child from the child’s residence or from the custody of such child’s parent or primary caretaker pursuant to section 1024 of the family court act. The following information regarding emergency removals shall be included in the quarterly report:*

a. *The total number of emergency removal cases in which a judge at the initial appearance following the filing of a child protective proceeding pursuant to article 10 of the family court act did each of the following:*

(i) *ordered that the child be remanded to the custody of the commissioner, pursuant to section 1027(b)(i)(A) of the family court act;*

(ii) *ordered that the child be placed with a relative or suitable person other than the child’s parent or primary caretaker, pursuant to section 1027(b)(i)(C) of the family court act;*

(iii) *ordered that a child be released to the care of the respondent parent with court ordered supervision pursuant to section 1027(d) of the family court act;*

(iv) *ordered that a child be released to a respondent parent without court ordered supervision pursuant to section 1027 of the family court act;*

(v) *ordered that the child be released to the care of such child’s non-respondent parent with court ordered supervision, pursuant to section 1027(d) of the family court act; or*

(vi) *ordered that the child be released to the care of such child’s non-respondent parent without court ordered supervision, pursuant to section 1027(d) of the family court act; or*

(vii) *issued no order respecting the child’s custody or release status pending further proceedings;*

b. *In cases in which a hearing pursuant to section 1027 of the family court act or section 1028 of the family court act was completed within 7 days of the initial filing, the total number of cases in which, following completion or settlement of the hearing, the court:*

(i) *remanded the child to the custody of the commissioner, pursuant to section 1027(b)(i)(A) of the family court act;*

(ii) *placed the child with a relative or suitable person other than the child’s parent or other person responsible for such child’s care, pursuant to section 1027(b)(i)(C) of the family court act;*

(iii) *released the child to the care of the respondent parent with court ordered supervision pursuant to section 1027(d) or 1028 of the family court act;*

(iv) *released the child to a respondent parent without court ordered supervision pursuant to section 1027 or 1028 of the family court act;*

(v) *released the child to the care of such child’s non-respondent parent with court ordered supervision pursuant to section 1027(d) of the family court act or section 1028 of the family court act; or*

(vi) *released the child to the care of such child’s non-respondent parent without court ordered supervision, pursuant to section 1027(d) or section 1028 of the family court act.*

[3.] 4. ACS may use preliminary data to prepare the report required by this chapter to be delivered no later than July 31, 2006 and may include an acknowledgement that any preliminary data used in the report is non-final and subject to change.

§ 3. This local law takes effect April 1, 2022.

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, October 21, 2021.

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

Report for Int. No. 1729-A

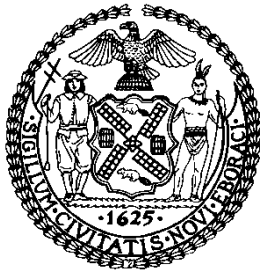
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 25, 2019 (Minutes, page 3147), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1716-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1729-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1729-A
COMMITTEE: General Welfare**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children’s services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report.

SPONSORS: Council Members Levin, Rose, Chin, Ayala, Ampry-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, and Dinowitz.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1729-A would require the Administration for Children’s Services (ACS) to provide a parent or caretaker with written information regarding the process to request a fair hearing to challenge an indicated report made against a parent or caretaker during an ACS child protective investigation. This information would be shared in the designated citywide languages.

EFFECTIVE DATE: This local law would take effect 150 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures because ACS could use existing resources to comply with the provisions of the local law and any hiring that the agency believes would be necessary to fulfill the requirements of the legislation could be done within existing vacancies that are already accounted for in the budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs
Administration for Children's Services

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATE REVIEWED BY: Dohini Sompura, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first introduced to the Council as Intro. No. 1729 on September 25, 2019 and referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on October 31, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1729-A, will be considered by the Committee on October 21, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1729-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1729-A:)

Int. No. 1729-A

By Council Members Levin, Rose, Chin, Ayala, Ampy-Samuel, Lander, Brannan, Reynoso, Adams, D. Diaz, Rosenthal, Koslowitz, Kallos, Louis, Dinowitz, Barron, Yeger and Gibson.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the administration for children's services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report

Be it enacted by the Council as follows:

Section 1. Chapter 9 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-921 to read as follows:

§ 21-921 *Information regarding the right to request a fair hearing.* a. *Where, following an ACS child protective investigation, a report against a parent or person legally responsible for the child is indicated, ACS shall provide to the parent or person legally responsible for the child written information regarding the process for requesting a fair hearing to challenge such indication, which begins at the state level with an administrative review, pursuant to section 422 of the social services law.*

b. *Such information will be provided in the designated citywide languages, as defined in section 23-1101.*

§ 2. This local law takes effect 150 days after it becomes law.

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, October 21, 2021.

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

Report of the Committee on Health

Report for Int. No. 2373-A

Report of the Committee on Health in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to amending a transcript of a record of death for a death caused by COVID-19.

The Committee on Health, to which the annexed proposed amended local law was referred on July 29, 2021 (Minutes, page 2099), respectfully

REPORTS:

INTRODUCTION

On October 21, 2021, the Committee on Health, chaired by Council Member Mark Levine, will hold a hearing on Introduction Number 2373-A (Int. No. 2373-A), sponsored by Council Member Salamanca, in relation to amending a transcript of a record of death for a death caused by COVID-19. The legislation was originally heard at a joint hearing of this Committee and the Committee on Hospitals, chaired by Council Member Carlina Rivera, on September 30, 2021, at which the Committee received testimony from the New York City Department of Health and Mental Hygiene (DOHMH) and other members of the Administration, advocates, and other interested parties.

BACKGROUND

Vaccination Rates in New York City













On December 14, 2020, Nurse Sandra Lindsey became the first person in the United States to receive the COVID-19 vaccine¹ in a non-clinical trial, when she received the vaccine at New York's Long Island Jewish Medical Center.² New York City began the first portion of Phase 1a of vaccine distribution that same day, which

¹ Today, there are three COVID-19 vaccines available in the United States: Pfizer-BioNTech, Moderna, & Johnson & Johnson / Janssen. For more information, see: <https://www.cdc.gov/coronavirus/2019-ncov/vaccines/different-vaccines.html>

² See, e.g., "NYC Nurse Is Among The 1st To Get COVID-19 Vaccine In The U.S.," NPR, Dec. 14, 2020, available at <https://www.npr.org/2020/12/14/946253331/new-york-city-nurse-among-the-first-to-get-coronavirus-vaccine-in-the-u-s>.

included high-risk hospital staff, affiliates, volunteers, and contract staff.³ Today, all individuals in New York City age 12 and over are eligible to receive a vaccine for COVID-19⁴

As of July 2021, three in ten adults were unvaccinated nationally and about 14 percent of adults say they will “definitely not” get a COVID-19 vaccine.⁵ As of September 27, 2021, 69.1% of New Yorkers of all ages have received at least one dose of a vaccine, while 82% of adult New Yorkers have received at least one dose, and of those 65 and older, 82% have received at least one dose.⁶ The breakdown of those vaccinated by boroughs of New York City is as follows:

Borough	Population	At Least 1 Dose	At Least 1 Dose (%)	Fully Vaccinated	Fully Vaccinated (%)
Citywide	8,336,817	5,815,744	 70%	5,235,877	 63%
Bronx	1,421,021	903,466	 64%	786,896	 55%
Brooklyn	2,559,903	1,592,295	 62%	1,427,789	 56%
Manhattan	1,611,420	1,277,722	 79%	1,159,771	 72%
Queens	2,268,330	1,731,281	 76%	1,580,128	 70%
Staten Island	476,143	310,980	 65%	281,293	 59%

DOHMH, COVID-19 Data⁷

DOHMH also collects vaccination data and breaks it down by further demographic information, including race/ethnicity, age, and sex, as follows:

³ “Guidance for Facilities, Providers, and Local Health Departments Receiving COVID-19 Vaccine Weeks 1-5 New York State Vaccination Program Phase 1A Only,” NYS DOH, available at

https://coronavirus.health.ny.gov/system/files/documents/2021/01/guidance_facilitiesreceivingcovid19vaccineweeks1-5.pdf.

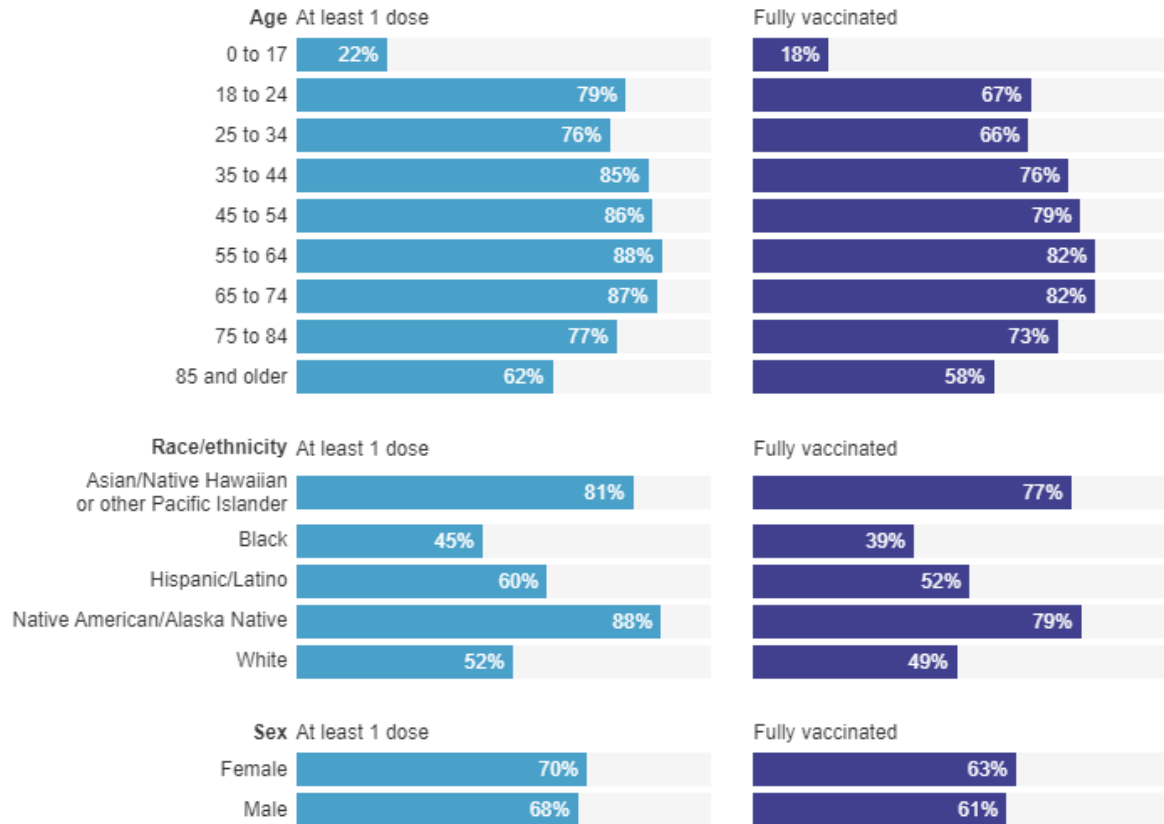
⁴ New York City Department of Health and Mental Hygiene, “COVID-19: Vaccine.” Accessed at:

<https://www1.nyc.gov/site/doh/covid/covid-19-vaccine-eligibility.page>

⁵ *Id.*

⁶ NYC DOHMH, COVID-19: Data, available at <https://www1.nyc.gov/site/doh/covid/covid-19-data-vaccines.page>.

⁷ *Id.*

DOHMH, COVID-19 Data⁸

This data is further reported and disaggregated by borough, age and NYC residency.⁹ DOHMH has qualified this data by explaining that when a person gets vaccinated, they self-report their race/ethnicity, sex, location and other demographic data, or the information can be collected from electronic health records.¹⁰ However, some vaccination records do not include race/ethnicity data, and while the CDC requires this data be reported, it has not always been a requirement and is inconsistently reported.¹¹ Additionally, the number of people vaccinated in some demographic groups and ZIP codes may exceed the total estimated population of that group or area, which is more likely to occur with smaller groups.¹² In such instances, DOHMH reports the group as 99% vaccinated.¹³ Finally, DOHMH population counts are from 2019 and do not reflect the most recent 2020 Census.¹⁴

Vaccination rate in New York City can also be further broken out into categories by various professional sector. For example, more than a third of New York City's municipal workforce is still holding out on getting a vaccine shot.¹⁵ According to data provided by the Mayor's office, as of September 7, 2021, only 65 percent of city workers, or approximately 239,000 people, had received at least one dose of the vaccine.¹⁶ Dr. Denis Nash,

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Elizabeth Kim, *Despite 'Vax-Or-Test' Order, One Third Of NYC Workforce Has Not Been Vaccinated*, GOTHAMIST, Sept. 9, 2021, <https://gothamist.com/news/despite-vax-or-test-order-one-third-nyc-workforce-has-not-been-vaccinated>.

¹⁶ *Id.*

an epidemiology professor at CUNY stated that there seems to be a lot of vaccine hesitancy in the city worker population,¹⁷ and it appears that a large swath of city workers, from first responders to public housing employees, are willing to opt for weekly testing rather than getting vaccinated.¹⁸ The breakdown of vaccination rates by a list of 47 city agencies showed a wide range, from the highest level—92 percent of the Conflicts of Interest Board—to the lower 44 percent of the City’s Sanitation Department.¹⁹ One worrisome trend is that the coverage among the city’s first responders, who tend to have frequent contact with the public: 57 percent of fire department employees have received one dose, rate for emergency management workers is 54 percent, and the rate for NYPD employees is 53 percent.²⁰ Even amongst the city’s healthcare workers—only 77 percent of Department of Health and Mental Hygiene staffers and 77 percent of city hospital workers—were vaccinated.²¹ The Department of Education, whose 143,000 employees are also required to be immunized, has a vaccination rate of 72 percent.²² A spokesman for the mayor’s office noted that the city’s data on municipal employee vaccinations does not include workers who were vaccinated outside the city, meaning that the numbers were a “conservative” estimate.²³

Some unions have opposed the vax-or-test rule, many of them arguing that the Mayor should have consulted them first.²⁴ Henry Garrido, president of the union DC37, stated that while they encourage everyone to get vaccinated and support measures to ensure their members’ health and wellbeing, weekly testing was “clearly subject to mandatory bargaining.”²⁵ The United Federation of Teachers (UFT) and the Mayoral administration have also been in discussions after a complaint was filed with the Public Employment Relations Board saying the city refused to accommodate teachers who cannot be vaccinated because of medical or religious reasons.²⁶ According to Michael Mulgrew, president of the union, “The city has backed off its initial position that teachers with medical and religious exemptions to the vaccine be removed from payroll.²⁷ But there are still many details of how these exemptions will be applied—and how other teachers unwilling to take the vaccine will be treated.”²⁸

Vaccination Hesitancy and Equity in New York City

According to the World Health Organization (WHO), vaccination hesitancy refers to “delay in acceptance or refusal of vaccines despite availability of vaccine services,” is “complex and context specific varying across time, place and vaccines,” and is “influenced by factors such as complacency, convenience and confidence.”²⁹ Vaccine hesitancy has existed since the advent of vaccines, and certainly since before the COVID-19 pandemic.³⁰ In 2019, the WHO listed vaccine hesitancy among the top 10 threats to global health because it “threatens to reverse progress made in tackling vaccine-preventable diseases.”³¹ To combat hesitancy, WHO suggests that “Health workers, especially those in communities, remain the most trusted advisor and influencer of vaccination decisions, and they must be supported to provide trusted, credible information on vaccines.”³² The causes and reasons for vaccine hesitancy are varied: The Who has cited the degree of “trust in vaccines, healthcare systems, and policy makers (*confidence*), a perception of low risks from disease (*complacency*, which

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Christina Veiga, NYC, *teachers union continue negotiations over COVID vaccine mandate*, CHALKBEAT NEW YORK, Sept. 8, 2021, <https://ny.chalkbeat.org/2021/9/8/22663061/nyc-teachers-union-negotiations-covid-vaccine-mandate>.

²⁷ *Id.*

²⁸ *Id.*

²⁹ “Vaccine Hesitancy: what it means and what we need to know in order to tackle it,” WHO, available at https://www.who.int/immunization/research/forums_and_initiatives/1_RBtuler_VH_Threat_Child_Health_gvirf16.pdf.

³⁰ “Vaccine hesitancy: More than a pandemic,” Edward Chen, Harvard University, June 29, 2021 available at <https://sitn.hms.harvard.edu/flash/2021/vaccine-hesitancy-more-than-a-pandemic/>.

³¹ “Ten threats to global health in 2019,” WHO, available at <https://www.who.int/news-room/spotlight/ten-threats-to-global-health-in-2019>.

³² *Id.*

paradoxically arises because effective vaccines lead to low disease risk in the first place), and access challenges (*convenience*) as reasons for vaccine hesitancy.”³³ According to a survey conducted by Carnegie Mellon University and the University of Maryland in a collaboration with Facebook: 70% of vaccine-hesitant adults are worried about potential side effects of COVID-19 vaccines.³⁴ The Centers for Disease Control and Prevention (CDC) have identified other factors beyond safety, including a reliance on a “wait and see” approach, a lack of trust in the government, and concerns about the speed at which COVID-19 vaccines were developed.³⁵

Additionally, for many communities of color, immigrant communities, and religious communities, vaccine hesitancy has been attributed to a history of racist or discriminatory medical experimentation by the government, fostered by ongoing discrimination against people of color in the health care system and other barriers that limit access.³⁶ Such health inequities exist in New York City – according to DOHMH:

Differences in health outcomes and vaccination coverage among racial and ethnic groups are due to long-term structural racism, not biological or personal traits. Structural racism — centuries of racist policies and discriminatory practices across institutions, including government agencies, and society — prevents communities of color from accessing vital resources (such as health care, housing and food) and opportunities (such as employment and education), and negatively affects overall health and well-being. The disproportionate impact of COVID-19 on New Yorkers of color highlights how these inequities negatively influence health outcomes.³⁷

As reference above, 52% of White New Yorkers have received at least one dose of a COVID-19 vaccine, while only 45% of Black New Yorkers have received at least one dose.³⁸

Still, vaccine hesitancy cannot simply be drawn along racial or ethnic lines; the issue is also largely related to political beliefs, and people who are not vaccinated are not a monolith. According to the Kaiser Family Foundation (KFF), vaccine hesitation can be divided into those with a “wait and see” attitude, and those who will “definitely not” get vaccinated.³⁹ Four in ten of those in the “wait and see” group are people of color while 50% are White adults, while those who say they will “definitely not” get a COVID-19 vaccine is overwhelmingly made up of White adults (65% of the group).⁴⁰ Political identification also plays a major role with more than half (58%) of the “definitely not” group identifying as Republican or Republican-leaning.⁴¹ In addition, religious identity also plays a role as White Evangelical Christians make up nearly twice the share of the “definitely not” group (32%) as the “wait and see” group.⁴² In New York City, there is also a discrepancy of vaccination rate between boroughs, with 79% of Manhattan residents and 76% of Queens residents have received at least one dose, while only 64% of Bronx, 62% of Brooklyn, and 65% of Staten Island residents having gotten at least one dose.

While this issue remains incredibly complicated and nuanced, any approach that seeks to scapegoat, vilify, or flatten those that are unvaccinated seems destined to fail.⁴³ DOHMH has implemented an “Equity Action Plan” to advance equitable policies and practices in the City’s COVID-19 response, utilizing focused messaging and increased engagement with community and health care partners in neighborhoods with a disproportionate

³³ “Vaccine hesitancy: More than a pandemic,” *Edward Chen, Harvard University, June 29, 2021 available at <https://sitn.hms.harvard.edu/flash/2021/vaccine-hesitancy-more-than-a-pandemic/>.*

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ NYC DOHMH, COVID-19: Data, available at <https://www1.nyc.gov/site/doh/covid/covid-19-data-vaccines.page>.

³⁸ *Id.*

³⁹ “COVID-19 Vaccine Monitor,” KFF, available at <https://www.kff.org/coronavirus-covid-19/dashboard/kff-covid-19-vaccine-monitor-dashboard/>.

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² *Id.*

⁴³ *See, e.g.,* “America Is Getting Unvaccinated People All Wrong,” *Ed Yong, The Atlantic, July 22, 2021, available at <https://www.theatlantic.com/health/archive/2021/07/unvaccinated-different-anti-vax/619523/>.*

burden of COVID-19 cases, hospitalizations, and deaths.⁴⁴ The Equity Action Plan uses a “racial justice framework” and “population-specific strategies” to better reach community members.⁴⁵ The plan has three parts:

1. Engage with health care providers;
2. Engage with community partners; and
3. Communicate with the community.⁴⁶

The Committees look forward to learning more about this Plan and other methods that the City is utilizing in addressing vaccine hesitancy and inequity.

BILL ANALYSIS

Int. No. 2373-A, in relation to amending a transcript of a record of death for a death caused by COVID-19

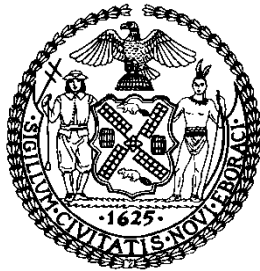
This bill would require the Department of Health and Mental Hygiene to waive any fee for applicants requesting to amend a death certificate to list the cause of death as COVID-19 or health complications caused by COVID-19. Since it was heard, the bill was amended to ensure technical alignment with the New York City Health Code.

This bill would take effect immediately.

UPDATE

On October 21, 2021, the Committee passed Introduction 2373-A by a vote of eight in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2373-A:)



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

PROPOSED INTRO. NO: 2373-A

COMMITTEE: Health

TITLE: A local law to amend the administrative code of the city of New York, in relation to amending a transcript of a record of death for a death caused by COVID-19.

SPONSORS: Council Members Salamanca, Yeger, Brannan, Ampry-Samuel, Riley, Van Bramer, Lander, Rosenthal, Brooks-Powers, Powers, Koo, Dinowitz, Rivera, Rose, Adams, Koslowitz, D. Diaz, Dromm, Moya, Ayala, Levin and Reynoso.

⁴⁴ “Overview of the NYC Department of Health and Mental Hygiene’s COVID-19 Equity Action Plan,” DOHMH, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-equity-action-plan.pdf>.

⁴⁵ “Overview of the NYC Department of Health and Mental Hygiene’s COVID-19 Equity Action Plan,” DOHMH, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-equity-action-plan.pdf>.

⁴⁶ “Overview of the NYC Department of Health and Mental Hygiene’s COVID-19 Equity Action Plan,” DOHMH, available at <https://www1.nyc.gov/assets/doh/downloads/pdf/imm/covid-19-equity-action-plan.pdf>.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2373-A would require the Department of Health and Mental Hygiene (DOHMH) to waive any fee for applicants requesting to amend a death certificate to list the cause of death as COVID-19 or health complications caused by COVID-19.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is anticipated that the proposed legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of Proposed Intro No. 2373-A as the designated agency would utilize existing resources to comply with the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Lauren Hunt, Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Cirilhien R. Francisco, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on July 29, 2021 and was referred to the Committee on Health (Committee). A hearing was held by the Committee, jointly with the Committee on Hospitals, on September 30, 2021, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2373-A, will be considered on October 21, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2373-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 14, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2373-A:)

Int. No. 2373-A

By Council Members Salamanca, Yeager, Brannan, Ampry-Samuel, Riley, Van Bramer, Lander, Rosenthal, Brooks-Powers, Powers, Koo, Dinowitz, Rivera, Rose, Adams, Koslowitz, D. Diaz, Dromm, Moya, Ayala, Levin, Reynoso, Kallos, Louis, Cornegy, Eugene and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to amending a transcript of a record of death for a death caused by COVID-19

Be it enacted by the Council as follows:

Section 1. Section 17-169 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. The department, in accordance with the authorization in section 207.13 of the New York city health code to waive any fee to correct a transcript of a record of death for good cause, shall not charge a fee for an amendment of such a transcript that would change or supplement the cause of death by citing the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) known as COVID-19, or to health complications related thereto.

§ 2. This local law takes effect immediately.

MARK D. LEVINE, *Chairperson*; MATHIEU EUGENE; INEZ D. BARRON ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, KEITH POWERS, DARMA V. DIAZ, SELVENA N. BROOKS-POWERS; Committee on Health, October 21, 2021. *Other Council Members Attending: Council Member Salamanca.*

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

Report of the Committee on Housing and Buildings

Report for Int. No. 2259-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 883), respectfully

REPORTS:

Introduction

On October 21, 2021, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 2259-A, A Local Law in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts, sponsored by Council Member Cornegy; Int. No. 2321-A, A Local Law to amend the administrative code of the city of New York, in relation to inspection of building gas piping systems and extension of time to complete work required by inspection, sponsored by Council member Cornegy; and Int. No. 2404-A, A Local Law to amend the administrative code of the city of New York in relation to certifications of no harassment, sponsored by Council Member Lander. These bills were first heard on September 13, 2021. More information about these bills, along with the materials for that hearing, can be found at <https://on.nyc.gov/3n3Vhhd>.

INT. NO. 2259-A

Int. No. 2259-A, A Local Law in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts

Local Law 152 of 2016 (Local Law 152) was enacted following two deadly gas explosions that occurred approximately one year apart. Pursuant to Local Law 152 and Department of Building (DOB) rules, between January 1, 2021 and December 31, 2021, building gas piping systems must be inspected in community districts (CD) 2, 5, 7, 13, and 18 in all boroughs. DOB rules also require submission of a certification that all conditions identified in the inspection report issued after such inspection have been corrected no later than 120 days or, if more time is needed, no later than 180 days following the inspection date. This bill would extend the December 31, 2021 inspection deadline for buildings in CD 2, 5, 7, 13, and 18 in all boroughs until June 30, 2022. Int. No. 2259-A provides that, for such buildings inspected between January 1, 2021 and December 31, 2021, the certification of correction may be submitted later than 120 days, or later than 180 days following the inspection date, as applicable, but no later than June 30, 2022. This bill would also require DOB to conduct targeted outreach regarding complying with the requirements of Local Law 152 of 2016 by December 1, 2021.

This local law would take effect immediately, and sections related to extending the compliance deadline would be retroactive to January 1, 2021.

INT. NO. 2321-A

Int. No. 2321-A, A Local Law to amend the administrative code of the city of New York, in relation to inspection of building gas piping systems and extension of time to complete work required by inspection

Pursuant to Local Law 152 and DOB rules, between January 1 and December 31 of every fourth year, building gas piping systems must be inspected in community districts in all boroughs. DOB rules also require submission of a certification that all conditions identified in the inspection report produced following such inspection have been corrected no later than 120 days, or if more time is needed, no later than 180 days following the inspection date. Although a late certification is permitted when additional time to make a correction is needed, where a property owner is unable to timely complete an inspection, there is no way for the property owner to seek an extension of time to complete the inspection. In addition, under current law, property owners are required to have gas piping in their buildings inspected, even if the buildings do not have active gas service. Int. No. 2321-A would allow the owners of buildings with gas piping, but not active gas service, to forego the regular gas piping inspections, otherwise required pursuant to Local Law 152, so long as they provide certifications once from their utility companies and themselves that there is no active gas service in their buildings. If they resume gas service, they must obtain certificates of approval of gas installation from DOB and comply with the gas piping inspection and certification requirements of Local Law 152. Int. No. 2321-A also allows DOB to grant additional time for building owners to submit certifications, beyond 180 days, if additional time is needed to correct conditions that were identified during inspections. Finally, Int. No. 2321-A provides a 180 day extension to comply with both the inspection and certification requirements of Local Law 152 for any building owner who requests such an extension.

This local law would take effect 120 days after becoming law, and the sections related to the extension of time to certify corrections and to the provisions of the legislation that address the inspection of buildings without gas service would be retroactive to January 1, 2020.

INT. NO. 2404-A

Int. No. 2404-A, A Local Law to amend the administrative code of the city of New York in relation to certifications of no harassment

Int. No. 2404-A would extend the certification of no harassment (CONH) pilot created by Local Law 1 of 2018 until September 27, 2026. Under the CONH pilot, the following list provides for the types of buildings that would be required to apply for a CONH where certain work is to be performed: buildings discharged from the Article 7-A program, unless such building is the subject of a rehabilitation loan; buildings where a full vacate order has been issued, except where such vacate order was issued due to a fire; buildings where there has been active participation in the alternative enforcement program and which have been discharged from such program; buildings where either a court or the Division of Housing and Community Renewal has made a harassment

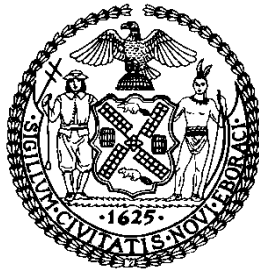
finding; and buildings indicating significant distress as determined by the Building Qualification Index (BQI). The following two types of alterations would not require a CONH: interior demolition conducted during renovation of occupied units necessary to protect public health and safety, and repairs, replacements, modifications, or partial demolition work in a building required for the rescission of a vacate order. A court may find that acts of harassment that caused the denial of a CONH constitute harassment and shall, in those cases, award to each lawful occupant of a dwelling unit that was subject to such harassment \$5,000 plus reasonable attorneys' fees and costs.

This local law would take effect immediately and be retroactive to, and deemed to be in full force and effect on, October 31, 2021.

Update

On Thursday, October 21, 2021, the Committee adopted Int. No. 2259-A and Int. No. 2321-A by a vote of six in the affirmative, zero in the negative, and zero abstentions. The Committee adopted Int. No. 2404-A by a vote of five in the affirmative, one in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2259-A:)



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2259-A
COMMITTEE: Housing and Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts.

SPONSORS: Council Members Cornegy.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2259-A would extend the December 31, 2021 inspection deadline required by Local Law 152 of 2016 and by the Department of Buildings (DOB) rules for buildings in CD 2, 5, 7, 13, and 18 in all boroughs until June 30, 2022. DOB rules also require submission of a certification that all conditions, identified in the inspection report have been corrected, no later than 120 days or if more time is needed no later than 180 days following the inspection date. This bill provides that for such buildings inspected between January 1, 2021 and December 31, 2021, the certification of correction may be submitted later than 120 days or later than 180 days following the inspection date, as applicable, but no later than June 30, 2022. In addition, the bill would require DOB to conduct targeted outreach regarding compliance with the requirements of Local Law 152 of 2016 by December 1, 2021.

EFFECTIVE DATE: This local law would take effect immediately and subdivisions b and c of section one are retroactive to and deemed to have been in full force and effect as of January 1, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on April 22, 2021 as Intro. No. 2259 and was referred to the Committee on Housing and Buildings (the Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2259-A will be considered by the Committee on October 21, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2259-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 18, 2021.

(For text of Int. Nos. 2321-A and 2404-A and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 2321-A and 2404-A, respectively, printed in these Minutes; for text of Int. No. 2259-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2259-A, 2321-A, and 2404-A.

(The following is the text of Int. No. 2259-A:)

Int. No. 2259-A

By Council Members Cornegy and Gjonaj.

A Local Law in relation to an extension of the deadlines for inspection and correction of building gas piping systems in certain community districts

Be it enacted by the Council as follows:

Section 1. Periodic inspection of gas piping systems in certain community districts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Certification form. The term "certification form" means the document required to be submitted to the department pursuant to clause (i) of item 4 of section 28-318.3.3 of the administrative code of the city of New

York and paragraphs (3) or (4) of subdivision (d) of section 103-10 of title 1 of the rules of the city of New York regarding conditions identified, if any, in the inspection report.

Commissioner. The term “commissioner” means the commissioner of buildings.

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

b. Notwithstanding the provisions of any other law or rule, building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York shall be inspected on or between January 1, 2021 and June 30, 2022, provided that the due dates for submitting certification forms to the department in section 103-10 of title 1 of the rules of the city of New York shall not apply on or before June 30, 2022.

c. Notwithstanding the provisions of any other law or rule, for building gas piping systems in community districts 2, 5, 7, 13, and 18 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York that are inspected on or between January 1, 2021 and December 31, 2021, if the certification form indicates that there are one or more conditions requiring correction, such building owners may submit the certification form to the department later than 120 days following the building’s inspection date or later than 180 days following the building’s inspection date as provided in item 4 of section 28-318.3.3 of the administrative code of the city of New York, but in no event shall the certification form be submitted later than June 30, 2022.

d. Nothing in this section shall affect the requirements to report and correct unsafe or hazardous conditions revealed by a gas piping system inspection as set forth in section 28-318.3.4 of the administrative code of the city of New York.

e. As soon as practicable, but no later than December 1, 2021, the department shall conduct targeted outreach and education regarding the provisions of this section, which shall at a minimum include notifying building owners in community districts 2, 5, 7, 13, and 18 in each borough and posting information on the department’s website.

f. Notices and educational materials distributed pursuant to subdivision f of this section shall be prepared in plain language using words with common everyday meanings, and made available in all of the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York. Such notices and educational materials shall include, but not be limited to:

1. Information regarding the requirements of article 318 of chapter 3 of title 28 of the administrative code of the city of New York, and to which buildings such article applies; and

2. Best practices related to hiring a plumber to perform a gas piping system inspection as set forth in article 318 of chapter 3 of title 28 of the administrative code of the city of New York.

§ 2. This local law takes effect immediately and subdivisions b and c of section one are retroactive to and deemed to have been in full force and effect as of January 1, 2021.

ROBERT E. CORNEGY, Jr., *Chairperson*; MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, October 21, 2021.

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

Report for Int. No. 2321-A

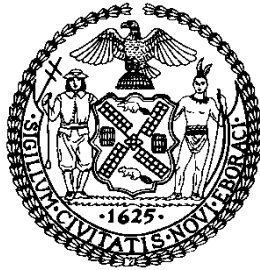
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to inspection of building gas piping systems and extension of time to complete work required by inspection.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 25, 2021 (Minutes, page 1620), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 2259-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2321-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2321-A
COMMITTEE: Housing and Buildings**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to inspection of building gas piping systems and extension of time to complete work required by inspection.

SPONSORS: Council Members Cornegy, Yeger, Gennaro, Rosenthal, and Louis.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2321-A would allow a property owner of a building with gas piping but not active gas service to forgo their gas piping inspection, so long as they provide certification from their utility company and themselves that there is no active gas service in the building. Resumption of gas service would require the property owner to obtain a certificate of approval of gas installation from DOB and comply with the gas piping inspection and certification requirements of local Law 152. This bill would also allow DOB to grant additional time to submit certification, beyond 180 days, if additional time is needed to ameliorate conditions that must be corrected. Finally, this bill provides a 180 days extension to comply with both the inspection and certification requirements of Local Law 152 for any building owner who requests an extension. Currently, Local Law 152 of 2016 and DOB rules require that building gas piping systems must be inspected every four years and DOB rules require submission of a certification that all conditions identified in the inspection report have been corrected no later than 120 days, or if more time is needed, no more than 180 days following inspection date.

EFFECTIVE DATE: This local law would take effect 120 days after becoming law, with sections one, two, and three retroactive to and deemed to have been in full force and effect as of January 1, 2020.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first introduced to the full Council as Intro. No. 2321 on May 27, 2021 and referred to the Committee on Housing and Buildings (the Committee). A hearing was held by the Committee on September 13, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2321-A, will be considered by the Committee on October 21, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2321-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2321-A:)

Int. No. 2321-A

By Council Members Cornegy, Yeger, Gennaro, Rosenthal, Louis and Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to inspection of building gas piping systems and extension of time to complete work required by inspection

Be it enacted by the Council as follows:

Section 1. Section 28-318.1 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

§ 28-318.1 General. Commencing January 1, 2019, building gas piping systems, other than gas piping systems of buildings classified in occupancy group R-3, shall be periodically inspected in accordance with this article.

[Exception:] **Exceptions:**

1. A building that contains no gas piping and for which the owner of such building has submitted to the commissioner, in a form and manner determined by the commissioner, a certificate of a registered design professional, *a licensed master plumber or an individual under the direct and continuing supervision of a licensed master plumber*, or a person satisfying other qualifications that the commissioner may establish, that such building contains no gas piping.

2. *A building that contains gas piping but that is not currently supplied with gas, that does not contain any appliance connected to any gas piping and that complies with section 28-318.3.5.*

§ 2. Item 4 of section 28-318.3.3 of the administrative code of the city of New York, as added by local law number 152 for the year 2016, is amended to read as follows:

4. No later than 120 days after the due date for such inspection, in accordance with department rules, such owner shall submit to the department, in a form and manner determined by the department, (i) a certification from a licensed master plumber that all conditions that were identified in the inspection report for which a certification was submitted pursuant to item 2 of this section have been corrected, except that such certification may note that correction of one or more conditions identified in such report, other than conditions referred to in section 28-318.3.4, will reasonably take additional time to complete and (ii) a certification from such owner that such owner is in compliance with item 3 of this section. If such certification notes that one or more conditions will take additional time to complete, such owner shall, no later than 180 days after the due date for such inspection, *or by such later date as the department shall determine*, submit to the department, in a form and manner determined by the department, a certification from a licensed master plumber that all conditions identified in such report have been corrected.

§ 3. Article 318 of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding sections 28-318.3.5 and 28-318.3.6 to read as follows:

§ 28-318.3.5 Buildings without active gas service. *A building otherwise required to undergo an inspection pursuant to section 28-318.1 that is not currently supplied with gas, and that has no appliance connected to any gas piping, shall not be required to undergo such inspection when the following is submitted to the department:*

1. *A signed statement from a person with authority to sign such statement on behalf of any utility company that would be responsible for the provision of gas service if such service were provided containing the following:*

1.1. *The last date upon which gas was supplied to the building; and*

1.2. *The date upon which gas service was no longer provided to the building.*

2. *A signed statement from the owner of such building containing the following:*

2.1. *A certification that the building no longer receives gas service; and*

2.2. *A certification that the building no longer contains appliances connected to gas piping.*

§ 28-318.3.6 Resumption of gas service. *Where the owner of a building that has complied with section 28-318.3.5 seeks to resume gas service to such building, the owner must:*

1. *Obtain a certificate of approval of gas installation from the department; and*

2. *Comply with the inspection and certification requirements of sections 28-318.1, 28-318.2 and 28-318.3 and the rules of the department before gas service is resumed, regardless of whether such inspection and certification would otherwise be required for that building at that time.*

§ 4. Article 318 of section of chapter 3 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-318.3.7 as follows:

§ 28-318.3.7 Extension of time to complete inspection. *Owners who are unable to obtain an inspection of a building pursuant to this article by the date set forth in the rules of the department may receive a 180 day extension of the due date for such inspection, and the filing of any certification*

required to be filed after such inspection, upon notification to the department in a manner established by the department. The department shall conduct periodic outreach to owners of buildings with gas piping systems that must be inspected pursuant to this article regarding the availability of this extension.

§ 5. This local law takes effect 120 days after becoming law and sections one, two and three are retroactive to and deemed to have been in full force and effect as of January 1, 2020.

ROBERT E. CORNEGY, Jr., *Chairperson*; MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, October 21, 2021.

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

Report for Int. No. 2404-A

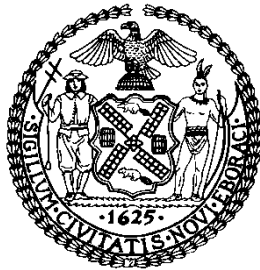
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York in relation to certifications of no harassment.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on September 23, 2021 (Minutes, page 2441), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 2259-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2404-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 2404-A
COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to certifications of no harassment. **SPONSORS:** Council Members Lander, Chin, Kallos, and Louis.

SUMMARY OF LEGISLATION: Proposed Intro. No. 2404-A would extend the certification of no harassment (CONH) pilot created by Local Law 1 of 2018 until September 27, 2026. Buildings discharged from Article 7-A program, unless such building is the subject of a rehabilitation loan; buildings where a full vacate order has

been issued, except where such vacate order was issued due to a fire; buildings where there has been active participation in the alternative enforcement program which have been discharged from such program; buildings where a court or DHCR have made a harassment finding; and buildings indicating significant distress as determined by the Building Qualification Index (BQI) would be required to apply for the CONH for covered work. Interior demolition conducted during renovation of occupied units necessary to protect public health and safety, or repairs, replacement, modification, or partial demolition work in a building that is the minimum required to be performed to address conditions for rescission of a vacate order would not require a CONH. A court may find that acts of harassment that caused the denial of a certification of no harassment constitute harassment and shall in those cases award to each lawful occupant of a dwelling unit that was subject to such harassment \$5,000 plus reasonable attorneys' fees and costs.

EFFECTIVE DATE: This local law would take effect immediately and is retroactive to and shall be deemed to be in force and effect on October 31, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures as the agency responsible for implementing the requirements of the legislation would use existing resources to comply with the provisions of the local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This Legislation was first considered by the Committee on Housing and Buildings (Committee) on September 13, 2021 as a Pre-considered Introduction and the bill was laid over. Following the Committee hearing, the legislation was introduced to the full Council on September 23, 2021 as Int. No. 2404 and was referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2404-A, will be considered by the Committee on October 21, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2404-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 18, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2404-A:)

Int. No. 2404-A

By Council Members Lander, Chin, Kallos, Louis and Barron.

A Local Law to amend the administrative code of the city of New York in relation to certifications of no harassment

Be it enacted by the Council as follows:

Section 1. The definition of "pilot program list" in subdivision a of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been amended by a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

Pilot program list. The term "pilot program list" means a list of multiple dwellings with six or more dwelling units meeting the criteria set by the department in accordance with subdivision b *of this section*. Such multiple dwelling shall remain on the pilot program list for 60 months *after the date that it is first included on the list*, or until expiration of the local law that added this section, whichever is later. Such list shall be published and maintained on the [websites] *website* of the department [and the department of buildings] and *may be amended and republished as necessary to include additional multiple dwellings*. Such list shall not include any multiple dwelling that:

(1) is subject to any other provision of law or rules, including the zoning resolution, that requires a certification of no harassment as a condition to obtaining approval of construction documents or an initial or reinstated permit in connection therewith from the department of buildings;

(2) is the subject of a program approved by the commissioner and related to the rehabilitation or preservation of a single room occupancy multiple dwelling or the provision of housing for persons of low or moderate income, other than a program consisting solely of real property tax abatement or tax exemption pursuant to the real property tax law, and has been exempted from the provisions of this section by the commissioner;

(3) contains dwelling units that are required to be and actually are restricted based on income pursuant to an agreement pursuant to the mandatory inclusionary housing program or the voluntary inclusionary housing program and the income-restricted units that are required pursuant to such agreement are occupied at the time of application for a certification of no harassment;

(4) is an exempt luxury hotel as defined by the department in rules;

(5) is a rent regulated institutional residence, the occupancy of which is restricted to non-profit institutional use exempted from the requirements of this section by the department;

(6) is owned by the city or other governmental entity;

(7) is a clubhouse; or

(8) is a college or school dormitory.

§ 2. Subdivision b of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been amended by a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

b. Pilot program list. The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department[, and located within:

(i) Bronx community district 4,

(ii) Bronx community district 5,

(iii) Bronx community district 7,

(iv) Brooklyn community district 3,

(v) Brooklyn community district 4,

(vi) Brooklyn community district 5,
 (vii) Brooklyn community district 16,
 (viii) Manhattan community district 9,
 (ix) Manhattan community district 11,
 (x) Manhattan community district 12,
 (xi) Queens community district 14, and
 (xii) Any community district where any part of such district is subject to a city-sponsored neighborhood-wide rezoning after the date of enactment of the local law that added this section.];

(2)(i) Buildings where a full vacate order has been issued by the department or the department of buildings, *except where such vacate order was issued due to a fire*, or (ii) buildings where there has been active participation in the alternative enforcement program [for more than four months since February 1, 2016; and] *which have been discharged from such program*;

(3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method; *and*

(4) *Buildings where an administrator has been discharged under article 7-A of the real property actions and proceedings law unless such building is the subject of a loan provided by or through the department or the New York city housing development corporation for the purpose of rehabilitation, as provided in rules of the department.*

§ 3. Subdivision d of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been amended by a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended by adding a new paragraph 10 to read as follows:

(10) *Where the department of buildings issues a stop-work notice or order or rescinds an approval of construction documents at the request of the department pursuant to section 28-505.8 for work without a permit or the required certification of no harassment or the department denies a certification of no harassment pursuant to subparagraph (C) of paragraph (5) of this subdivision, such stop-work notice, rescission or denial shall be deemed to be a per se finding of harassment in violation of subdivision d of section 27-2005, and the certification of no harassment shall be denied or rescinded, as applicable, and the building shall be restored to its legal configuration prior to commencement of such work.*

§ 4. Subparagraph (A) of paragraph (1) of subdivision i of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law has been amended by a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

(A)(i) the owner of record of the pilot program building was the owner of record prior to November 29, 2017; or[,] (ii) *with respect to buildings added to the pilot program list on or after October 31, 2021, where eligibility for inclusion on the pilot program list resulted from the amendment of paragraph (1) or the addition of paragraph (4) of subdivision b of this section made by the local law that amended this subparagraph, such owner of record was the owner of record prior to the date of enactment of such local law; or (iii) such owner of record had entered into a contract of sale for the purchase of such pilot program building, which was recorded prior to such relevant date; or[,] (iv) with respect to a certification proceeding where the alterations sought to be performed are of the type prescribed by rule of the commissioner pursuant to item 5 of section 28-505.3, the owner of record of such multiple dwelling was the owner of record of such multiple dwelling prior to the date of the first publication of such rule or had entered into a contract of sale for the purchase of such multiple dwelling which was recorded prior to such date;*

§ 5. Paragraph (2) of subdivision i of section 27-2093.1 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been amended by

a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

(2) the owner acquired the multiple dwelling by sale pursuant to foreclosure of a mortgage or pursuant to a deed in lieu of foreclosure of a mortgage; provided, however, that such conveyance was a bona fide transaction for the purpose of enforcing the debt and not intended to evade the provisions of this section and either:

[(i)] (A) a certification of no harassment or waiver thereof was granted with respect to such multiple dwelling within a [sixty] 60 day period prior to the date of the recording of such mortgage and no suspension or rescission thereof was recorded prior to such date; or

[(ii)] (B)(i) such mortgage was recorded prior to November 29, 2017; or[,] (ii) *with respect to buildings added to the pilot program list on or after October 31, 2021, where eligibility for inclusion on the pilot program list was a result of the amendment of paragraph (1) or the addition of paragraph (4) of subdivision b of this section by the local law that amended this subparagraph, such mortgage was recorded prior to the date of enactment of such local law; or (iii) if such owner is a banking organization as defined in section 2 of the banking law, a national banking association, a federal savings and loan association, the mortgage facilities corporation, savings banks life insurance fund, the savings banks retirement system, an authorized insurer as defined in section 4 of the insurance law, or a trust company or other corporation organized under the laws of this state all the capital stock of which is owned by at least 20 savings banks or by at least 20 savings and loan associations or a subsidiary corporation all of the capital stock of which is owned by such trust company or other corporation, a commitment for such mortgage was made prior to such relevant date.*

§ 6. Subdivision (m) of section 27-2115 of the administrative code of the city of New York is amended by adding a new paragraph (7) read as follows:

(7) *A court of competent jurisdiction may find that acts of harassment that caused the issuance of a determination by the department denying a certification of no harassment pursuant to section 27-2093 or section 27-2093.1 of this code constitute conduct in violation of subdivision d of section 27-2005 by the applicant for such certification where such applicant was the owner of record when such acts of harassment occurred. Notwithstanding subdivision (o) of this section, as added by local law number 148 for the year 2017, the court upon such finding shall, in addition to any other relief such court determines to be appropriate, award to each lawful occupant of a dwelling unit that was subject to such harassment \$5,000 per dwelling unit, plus reasonable attorneys' fees and costs.*

§ 7. Section 28-505.3 of the administrative code of the city of New York, as added by local law number 1 for the year 2018, the effective date of such local law having been amended by a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

§ 28-505.3 Covered categories of work. Applications for the approval of construction documents for the following categories of work are covered by this article:

1. demolition of all or part of the pilot program building, *other than interior demolition being conducted in the course of renovation of occupied units for the purpose of repair to such units where the commissioner determines that issuance of such permit is necessary to perform work to protect public health and safety;*
2. change of use or occupancy of all or part of a dwelling unit, any residential portion of the pilot program building, or any part of such building serving such dwelling units;
3. any alteration resulting in the addition or removal of kitchen or bathrooms, an increase or decrease in the number of dwelling units, or any change to the layout, configuration, or location of any portion of any dwelling unit;
4. an application for a new or amended certificate of occupancy; or
5. such other types of alteration work to a pilot program building as shall be prescribed by rule of the commissioner of housing preservation and development.

Exceptions:

1. Work solely for the purpose of either (i) making the public areas of a pilot program building accessible to persons with disabilities without altering the configuration of any dwelling unit or rooming unit or (ii) making the interior or the entrance to a dwelling unit or a rooming unit accessible to persons with disabilities shall not be covered by this article.
2. Repairs, demolition or any other work performed by a city agency or by a contractor pursuant to a contract with a city agency shall not be covered by this article.
3. *Repairs, replacement, modification, or partial demolition work in a building that is the minimum required to be performed to address conditions for rescission of a vacate order issued by the department of housing preservation and development or the department.*
4. Work performed on a building that has an administrator currently appointed pursuant to article seven-a of the real property actions and proceedings law shall not be covered by this article.
- [4.] 5. Other categories of work that are excluded from the definition of covered categories of work by rule of the department of housing preservation and development shall not be covered by this article.

§ 8. Section 4 of local law number 1 for the year 2018, the effective date of such local law having been amended by a local law for the year 2021, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

§ 4. The department, with the advice and assistance that may be provided by any community group described in paragraph (4) of subdivision d of section 27-2093.1 of the administrative code of the city of New York, as added by section two of this local law, shall conduct a study to evaluate the effectiveness of the program in reducing harassment of tenants in the areas described in subdivision b of section 27-2093.1 of the administrative code of the city of New York as added by section two of this local law. Such study shall be completed and a report shall be submitted to the [Speaker] *speaker of the city council* no later than [6 months prior to the expiration of this local law] *June 27, 2021, provided that an additional such report shall be submitted to the speaker of the city council no later than November 27, 2025.* Such [report] *reports* shall contain the following information:

1. the number of covered buildings where the owner applied for a [certificate] *certification* of no harassment disaggregated by whether the department issued a [certificate] *certification* of no harassment, a cure agreement was reached, or a waiver of a [certificate] *certification* of no harassment;
2. the location of buildings where the department determined that harassment had occurred, disaggregated by community board and council district disaggregated by whether such building was subject to a cure agreement;
3. metrics which the department determines appropriate to determine the preventive impacts of such program;
4. a determination, using such metrics, as to whether such program resulted in preventive impacts;
5. estimated costs of the program to the city; and
6. recommendations for improving the efficacy of such program if the pilot program continues.

§ 9. Section 5 of local law number 1 for the year 2018, as amended by a local law for the year 2021 amending such local law number 1 for the year 2018, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403, is amended to read as follows:

§ 5. This local law takes effect 270 days after it becomes a law except that the departments of housing preservation and development and the department of buildings may promulgate rules or take other administrative action for the implementation of this local law prior to such date. This local law shall remain in effect until [October 31, 2021] *September 27, 2026*, after which date it is deemed repealed. Notwithstanding the repeal of this local law, the provisions of this local law shall remain in effect for any pilot program building which submits an application for construction document approval pursuant to section 28-505.4 of the administrative code of the city of New York, as added by section three of this local law, prior to the repeal of such section. This local law shall not apply to work relating to applications for construction document approval filed with the department of

buildings prior to the inclusion of a building on the pilot program list pursuant to subdivision b of section 27-2093.1 of the administrative code of the city of New York , as added by section two of this local law.

§ 10. (i) This local law takes effect immediately and is retroactive to and shall be deemed to be in force and effect on October 31, 2021, provided that a local law amending local law number 1 for the year 2018, relating to extending the certification of no harassment pilot, as proposed in introduction number 2403 for the year 2021, has been enacted by such date.

(ii) The amendments to sections 27-2093.1 and 28-505.3 of the administrative code of the city of New York, as amended by sections one, two, three, four, five and seven of this local law, shall not effect the repeal of such sections of such administrative code pursuant to section 5 of local law number 1 for the year 2018 as amended by section nine of this local law.

(iii) Section six of this local law shall not apply to determinations by the department of housing preservation and development denying a certification of no harassment pursuant to sections 27-2093 and 27-2093.1 of the administrative code of the city of New York code issued prior to the date of enactment of this local law.

MARGARET S. CHIN; HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, October 21, 2021.

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

Report of the Committee on Land Use

Report for L.U. No. 828

Report of the Committee on Land Use in favor of approving Application No. 20215034 HKM (N 210498 HKM/DL 524-LP 2651) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the historic district designation of the Dorrance Brooks Square Street Historic District, consisting of approximately 325 buildings located on Fredrick Douglass Boulevard, generally bounded by St. Nicholas Avenue to the west, West 140th Street to the north, West 136th Street to the south, and Adam Clayton Powell Boulevard to the east, Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2248) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20215034 HKM (N 210498 HKM)

Designation by the Landmarks Preservation Commission [DL-524/LP-2651] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Dorrance Brooks Square Historic District.

PUBLIC HEARING**DATE:** September 13, 2021**Witnesses in Favor:** Eight**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** October 13, 2021

‘ The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor:

Riley, Koo, Barron, Miller.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1766

Resolution affirming the designation by the Landmarks Preservation Commission of the Dorrance Brooks Square Historic District, Borough of Manhattan, Designation List No. 524, LP-2651 (L.U. No. 828; 20215034 HKM; N 210498 HKM).

By Council Members Salamanca and Riley.

WHEREAS, the Landmarks Preservation Commission filed with the Council on June 25, 2021 a copy of its designation report dated June 15, 2021 (the “Designation Report”), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Dorrance Brooks Square Historic District Landmark, Community District 10, Borough of Manhattan, with the following district boundaries (the “Designation”):

The Proposed Dorrance Brooks Square Historic District consists of two areas:

Area I - the property bounded by a line beginning at the intersection of the southern curblineline of West 140th Street with the eastern curblineline of Edgecombe Avenue, extending easterly along the southern curblineline of West 140th Street to the western curblineline of Frederick Douglass Boulevard, southerly along said curblineline to the northern curblineline of West 139th Street, westerly along said curblineline to a point on a line extending northerly from the eastern property line of 302 West 139th Street, southerly along said line and along the eastern property lines of 302 West 139th Street and 303 West 138th Street to the northern curblineline of West 138th Street, westerly along said curblineline to a point on a line extending northerly from the eastern property line of 302 West 138th Street, southerly along said line and the eastern property line of 302 West 138th Street, westerly along the southern property line of 302 West 138th Street and part of the southern property line of 304 West 138th Street, to the eastern property line of 307 West 137th Street, southerly along the eastern property line of 307 West 137th Street and across West 137th Street to the southern curblineline of West 137th Street, easterly along said curblineline to a point on a line extending northerly from the eastern property line of 302 West 137th Street, southerly along said line and the eastern property line of 302 West 137th Street, westerly along the southern property line of 302 West 137th Street and part of the southern property line of 304 West 137th Street to the eastern property line of 305 West 136th Street, southerly along the eastern property line of 305 West 136th Street to the northern curblineline of West 136th Street, westerly along said curblineline to the eastern curblineline of Edgecombe Avenue, northerly along the eastern curblineline of Edgecombe Avenue to a point on a line extending easterly from the southern curblineline of Dorrance Brooks Square, westerly along said line and the southern curblineline of Dorrance Brooks Square to the eastern curblineline of St. Nicholas Avenue, northerly along said curblineline to a point on a line extending westerly from the northern property line of 580 St. Nicholas Avenue (aka 578-580 St. Nicholas Avenue; 337-341 West 139th Street; 101-103 Edgecombe Avenue), easterly along said line and the northern property line of 580 St. Nicholas Avenue (aka 578-580 St. Nicholas Avenue; 337-341 West 139th Street; 101-103 Edgecombe Avenue) to the eastern curblineline of Edgecombe Avenue, northerly along said curblineline to the point of beginning.

Area II - the property bounded by a line beginning on the western curblineline of Adam Clayton Powell Jr. Boulevard at a point on a line extending easterly from the northern property line of 2348 Adam Clayton Powell Jr. Boulevard, extending southerly along the western curblineline of Adam Clayton Powell Jr. Boulevard to the northern curblineline of West 135th Street, westerly along the northern curblineline of West 135th Street to a point on a line extending southerly from the western property line of 201 West 135th Street (aka 2300 Adam Clayton Powell Jr. Boulevard), northerly along said line and the western property lines of 201 West 135th Street (aka 2300 Adam Clayton Powell Jr. Boulevard) through 2306 Adam Clayton Powell Jr. Boulevard, westerly along the southern property lines of 202 through 268 West 136th Street, northerly along the western property line of 268 West 136th Street to the southern curblineline of West 136th Street, easterly along said curblineline to a point on a line extending southerly from the western property line of 265 West 136th Street, northerly along said line and the western property line of 265 West 136th Street to the southern property line of 290 West 137th Street, westerly along part of the southern property line of 290 West 137th Street and the southern property line of 292 West 137th Street, northerly along the western property line of 292 West 137th Street to the southern curblineline of West 137th Street, easterly along said curblineline to a point on a line extending southerly from the western property line of 261 West 137th Street, northerly along said line and the western property line of 261 West 137th Street, easterly along the northern property lines of 261 through 203 West 137th Street and a portion of the northern property line of the alley (Block 2023, Lot 32) between 2348 Adam Clayton Powell Jr. Boulevard and 2340 Adam Clayton Powell Jr. Boulevard (aka 2340-2344 Adam Clayton Powell Jr. Boulevard; 201 West 137th Street), northerly along the western property line of 2348 Adam Clayton Powell Jr. Boulevard, easterly along the northern property line of 2348 Adam Clayton Powell Jr. Boulevard to the point of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on August 20, 2021 its report on the Designation dated August 18, 2021 (the "City Planning Commission Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 10, 2021; and

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

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 835

Report of the Committee on Land Use in favor of approving Application No. C 210329 PCK (101 Varick Avenue) submitted by New York City Department of Citywide Administrative Services (DCAS) and New York City Department of Transportation (DOT) pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located 101 Varick Avenue (Block 2974, Lot 113) for DOT's Sidewalk Inspection Management (SIM) Concrete Operations and Street Light storage facility, Borough of Brooklyn, Council District 34, Community District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on August 26, 2021 (Minutes, page 2250) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 1

C 210329 PCK

City Planning Commission decision approving an application submitted by the Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of a property located at 101 Varick Avenue (Block 2974, Lot 113) for use as an office and storage facility, Community District 1, Borough of Brooklyn.

INTENT

To approve the site selection and acquisition of property located at 101 Varick Avenue (Block 2974, Lot 113), to facilitate the use of the property for office and storage use. The site is developed with a three-story

office building and a one-story warehouse located in the East Williamsburg section of Brooklyn, Community District 1.

PUBLIC HEARING

DATE: September 13, 2021

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 13, 2021

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

In Favor:

Riley, Koo, Barron, Miller.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

None

Abstain:

None

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

Res. No. 1767

Resolution approving the decision of the City Planning Commission on ULURP No. C 210329 PCK (L.U. No. 835), a site selection and acquisition of property located at 101 Varick Avenue (Block 2974, Lot 113), Borough of Brooklyn, for use as an office and storage facility.

By Council Members Salamanca and Riley.

WHEREAS, the Department of Transportation and the Department of Citywide Administrative Services, filed an application pursuant to Section 197-c of the New York Charter for the site selection and

acquisition of property located at 101 Varick Avenue (Block 2974, Lot 113), for use as an office and storage facility, in the East Williamsburg section of Brooklyn, Community District 1 (ULURP No. C 210329 PCK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 3, 2021 its decision dated August 18, 2021 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 13, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 1st, 2021 (CEQR No. 20DOT003K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210329 PCK, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the site selection and acquisition of the Site for use as an office and storage facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 842

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 210289 ZMR (River North) submitted by Richmond SI Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c, eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwesterly of Richmond Terrace, and Nicholas Street; eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place; establishing within a proposed R7-3 District a C2-4 District bounded by Richmond

Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; and establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; Borough of Staten Island, Community District 1, Council District 49, as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2299), respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB-1 - THREE APPLICATIONS RELATED TO RIVER NORTH-LIBERTY TOWERS

C 210289 ZMR (L.U. No. 842)

City Planning Commission decision approving an application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c:

1. eliminating from an existing R6 District a C2-2 District bounded by Richmond Terrace, Hamilton Avenue, a line 100 feet westerly of Stuyvesant Place, a line 100 feet southwesterly of Richmond Terrace, and Nicholas Street;
2. eliminating a Special Hillside Preservation District (HS) bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;
3. changing from an R6 District to an R7-3 District property bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;
4. establishing within an existing R6 District a C2-4 District bounded by Richmond Terrace, Hamilton Avenue, and Stuyvesant Place;
5. establishing within a proposed R7-3 District a C2-4 District bounded by Richmond Terrace, Stuyvesant Place, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street; and
6. establishing a Special St. George District (SG) bounded by Richmond Terrace, Hamilton Avenue, a line 185 feet westerly of Stuyvesant Place, a line 185 feet southwesterly of Richmond Terrace, and Nicholas Street;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-614.

N 210290 ZRR (L.U. No. 843)

City Planning Commission decision approving an application submitted by Richmond SI Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 210291 ZSR (L.U. NO. 844)

City Planning Commission decision approving an application submitted by Richmond SI Owner, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 128-62 of the Zoning Resolution as follows:

1. to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard);
2. to modify the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions);
3. to modify the height and setback requirements of Section 128-33* (Maximum Base Height) and Section 128-34* (Maximum Building Height); and
4. to modify the planting requirements of Section 128-42 (Planting Areas);

in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4 District, within the Special St. George District (SG).

INTENT

To approve the amendment to rezone the Project Area from an R6 district with a C2-2 commercial overlay at a depth of 100 feet located within the Special Hillside Preservation District (“SHPD”) to an R7-3 district with a C2-4 commercial overlay at a depth of 185 feet within the Special St. George District (“SSGD”), and rezoning an area from an R6/C2-2 overlay to an R6/C2-4 overlay and to be located within the SSGD; amend zoning text to establish bulk regulations for R7 zoning districts, a new special permit to modify bulk and other requirements and establish the Project Area as a Mandatory Inclusionary Housing (“MIH”) area utilizing Options 1 and 2; and grant an approval of the special permit to modify bulk requirements within R7 districts and mandatory improvements of the SSGD to facilitate the development of a 592,014-square-foot mixed-use development with three mixed-use buildings, comprised of approximately 750 housing units, including 225 permanently affordable units, and 18,800 square feet of non-residential uses located on the ground floor and cellar in the St. George neighborhood of Staten Island, Community District 1.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: Seventeen

Witnesses Against: Eleven

SUBCOMMITTEE RECOMMENDATION**DATE:** October 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 842, 843, and 844.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera.

Against:

Borelli

Abstain:

None.

COMMITTEE ACTION**DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers.

Against:Barron
Borelli**Abstain:**

None

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS; Committee on Land Use, October 21, 2021.

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. 843

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 210290 ZRR (River North) submitted by Richmond SI Owner LLC pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying Article XII, Chapter 8 (Special St. George District) and related Sections, and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area; Borough of Staten Island, Community District 1, Council District 49.

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2299) 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. 842 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS; Committee on Land Use, October 21, 2021.

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. 844

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200291 ZSR (River North) submitted by Richmond SI Owner LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 128-62* of the Zoning Resolution, to modify the rear yard requirements of Section 23-47 (Minimum Required rear yard); the permitted obstruction requirements of Section 128-31 (Rooftop Regulations) and Section 33-42 (Permitted Obstructions); the height and setback requirements of Section 128-33* (Maximum Base Height) and Section 128-34* (Maximum Building Height); and the planting requirements of Section 128-42 (Planting Areas); in connection with a proposed mixed-use development, on property located at 24 Stuyvesant Place (Block 13, Lots 82, 92, 100 and p/o Lot 8), in an R7-3/C2-4 District, within the Special St. George District (SG)**, Borough of Staten Island, Community District 1, Council District 49. *Note that Sections 128-33, 128-34 & 128-62 are proposed to be change under a concurrent related application for a Zoning Text change (N 210290 ZRR). **Note that this site is proposed to be rezoned by changing R6(HS) & R6/C2-2(HS) Districts to an R7-3/C2-4(SG) District under a concurrent related application for a Zoning Map change (C 210289 ZMR).**

The Committee on Land Use, to which the annexed Land Use item was referred on September 9, 2021 (Minutes, page 2300) 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. 842 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS; Committee on Land Use, October 21, 2021.

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. 852

Report of the Committee on Land Use in favor of approving Application No. C 200070 ZMQ (62-04 Roosevelt Avenue Rezoning) submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, eliminating from an existing R6 District a C1-4 District and changing from an existing R6 to a C4-4 District for property located in the Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2450) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****QUEENS CB-2 - TWO APPLICATIONS RELATED TO 62-04 ROOSEVELT AVENUE REZONING****C 200070 ZMQ (L.U. No. 852)**

City Planning Commission decision approving an application submitted by New York City Department of City Planning, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d:

1. eliminating from an existing R6 District a C1-4 District bounded by Roosevelt Avenue, 63rd Street, a line 100 feet southerly of Roosevelt Avenue, and the northwesterly prolongation of the southwesterly street line of Trimble Road; and
2. changing from an existing R6 to a C4-4 District property bounded by Roosevelt Avenue, 63rd Street and its southerly prolongation, and the northwesterly prolongation of the southwesterly street line of Trimble Road;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021 and subject to the conditions of CEQR Declaration E-603.

N 200069 ZRQ (L.U. No. 853)

City Planning Commission decision approving an application submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the text 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 a zoning map amendment to change an R6 zoning district to a C1-4/C4-4 zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing area, which would facilitate the

construction of a 13-story mixed- use building at 62-04 Roosevelt Avenue in the Woodside neighborhood of Queens, Community District 2.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: Six

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 12, 2021

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. Nos. 852 and 853.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

Barron

Abstain:

None.

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

Res. No. 1768

Resolution approving the decision of the City Planning Commission on ULURP No. C 200070 ZMQ, a Zoning Map amendment (L.U. No. 852).

By Council Members Salamanca and Moya.

WHEREAS, Woodside 63 Management, LLC and Mare Nostrum Elements, Inc., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9d, eliminating from an existing R6 District a C1-4 District and changing from an existing R6 to a C4-4 District, which in conjunction with the related action would facilitate the construction of a 13-story mixed use

building at 62-04 Roosevelt Avenue in the Woodside neighborhood of Queens, Community District 2 (ULURP No. C 200070 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 200069 ZRQ (L.U. No. 853), 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 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 5th, 2021 (CEQR No. 19DCP218Q), which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-603) (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-603) 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 200070 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9d:

1. eliminating from an existing R6 District a C1-4 District bounded by Roosevelt Avenue, 63rd Street, a line 100 feet southerly of Roosevelt Avenue, and the northwesterly prolongation of the southwesterly street line of Trimble Road; and
2. changing from an existing R6 to a C4-4 District property bounded by Roosevelt Avenue, 63rd Street and its southerly prolongation, and the northwesterly prolongation of the southwesterly street line of Trimble Road;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021 and subject to the conditions of CEQR Declaration E-603, Community District 2, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 853

Report of the Committee on Land Use in favor of approving Application No. N 2020069 ZRQ (62-04 Roosevelt Avenue Rezoning) submitted by Woodside 63 Management, LLC and Mare Nostrum Elements, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area in the Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2451) 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. 852 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1769

Resolution approving the decision of the City Planning Commission on ULURP No. N 200069 ZRQ, a Zoning Text amendment (L.U. No. 853).

By Council Members Salamanca and Moya.

WHEREAS, Woodside 63 Management, LLC, and Mare Nostrum Elements Inc., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a 13-story mixed use building at 62-04 Roosevelt Avenue in the Woodside neighborhood of Queens, Community District 2 (ULURP No. N 200069 ZRQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council September 10, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 200070 ZMQ (L.U. No. 852), a zoning map amendment to change an R6 zoning district and R6 with a C1-4 commercial overlay zoning district to a C4-4 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 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 5th, 2021 (CEQR No. 19DCP218Q), which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-603) (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-603) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200069 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Pursuant to Section 200 of the New York City Charter, on the basis of the environmental determination and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter struck out is to be deleted;

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

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

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

* * *

Queens Community District 2

* * *

Map 5 – [date of adoption]



Mandatory Inclusionary Housing Program Area see Section 23-154(d)(3)
Area # [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 2, Queens

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 854

Report of the Committee on Land Use in favor of approving Application No. C 210324 ZMM (495 Eleventh Ave – Slaughterhouse) submitted by 495 11 Avenue Owner Realty LLC and New York City Economic Development Corporation pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d changing from an M1-5 District to a C6-4 District and establishing a Special Hudson Yard District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2451) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB-4 - THREE APPLICATIONS RELATED TO 495 ELEVENTH AVENUE (SLAUGHTERHOUSE)

C 210324 ZMM (L.U. No. 854)

City Planning Commission decision approving an application submitted by 495 11 Avenue Owner Realty, LLC and NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d:

1. changing from an M1-5 District to a C6-4 District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue, and
2. establishing a Special Hudson Yard District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue.

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-610.

N 210325 ZRM (L.U. No. 855)

City Planning Commission decision approving an application submitted by 495 11 Avenue Owner Realty LLC and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 for the purpose establishing a new Subdistrict G within the Special Hudson Yards District, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area.

C 210326 PCM (L.U. No. 856)

City Planning Commission decision approving an application submitted by New York Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38) for use as an NYPD vehicle storage facility.

INTENT

To approve the amendment to rezone from an M1-5 to a C6-4 zoning district and extend the Special Hudson Yards District (SHYD); amend zoning text modify Article IX, Chapter 3 of the Zoning Resolutions and to establish a new Subdistrict G within the Special Hudson Yards District (SHYD) and modify Appendix F to establish a Mandatory Inclusionary Housing (MIH) area; and approve the site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38) to develop an NYPD vehicle storage facility for 55 vehicles to facilitate the development of a 57-story mixed-use building with affordable and supportive housing, hotel, office, retail and an NYPD vehicle storage facility at 495 Eleventh Avenue in Clinton/Hell's Kitchen, Manhattan Community District 4.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: Seven

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 20, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 854 through 856.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against: Barron
Abstain: None.

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

Res. No. 1770

Resolution approving the decision of the City Planning Commission on ULURP No. C 210324 ZMM, a Zoning Map amendment (L.U. No. 854).

By Council Members Salamanca and Moya.

WHEREAS, 495 11 Avenue Owner Realty, LLC and NYC Economic Development Corporation, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 8d, changing from an M1-5 District to a C6-4 District and establishing a Special Hudson Yard District, which in conjunction with the related actions would facilitate the development of a 57-story mixed-use building with affordable and supportive housing, hotel, office, retail and an NYPD vehicle storage facility at 495 Eleventh Avenue in the Clinton/Hell's Kitchen neighborhood of Manhattan Community District 4 (ULURP No. C 210324 ZMM) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 17, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 210325 ZRM (L.U. No. 855), a zoning text amendment to modify Article IX, Chapter 3 of the Zoning Resolution (ZR) to establish a new Subdistrict G within the Special Hudson Yards District (SHYD) and modify Appendix F to establish a Mandatory Inclusionary Housing (MIH) area; and C 210326 PCM (L.U. No. 856), a site selection and acquisition to develop an NYPD vehicle storage facility for 55 vehicles;

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 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Positive Declaration issued October 1st, 2019, which supersedes the Positive Declaration issued March 23rd, 2018 (CEQR No. 18DME001M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was Issued on August 20, 2021 which identified significant adverse impacts with respect to shadows,

transportation (traffic and pedestrians), and construction (traffic and pedestrians); and significant adverse impacts related to hazardous materials and noise would be avoided through the placement of (E) designations (E-610) on the project site. The identified adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 18 “Mitigation” of the FEIS.

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) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210324 ZMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 8d:

1. changing from an M1-5 District to a C6-4 District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue; and
2. establishing a Special Hudson Yard District bounded by West 40th Street, Eleventh Avenue, West 39th Street, and a line 125 feet westerly of Eleventh Avenue;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-610, Borough of Manhattan, Community District 4.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 855

Report of the Committee on Land Use in favor of approving Application No. N 210325 ZRM (495 Eleventh Ave – Slaughterhouse) submitted by 495 11 Avenue Owner Realty LLC and the New York City Economic Development Corporation, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 for the purpose establishing a new Subdistrict G within the Special Hudson Yards District, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2451) 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. 854 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1771

Resolution approving the decision of the City Planning Commission on Application No. N 210325 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 855).

By Council Members Salamanca and Moya.

WHEREAS, 495 11 Avenue Owner Realty, LLC, and the New York City Economic Development Corporation, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Article IX, Chapter 3 for the purpose establishing a new Subdistrict G within the Special Hudson Yards District, and modifying APPENDIX F, for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the development of a 57-story mixed-use building with affordable and supportive housing, hotel, office, retail and other uses at 495 Eleventh Avenue in the Clinton/Hell’s Kitchen neighborhood of Manhattan, Community District 4 (ULURP No. C 210325 ZRM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 17, 2021, its decision dated September 1, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 210324 ZMM (L.U. No. 854), a zoning map amendment to rezone from an M1-5 to a C6-4 zoning district and extend the Special Hudson Yards District (SHYD); and C 210326 PCM (L.U. No. 856), a site selection and acquisition to develop an NYPD vehicle storage facility for 55 vehicles;

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 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Positive Declaration issued October 1st, 2019, which supersedes the Positive Declaration issued March 23rd, 2018 (CEQR No. 18DME001M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was Issued on August 20, 2021 which identified significant adverse impacts with respect to shadows, transportation (traffic and pedestrians), and construction (traffic and pedestrians); and significant adverse impacts related to hazardous materials and noise would be avoided through the placement of (E) designations (E-610) on the project site. The identified adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 18 “Mitigation” of the FEIS.

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) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent practicable.

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210325 ZRM, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

* * *

**ARTICLE IX
SPECIAL PURPOSE DISTRICTS**

**Chapter 3
Special Hudson Yards District (HY)**

* * *

**93-04
Subdistricts and Subareas**

In order to carry out the provisions of this Chapter, six subdistricts are established, as follows:

Large-Scale Plan Subdistrict A

Farley Corridor Subdistrict B

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

In each of these subdistricts, certain special regulations apply which do not apply within the remainder of the #Special Hudson Yards District#. Within certain subdistricts, subareas are established, as follows:

Within the Large-Scale Plan Subdistrict A:

Eastern Rail Yard Subarea A1

Four Corners Subarea A2

Subarea A3

Subarea A4

Subarea A5

Within Farley Corridor Subdistrict B:

Western Blocks Subarea B1

Central Blocks Subarea B2

Farley Post Office Subarea B3

Pennsylvania Station Subarea B4

Within Hell's Kitchen Subdistrict D:

Subarea D1

Subarea D2

Subarea D3

Subarea D4

Subarea D5

Within these subareas, certain special regulations apply which do not apply within the remainder of the

subdistrict.

The subdistricts and subareas are outlined on Map 1 (Special Hudson Yards District, Subdistricts and Subareas) in Appendix A of this Chapter. Additional requirements for specific subdistricts, or portions thereof, are outlined in Appendix B of this Chapter.

* * *

93-052

Applicability of Article I, Chapter 3

#Public parking lots# authorized prior to January 19, 2005, and #accessory# off-street parking facilities for which a special permit has been granted prior to January 19, 2005, may be renewed subject to the terms of such authorization or special permit.

The provisions of Article I, Chapter 3, in their entirety shall be applied to Subdistricts F and G.

The following provisions of Article I, Chapter 3, governing #automated parking facilities#, as defined in Section 13-02, automobile rental establishments, commercial vehicle parking, and off-street loading berths shall apply to Subdistricts A, B, C, D and E, as applicable:

- (a) for #automated parking facilities#, the provisions of Section 13-101 (Calculating parking spaces in automated parking facilities), paragraph (b) of Section 13-25 (Reservoir Spaces), and paragraph (b) of Section 13-27 (Minimum and Maximum Size of Parking Facilities);
- (b) for automobile rental establishments, the provisions of Section 13-15 (Permitted Parking for automobile Rental Establishments), paragraph (b) of Section 13-221 (Enclosure and screening requirements), Section 13-241 (Location of curb cuts), paragraph (b) of Section 13-242 (Maximum width of curb cuts), paragraph (c) of Section 13-25, and paragraph (c) of Section 13-27;
- (c) for commercial vehicle parking, the provisions of Section 13-16 (Permitted Parking for Car Sharing Vehicles and Commercial Vehicles); and (d) for off-street loading berths, the provisions of Section 13-30, inclusive.

Additional provisions of Article I, Chapter 3, shall be applicable as specified in Section 93-80, inclusive.

* * *

93-10

USE REGULATIONS

The #use# regulations of the underlying districts are modified as set forth in this Section, inclusive.

The only permitted change of #use# for the #High Line# shall be to provide publicly accessible open space in accordance with the provisions of Sections 93-71 (Public Access Areas in the Eastern Rail Yard Subarea A1) and 93-75 (Publicly Accessible Open Spaces in Subdistrict F).

* * *

93-13

Special Office Commercial Use Regulations

93-131

Certification for office use

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

* * *

93-132

Authorization for office use

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistricts F and G.

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections 23-154 (Inclusionary Housing), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

- (a) such #development# or #enlargement# will not require any significant additions to the supporting services of the neighborhood or that provisions for adequate supporting services have been made;
- (b) the #streets# providing access to the #development# or #enlargement# are adequate to handle the traffic generated thereby or provisions have been made to handle such traffic; and
- (c) such #development# or #enlargement# is consistent with the goals of the applicable special district.

93-133

Vehicle storage establishments

Within Subdistrict G, Use Group 16C commercial or public utility vehicle storage, open or enclosed, including #accessory# motor fuel pumps shall be permitted as-of-right. The #floor area# of a #building# shall not include floor space used for public utility vehicle storage provided in any #story# located not more than 56 feet above #curb level#.

* * *

93-14

Ground Floor Level Requirements

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

* * *

93-19

Physical Culture or Health Establishments

Within Subdistrict G, #physical culture or health establishments# shall be permitted as-of-right. For the purposes of applying the underlying regulations to such #use#, a #physical culture or health establishment# shall be considered a Use Group 9 #use#.

**93-20
FLOOR AREA REGULATIONS**

The #floor area# regulations of this Section, inclusive, shall apply to #zoning lots#.

* * *

**93-22
Floor Area Regulations in Subdistricts B, C, D, E, ~~and~~ F and G**

* * *

(b) Subdistrict F

In Subdistrict F, the #floor area ratio# provisions of Section 93-225 (Floor area regulations in Subdistrict F) shall apply.

(c) Subdistrict G

In Subdistrict G, the #floor area ratio# provisions of Section 93-226 (Floor area regulations in Subdistrict G) shall apply.

* * *

**93-226
Floor area regulations in Subdistrict G**

In Subdistrict G, the basic maximum permitted #floor area ratio# for #residential#, #community facility#, and #commercial# #uses# on a #zoning lot# shall be as follows:

- (a) the maximum #floor area ratio# for #residential uses# shall be 12.0, pursuant to Section 23-154 (Inclusionary Housing);
- (b) the maximum #floor area ratio# for #community facility uses# shall be 12.0;
- (c) the maximum #floor area ratio# for #commercial# #uses# shall be 12.0; and
- (d) the total maximum #floor area ratio# shall be 24.0.

* * *

**93-40
HEIGHT AND SETBACK REGULATIONS**

In the #Special Hudson Yards District#, height and setback regulations shall be as set forth in this Section, inclusive.

**93-41
Rooftop Regulations**

- (a) Subdistricts A, B, C, D, ~~E~~ and G

The provisions of Section 33-42 (Permitted Obstructions) shall apply to all #buildings# within Subdistricts A through E and G, except that dormers may penetrate a maximum base height in accordance with the provisions of paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

- (b) Subdistrict F

In Subdistrict F, the provisions of paragraph (f) of Section 33-42 shall apply, except that for towers above a height of 350 feet, rooftop mechanical structures shall comply with the tower top articulation provisions set forth in Section 93-569.

**93-42
Height and Setback in Subdistricts A, B, C, D, E, ~~F~~ and G**

In Subareas D4 and D5 of the Hell’s Kitchen Subdistrict D, the underlying height and setback regulations shall apply as set forth in Section 93-542, as modified by Section 93-41 (Rooftop Regulations).

In Subdistricts A, B and C, Subareas D1, D2 and D3 of the Hell’s Kitchen Subdistrict D, and Subdistrict E, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and paragraphs (a) through (d) of this Section shall apply. These regulations are further modified in certain locations as set forth in Section 93-50 (SPECIAL HEIGHT, ~~AND SETBACK~~ AND YARD REGULATIONS). The height of all #buildings or other structures# shall be measured from #curb level#.

In Subdistrict F, the underlying height and setback regulations shall not apply. In lieu thereof, the provisions of Section 93-41 and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the underlying height and setback regulations and paragraphs (b) through (d) of this Section shall not apply. In lieu thereof, Section 93-57 (Special Height and Setback Regulations in Subdistrict G) shall apply.

* * *

**93-50
SPECIAL HEIGHT, ~~AND SETBACK~~ AND YARD REGULATIONS**

In Subdistricts A, B and C, and Subareas D1, D2 and D3 of the Hell’s Kitchen Subdistrict D, and Subdistrict E, the height and setback regulations set forth in paragraphs (a) through (d) of Section 93-42 (Height and Setback in Subdistricts A, B, C, D, E, ~~and F~~ and G) shall apply, except that such regulations are modified in certain locations as set forth in this Section. Such modifications include the establishment of #street wall# location regulations, and minimum and maximum base heights, as shown on Map 3 (Mandatory Street Wall Requirements) of Appendix A of this Chapter. Such modifications also include depths of required setbacks, maximum length of #building# walls for towers, and tower #lot coverage#. Special provisions for recesses and sidewalk widenings are as follows:

* * *

In Subdistrict F, the provisions of Section 93-41 (Rooftop Regulations) and Section 93-56 (Special Height and Setback Regulations in Subdistrict F) shall apply.

In Subdistrict G, the provisions of Sections 93-57 (Special Height and Setback Regulations in Subdistrict G) and 93-58 (Special Permit for Modification of Height and Setback Regulations) shall apply.

* * *

93-57

Special Height and Setback Regulations in Subdistrict G

(a) Required setbacks

The required minimum setback for portions of #buildings or other structures# that exceed the maximum base height specified in paragraph (a) of Section 93-42 shall be 10 feet from a #wide street# and 15 feet from a #narrow street#. However, the required minimum setback along West 39th Street shall be five feet.

(b) Tower #lot coverage#

The portion of any #building# or #buildings# located above a height of 150 feet shall be considered a “tower.”

- (1) Towers shall occupy a minimum of 20 percent of the #lot area# of the #zoning lot#, except that this requirement shall not apply to the highest 40 feet of such tower or towers.
- (2) Towers containing #residences# shall occupy a maximum of 40 percent of the #lot area#.
- (3) The aggregate #lot area# of all towers, including #residential# and non-#residential# towers, shall not exceed 65 percent of the #lot area#.

93-578

Special Permit for Modification of Height and Setback Regulations

Within the #Special Hudson Yards District#, except within C1-7A Districts or C2-5 Districts mapped within R8A Districts, for #developments# or #enlargements# on #zoning lots# with at least 20,000 square feet of #lot area# or #developments# or #enlargements# on any size #zoning lot# that occupy the entire #block# front along a #wide street#, the City Planning Commission may modify the regulations set forth in Sections 93-40 (HEIGHT AND SETBACK REGULATIONS), inclusive, and 93-50 (SPECIAL HEIGHT, SETBACK AND YARD REGULATIONS), inclusive, provided the Commission finds that:

- (a) such modifications will result in a better distribution of #bulk# on the #zoning lot# and will not adversely affect access to light and air for surrounding public access areas, #streets# and properties;
- (b) where the #development# or #enlargement# is subject to the requirements of Sections 93-60 (MANDATORY IMPROVEMENTS), inclusive, or 93-70 (PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES), inclusive, such modifications will not impair the quality of such public access areas on the #zoning lot#;
- (c) such modifications are consistent with the goal of the special district to provide flexibility of architectural design and encourage more attractive building forms; and
- (d) such modifications will result in a #development# or #enlargement# that enhances the streetscape and will be compatible with development in the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects of the #development# or #enlargement# on the character of the surrounding area.

93-59
Special Yard Regulations in Subdistrict G

No rear yard equivalent shall be required in Subdistrict G.

93-60
MANDATORY IMPROVEMENTS

* * *

93-63
Pedestrian Circulation Space

In C2-8 and C6-4 Districts, except within Subdistrict G, all #developments# or #enlargements# on #zoning lots# of 5,000 square feet or larger with more than 70,000 square feet of new #floor area# shall provide pedestrian circulation space in accordance with the provisions of Section 37-50. In addition, for #developments# or #enlargements# that provide subway entranceways constructed after December 21, 2005, one and one-half times the area of such entranceway accessible to the public at #street# level may qualify as pedestrian circulation space, up to a maximum amount of 3,000 square feet.

* * *

93-80
OFF-STREET PARKING REGULATIONS

In Subdistricts A, B, C, D and E, the regulations governing permitted #accessory# off-street parking spaces of Article I, Chapter 3 (Comprehensive Off-street Parking and Loading Regulations in the Manhattan Core), and Article II, Chapter 5; Article III, Chapter 6; and Article IV, Chapter 4 (Accessory Off-street Parking and Loading Regulations) shall not apply, except as set forth in this Section. In lieu thereof, the provisions of this Section, inclusive, shall apply.

In Subdistricts F and G, the regulations of Article I, Chapter 3, shall apply.

* * *

APPENDIX A
Special Hudson Yards District

Map 1 – Special Hudson Yards District, Subdistricts and Subareas

[EXISTING MAP]



- Special Hudson Yards District
- Subdistricts
- - - Subareas within subdistricts
- Phase 1 Hudson Boulevard and Park
- ▨ Phase 2 Hudson Boulevard and Park

Large-Scale Plan Subdistrict A

- Eastern Rail Yard Subarea A1
- Four Corners Subarea A2
- Subareas A3 through A5

Farley Corridor Subdistrict B

- Western Blocks Subarea B1
- Central Blocks Subarea B2
- Farley Post Office Subarea B3
- Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

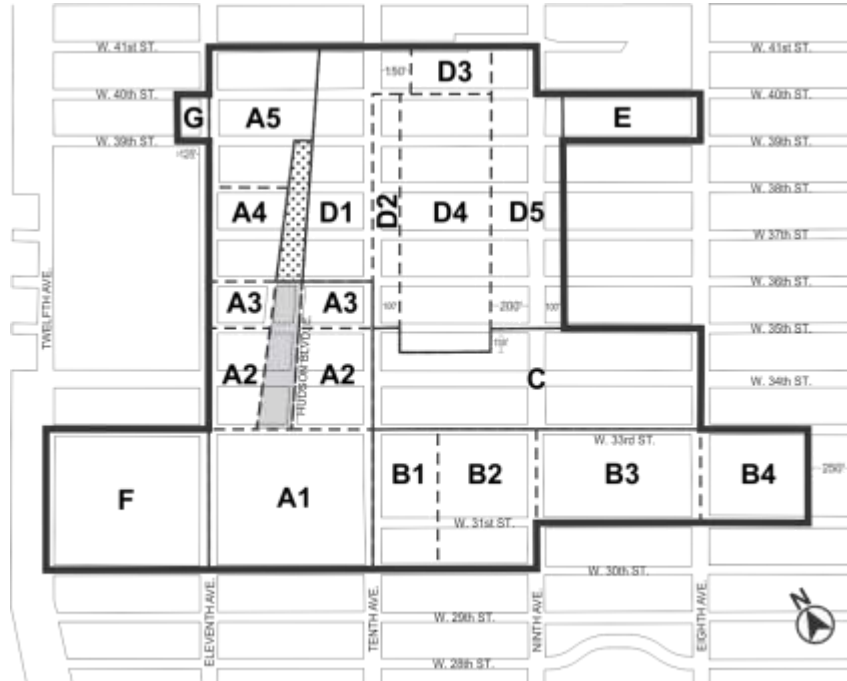
Hell's Kitchen Subdistrict D

- Subareas D1 through D5

South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

[PROPOSED MAP]



- Special Hudson Yards District
- Subdistricts
- - - Subareas within subdistricts
- Phase 1 Hudson Boulevard and Park
- ▨ Phase 2 Hudson Boulevard and Park

Large-Scale Plan Subdistrict A

- Eastern Rail Yard Subarea A1
- Four Corners Subarea A2
- Subareas A3 through A5

Farley Corridor Subdistrict B

- Western Blocks Subarea B1
- Central Blocks Subarea B2
- Farley Post Office Subarea B3
- Pennsylvania Station Subarea B4

34th Street Corridor Subdistrict C

Hell's Kitchen Subdistrict D

- Subareas D1 through D5

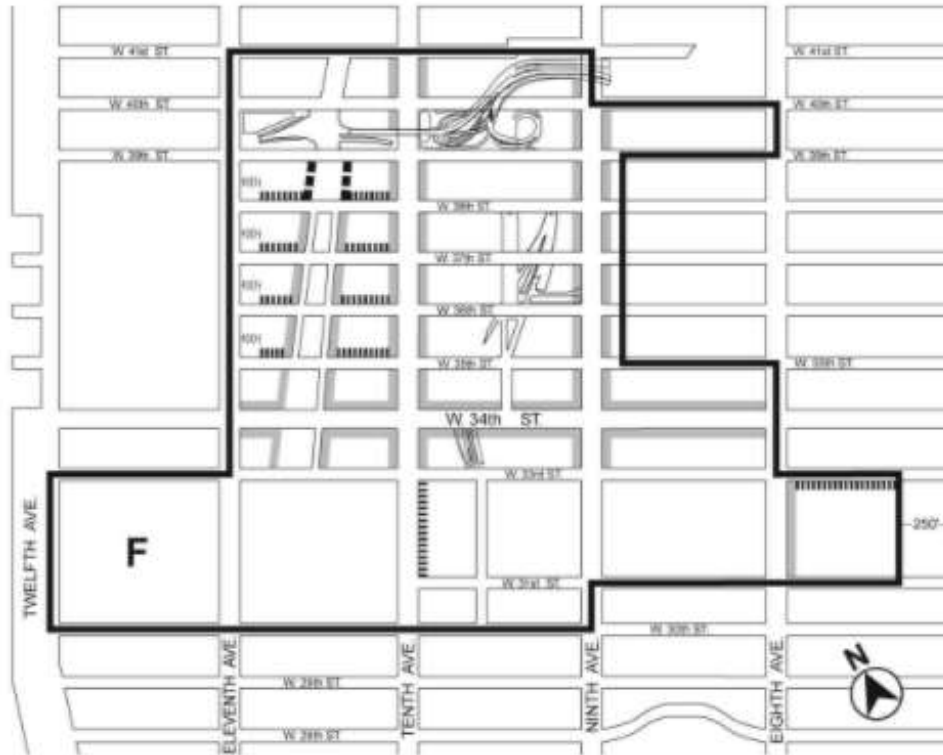
South of Port Authority Subdistrict E

Western Rail Yard Subdistrict F

Eleventh Avenue Subdistrict G

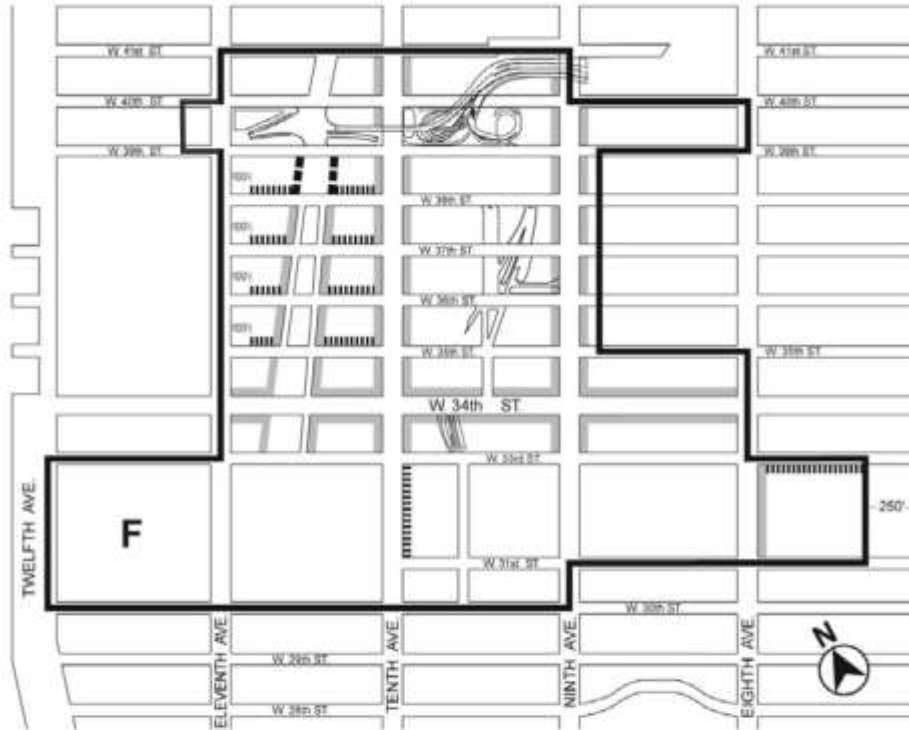
Map 2 – Mandatory Ground Floor Retail

[EXISTING MAP]



- Special Hudson Yards District
- - -** 100% Retail and Glazing Requirement
-** 50% Retail and Glazing Requirement
-** Glazing Requirement Only
- F** Subdistrict F (See Map 9 for Mandatory Ground Floor requirements)

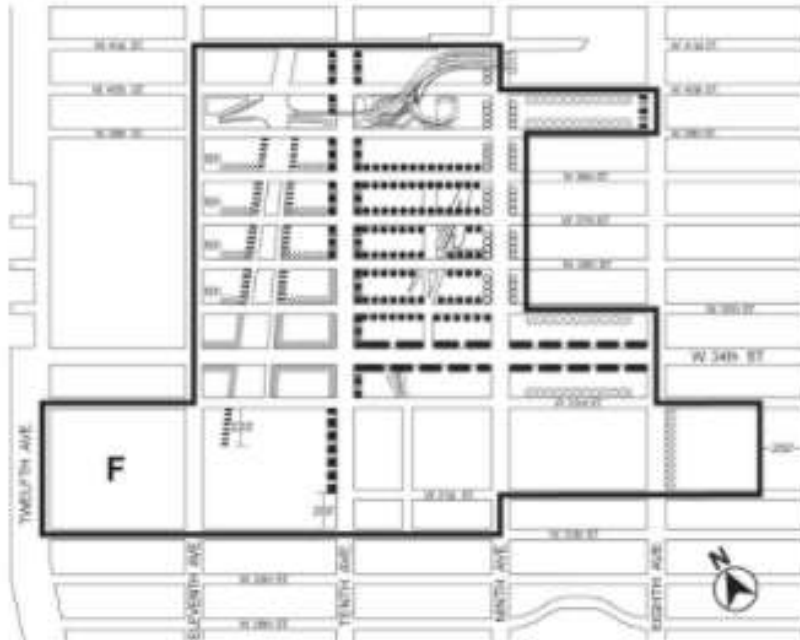
[PROPOSED MAP]



- *Special Hudson Yards District*
- 100% Retail and Glazing Requirement
- - - 50% Retail and Glazing Requirement
- Glazing Requirement Only
- F** Subdistrict F (See Map 9 for Mandatory Ground Floor requirements)

Map 3 – Mandatory Street Wall Requirements

[EXISTING MAP]



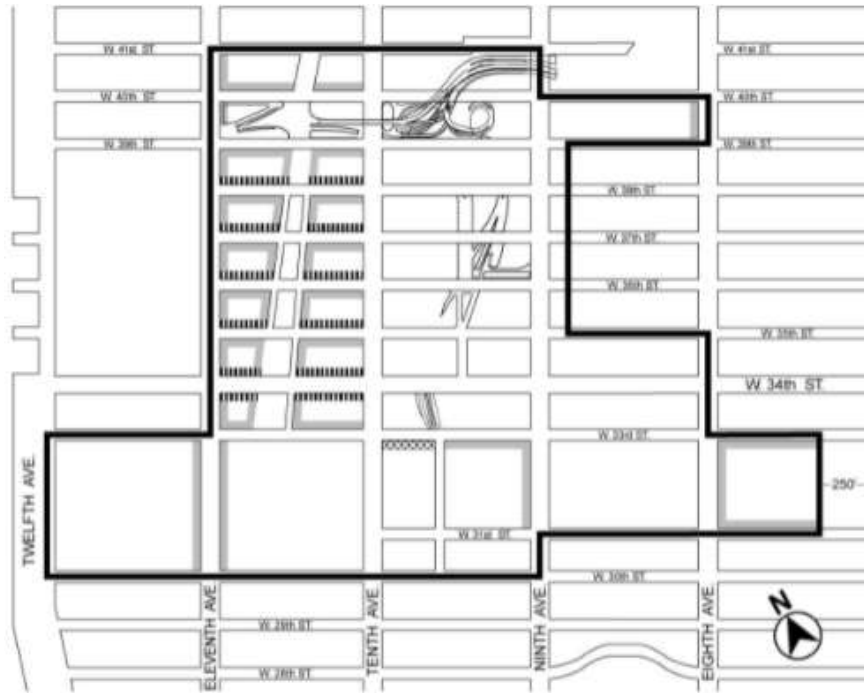
Special Hudson Yards District

	Minimum Base Height	Maximum Base Height	Percentage of zoning lot street frontage that must be occupied by a street wall
.....	60'	85'	100%
.....	60'	85'	None
.....	60'	120'	50%
.....	80'	90'	100%
.....	90'	120'	70%
.....	60'	150'	70%
.....	90'	120'	100%
.....	90'	150'	100%
.....	90'	150'	70%
.....	90'	150'	35%
.....	120'	150'	100%

F Subdistrict F (See Map 10 for Street Wall requirements)

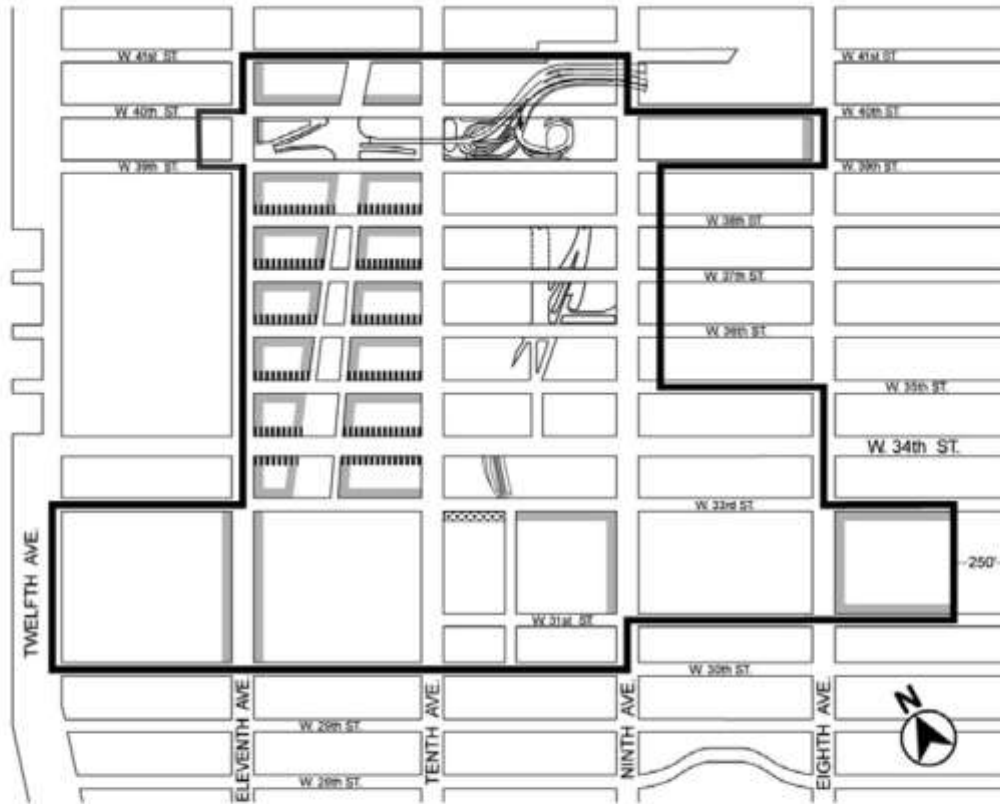
Map 4 – Mandatory Sidewalk Widening

[EXISTING MAP]



- *Special Hudson Yards District*
- 10' Sidewalk widening
- 5' Sidewalk widening
- ▣ 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished

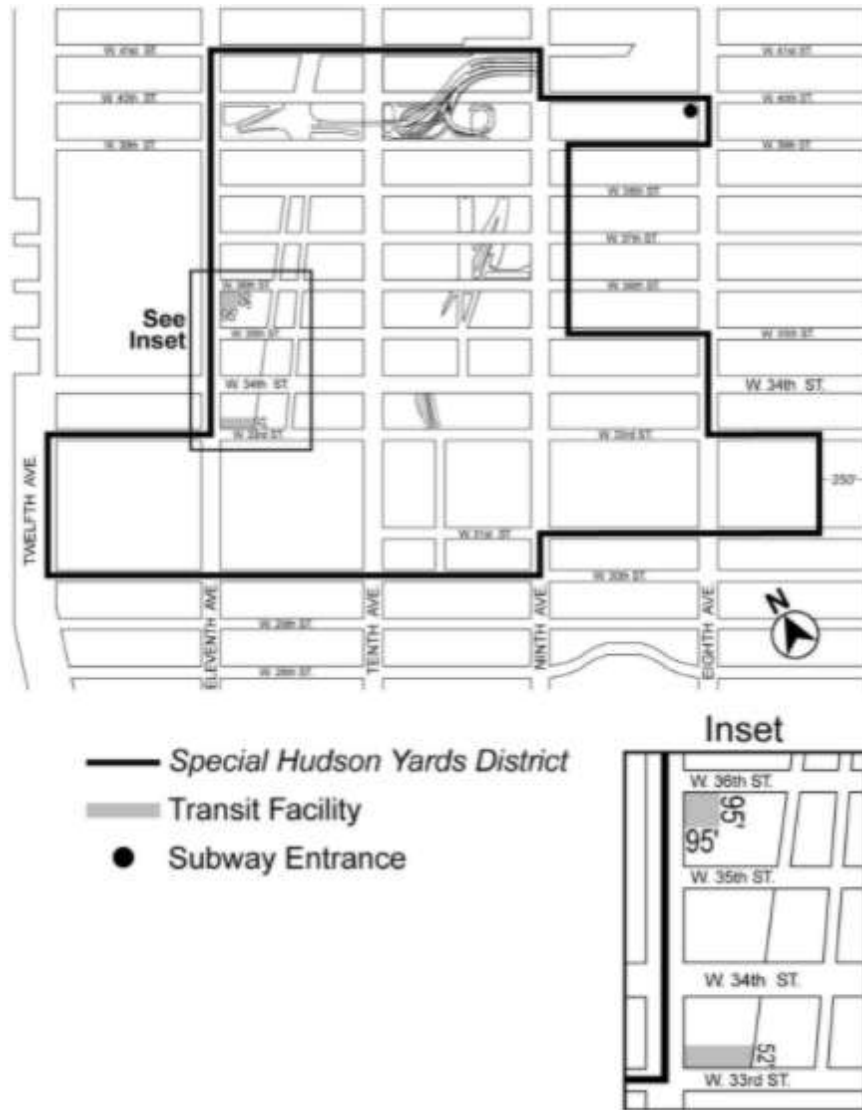
[PROPOSED MAP]



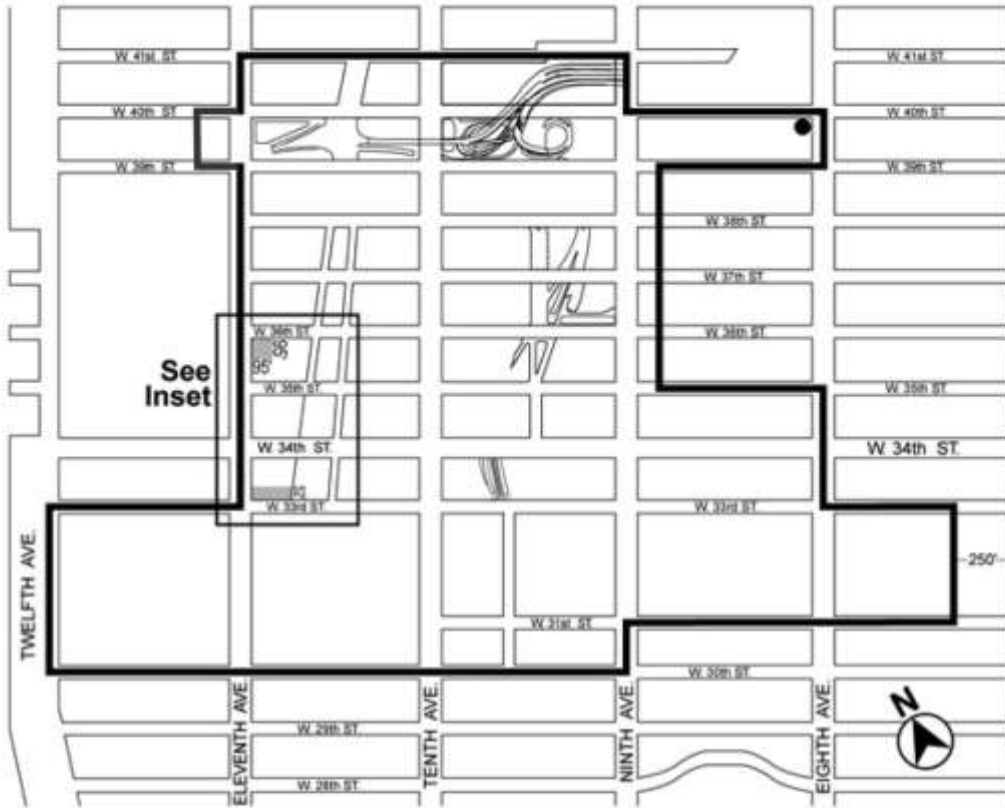
- *Special Hudson Yards District*
- |||||** 10' Sidewalk widening
- 5' Sidewalk widening
- ▨** 5' Sidewalk widening required if more than 75% of the total floor area existing on the zoning lot on January 19, 2005 is demolished




Map 5 – Transit Facilities

[EXISTING MAP]

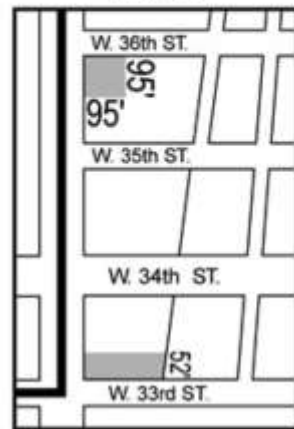


[PROPOSED MAP]



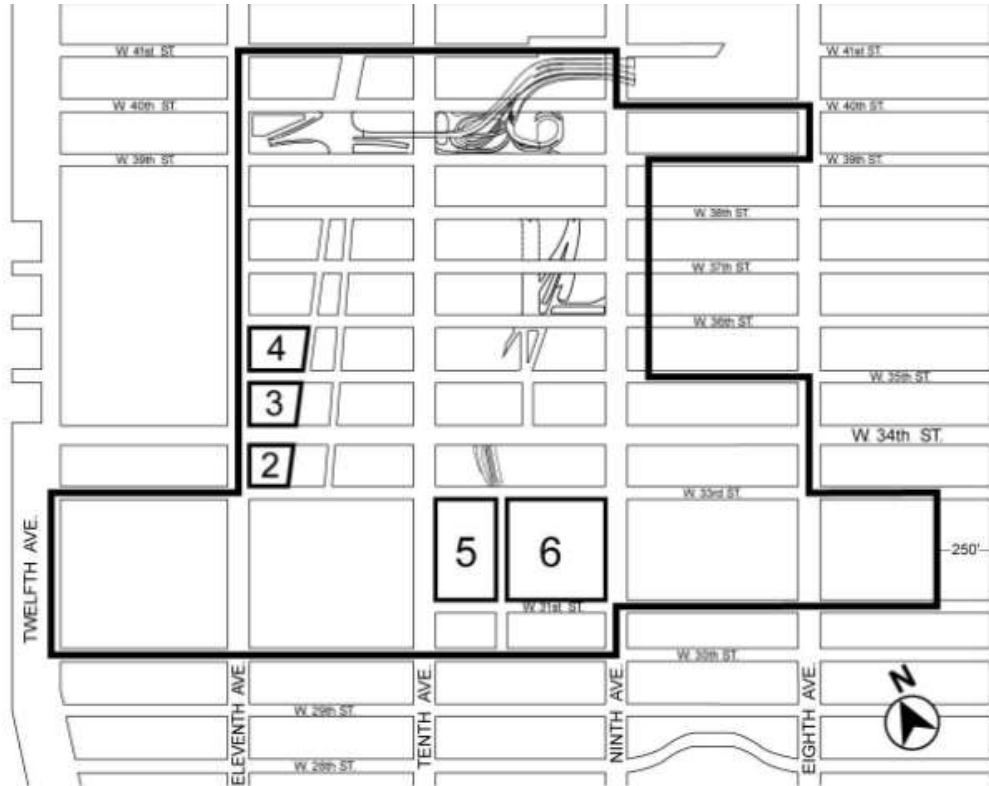
-  *Special Hudson Yards District*
-  Transit Facility
-  Subway Entrance

Inset



Map 6 – Sites Where Special Parking Regulations Apply

[EXISTING MAP]



- Special Hudson Yards District
- Sites with Special Parking Regulations

[PROPOSED MAP]



APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

MANHATTAN

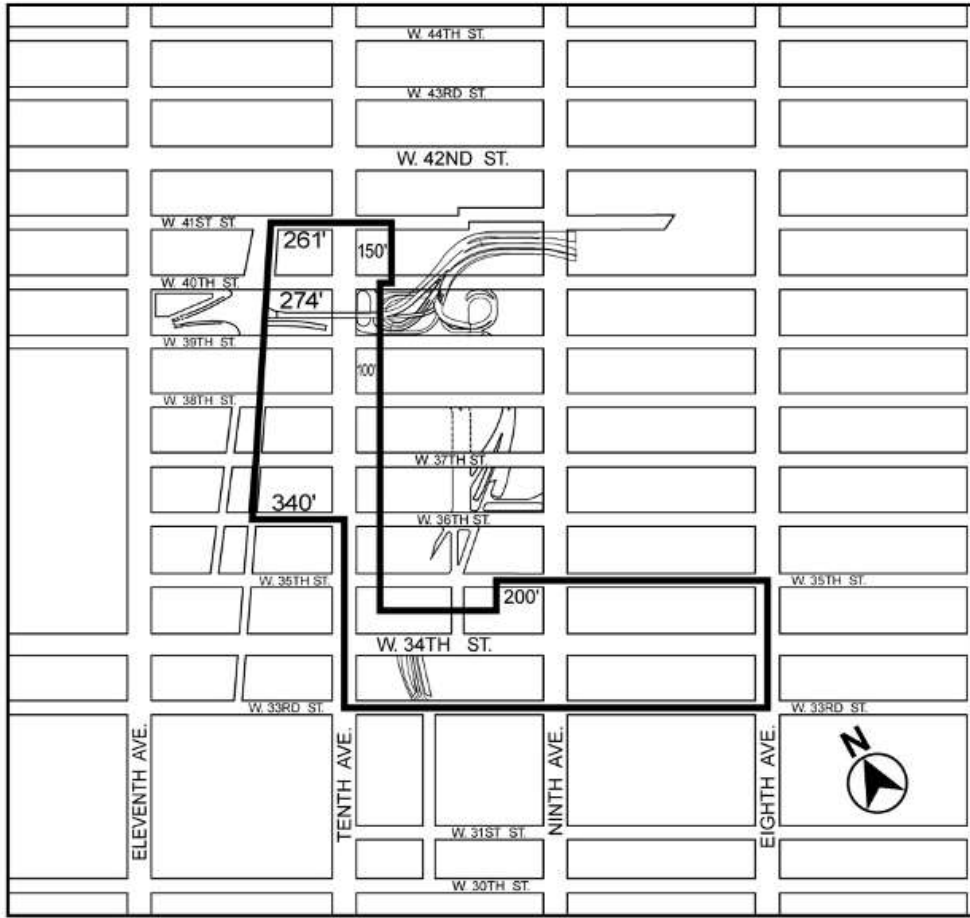
* * *

Manhattan Community District 4

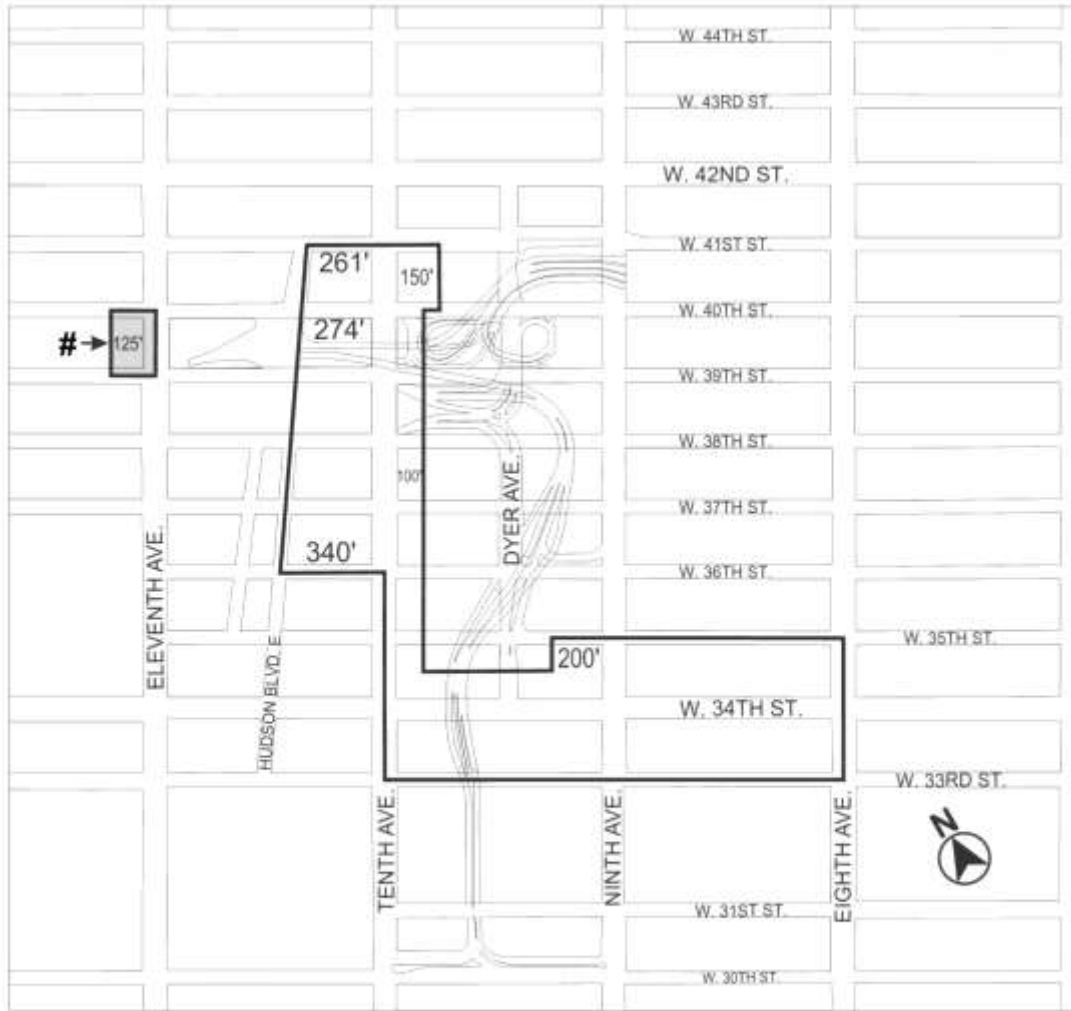
* * *



Map 4 – (12/21/09) [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



-  Inclusionary Housing designated area
-  Mandatory Inclusionary Housing Area (see Section 23-154(d)(3))
- Area # — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 4, Manhattan

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 856

Report of the Committee on Land Use in favor of approving Application No. C 210326 PCM (495 Eleventh Ave – Slaughterhouse) submitted by New York City Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for a site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38) for use as an NYPD vehicle storage facility, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2452) 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. 854 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1772

Resolution approving the decision of the City Planning Commission on ULURP No. C 210326 PCM (L.U. No. 856), a site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38), Borough of Manhattan, for use as an NYPD vehicle storage facility.

By Council Members Salamanca and Moya.

WHEREAS, New York Police Department (NYPD) and the Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located at 495 Eleventh Avenue (Block 685, Lot 38), for use as an NYPD vehicle storage facility, which in conjunction with the related actions would facilitate the development of a 57-story mixed-use building with affordable and supportive housing, hotel, office, retail and an NYPD vehicle storage facility at 495 Eleventh Avenue in Clinton/Hell’s Kitchen, Manhattan Community District 4 1 (ULURP No. C 210326 PCM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 17, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210324 ZMM (L.U. No. 854), a zoning map amendment to rezone from an M1-5 to a C6-4 zoning district and extend the Special Hudson Yards District (SHYD); and N 210325 ZRM (L.U. No. 855), a zoning text amendment to modify Article IX, Chapter 3 of the Zoning Resolution (ZR) to establish a new Subdistrict G within the Special Hudson Yards District (SHYD) and modify Appendix F to establish a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Positive Declaration issued October 1st, 2019, which supersedes the Positive Declaration issued March 23rd, 2018 (CEQR No. 18DME001M) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was Issued on August 20, 2021 which identified significant adverse impacts with respect to shadows, transportation (traffic and pedestrians), and construction (traffic and pedestrians); and significant adverse impacts related to hazardous materials and noise would be avoided through the placement of (E) designations (E-610) on the project site. The identified adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 18 “Mitigation” of the FEIS.

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) Consistent with social, economic, and other essential considerations, from among the reasonable alternatives thereto, adopted herein is one which minimizes or avoids environmental impacts to the maximum extent practicable;
- (3) The adverse environmental impacts disclosed in the FEIS will be minimized or avoided to the greatest extent practicable.

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

Pursuant to Section 197-d 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 210326 PCM, incorporated by reference herein, and the record before the Council, the Council approves the Decision for the site selection and acquisition of the Site for use as an NYPD vehicle storage facility.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 857

Report of the Committee on Land Use in favor of approving Application No. C 210361 ZMR (252 Victory Boulevard) submitted by Victory Boulevard Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map Section No. 21c changing from an R3-2 District to an R6B District, changing from an R3X District to an R6B District, establishing within an existing R3-2 District a C1-3 District, and establishing within the proposed R6B District a C1-3 District, Borough of Staten Island, Community District 1, Council District 49.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2452) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

STATEN ISLAND CB-1 - TWO APPLICATIONS RELATED TO 252 VICTORY BOULEVARD

C 210361 ZMR (L.U. No. 857)

City Planning Commission decision approving an application submitted by Victory Boulevard Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 21c:

1. changing from an R3-2 District to an R6B District property bounded by the northwesterly centerline prolongation of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;
2. changing from an R3X District to an R6B District property bounded by the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly centerline prolongation of Bayview Place, and a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation;
3. establishing within an existing R3-2 District a C1-3 District bounded by the northwesterly centerline prolongation of Bayview Place, a line midway between Victory Boulevard and Rosewood Place, a line 400 feet northeasterly of Cebra Avenue, and Victory Boulevard; and
4. establishing within the proposed R6B District a C1-3 District bounded by northwesterly centerline prolongation of Avon Place, a line 75 feet southeasterly of Victory Boulevard, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-615.

N 210362 ZRR (L.U. No. 858)

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

INTENT

To approve the amendment to change an R3-2 and R3X districts to a R6B district and to extend an existing C1-3 commercial overlay and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2 to facilitate the construction of a five-story, 63,629-square-foot mixed-use building with 46 dwelling units, 12 of which would be permanently affordable, along with community facility and commercial uses located at 252 Victory Boulevard in the Tompkinsville neighborhood of Staten Island Community District 1.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 12, 2021

The Subcommittee recommends that the Land Use Committee approve with the decisions of the City Planning Commission on L.U. Nos. 857 and 858.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

Barron

Abstain:

None.

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

Res. No. 1773

Resolution approving the decision of the City Planning Commission on ULURP No. C 210361 ZMR, a Zoning Map amendment (L.U. No. 857).

By Council Members Salamanca and Moya.

WHEREAS, Victory Boulevard Realty, 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. 21c, changing from an R3-2 District to an R6B District, changing from an R3X District to an R6B District, establishing within an existing R3-2 District a C1-3 District, and establishing within the proposed R6B District a C1-3 District, which in conjunction with the related action would facilitate the construction of a five-story, 63,629-square-foot mixed-use building with 46 dwelling units, 12 of which would be permanently affordable, along with community facility and commercial uses located at 252 Victory Boulevard in the Tompkinsville neighborhood of Staten Island Community District 13 (ULURP No. C 210361 ZMR) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 10, 2021 its decision dated September 1, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210362 ZRR (L.U. No. 858), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2;

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 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued August 30th, 2021, which supersedes the Negative Declaration issued May 3rd, 2021 (CEQR No. 21DCP153R) and Revised Environmental Assessment Statement issued August 27th, 2021 concluded that the revised analysis would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-615) (the "Revised Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-615) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210361 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. 21c:

1. changing from an R3-2 District to an R6B District property bounded by the northwesterly centerline prolongation of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;
2. changing from an R3X District to an R6B District property bounded by the northwesterly prolongation of a line 100 feet southwesterly of Avon Place, the northeasterly prolongation of the northwesterly streetline of Rosewood Place, the northwesterly centerline prolongation of Bayview Place, and a line midway between Victory Boulevard and Rosewood Place and its northeasterly prolongation;
3. establishing within an existing R3-2 District a C1-3 District bounded by the northwesterly centerline prolongation of Bayview Place, a line midway between Victory Boulevard and Rosewood Place, a line 400 feet northeasterly of Cebra Avenue, and Victory Boulevard; and
4. establishing within the proposed R6B District a C1-3 District bounded by northwesterly centerline prolongation of Avon Place, a line 75 feet southeasterly of Victory Boulevard, the northwesterly centerline prolongation of Bayview Place, and Victory Boulevard;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-615 Borough of Staten Island, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 858

Report of the Committee on Land Use in favor of approving Application No. N 210362 ZRR (252 Victory Boulevard) submitted by Victory Boulevard Realty, LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Staten Island, Community District 1, Council District 49.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2452) 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. 857 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1774

Resolution approving the decision of the City Planning Commission on Application No. N 210362 ZRR, for an amendment of the text of the Zoning Resolution (L.U. No. 858).

By Council Members Salamanca and Moya.

WHEREAS, Victory Boulevard Realty, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a five-story, 63,629-square-foot mixed-use building with 46 dwelling units, 12 of which would be permanently affordable, along with community facility and commercial uses located at 252 Victory Boulevard in the Tompkinsville neighborhood of Staten Island Community District 1 3 (ULURP No. N 210362 ZRR) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 10, 2021, its decision dated September 1, 2021 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 210361 ZMR (L.U. No. 857), a zoning map amendment to change R3-2 and R3X districts to a R6B district and to extend an existing C1-3 commercial overlay;

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 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued August 30th, 2021, which supersedes the Negative Declaration issued May 3rd, 2021 (CEQR No. 21DCP153R) and Revised Environmental Assessment Statement issued August 27th, 2021 concluded that the revised analysis would not result in any new or different significant adverse environmental impacts not already identified in the previous Negative Declaration which include an (E) designation to avoid the potential for significant adverse impacts related to air quality and noise (E-615) (the “Revised Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-615) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210362 ZRR, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter in underline is new, to be added;

Matter in ~~struckout~~ is to be deleted;

Matter with # # 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

* * *

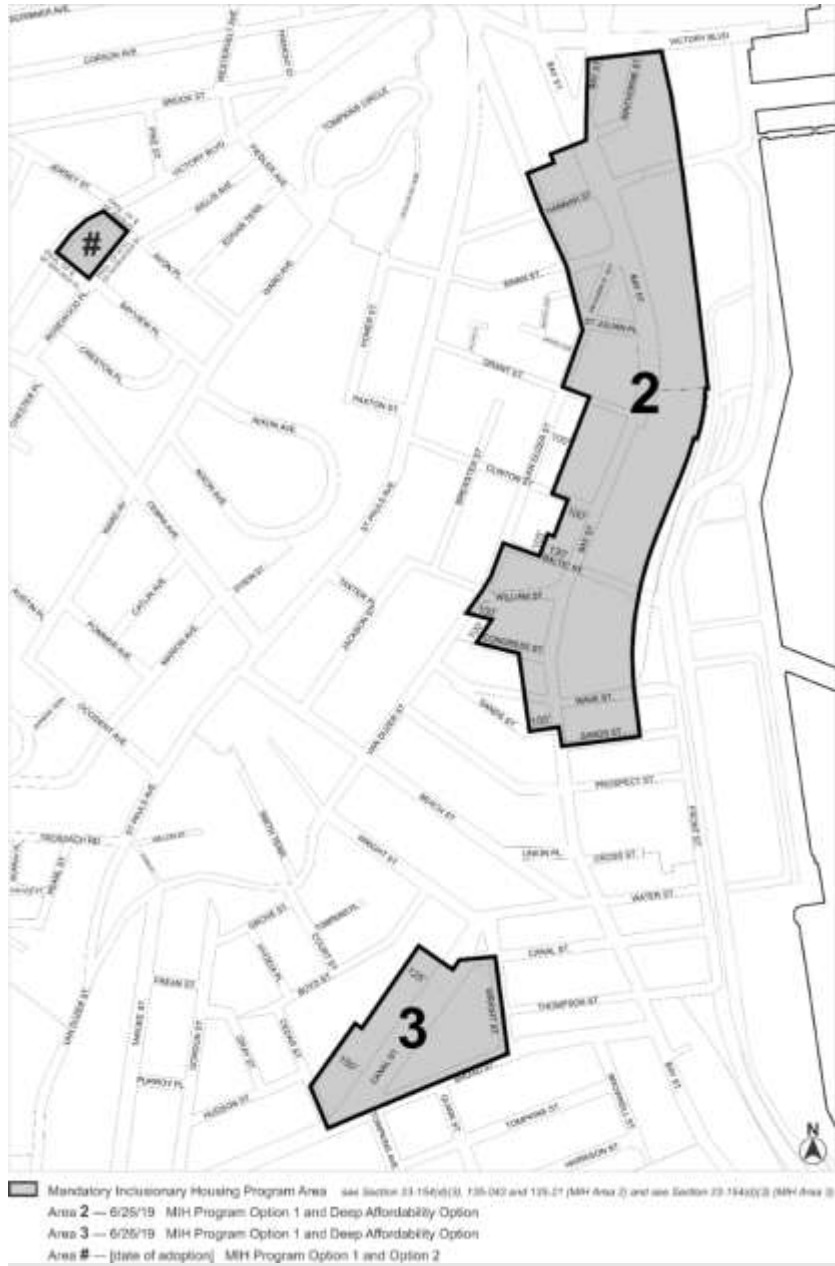
STATEN ISLAND

Staten Island Community District 1

* * *

Map 2 – [date of adoption]

[PROPOSED MAP]



Portion of Community District 1, Staten Island

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 859

Report of the Committee on Land Use in favor of approving Application No. C 20210151 ZMK (270 Nostrand Avenue) submitted by BRP East Brooklyn Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a changing from an R7A District to an R8A District and establishing within the proposed R8A District a C2-4 District, for property located in the Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2452), respectfully

REPORTS:**SUBJECT****BROOKLYN CB-3 - TWO APPLICATIONS RELATED TO 270 NOSTRAND AVENUE
REZONING****C 210151 ZMK (L.U. No. 859)**

City Planning Commission decision approving with modifications an application submitted by BRP East Brooklyn Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17a:

1. changing from an existing R7A District to an R8A District property bounded by a line midway between DeKalb Avenue and Kosciusko Street, a line 100 feet westerly of Nostrand Avenue, Kosciusko Street, and a line 240 feet westerly of Nostrand Avenue; and
2. establishing within a proposed R8A District a C2-4 District bounded by DeKalb Avenue, Nostrand Avenue, Kosciuszko Street, a line 100 feet westerly of Nostrand Avenue, a line midway between DeKalb Avenue and Kosciuszko Street, and a line 240 feet westerly of Nostrand Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-606.

N 210152 ZRK (L.U. No. 860)

City Planning Commission decision approving an application submitted by BRP East Brooklyn 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

The application requested a zoning map amendment to change an R7A district to an R8A district and establish a C2-4 overlay; and amendment of the zoning text to designate a Mandatory Inclusionary Housing (MIH) area to facilitate the development of a new 14-story mixed-use building with approximately 487 dwelling units, 144 of which would be permanently affordable, along with ground floor commercial and community

facility uses at 270 Nostrand Avenue (Block 1788, Lots 55 and p/o 49) in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3. The City Planning Commission modified the application as shown on a diagram (for illustrative purposes only) dated September 1, 2021.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: Three

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 859 and 860.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

Barron

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 860

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 20210152 ZRK (270 Nostrand Avenue) submitted by BRP East Brooklyn 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, for property located in the Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 859 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 861

Report of the Committee on Land Use in favor of approving Application No. C 20200296 ZMK (1776 48th Street Rezoning) submitted by Mr. Yitzchok Stern pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c changing from an R5 District to an R6B District and establishing within the proposed R6B District a C2-4 District, for property located in the Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453), respectfully

REPORTS:**SUBJECT**

**BROOKLYN CB-12 - TWO APPLICATIONS RELATED TO 1776 48th STREET
REZONING**

C 200296 ZMK (L.U. No. 861)

City Planning Commission decision approving an application submitted by Mr. Yitzchok Stern, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c:

1. changing from an R5 District to an R6B District property bounded by 48th Street, 18th Avenue, 49th Street and a line 100 northwesterly of 18th Avenue; and
2. establishing within the proposed R6B District a C2-4 District bounded by 48th Street, 18th Avenue, 49th Street and a line 35 feet northwesterly of 18th Avenue;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-609.

N 200297 ZRK (L.U. No. 862)

City Planning Commission decision approving an application submitted by Mr. Yitzchok Stern, pursuant to Section 201 of the New York City Charter modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve an amendment to rezone the Project Area from an R5 District to an R6B District and establish within the proposed R6B District a C2-4 District and amend zoning text to establish the Project Area as a Mandatory Inclusionary Housing (“MIH”) area to facilitate a new three-story, mixed-use, building with residential and commercial uses at 1776 48th Street located in the Borough Park neighborhood of Brooklyn, Community District 12.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 20, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. No. 861 and L.U. No. 862.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

Barron

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 862

Report of the Committee on Land Use in favor of approving Application No. N 20200297 ZRK (1776 48th Street Rezoning) submitted by Mr. Yitzchok Stern, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 861 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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. 863

Report of the Committee on Land Use in favor of approving Application No. C 20190260 ZMQ (48-18 Van Dam Teamsters Rezoning) submitted by 48-18 Van Dam Property Holdings, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from an M2-1 District to an M1-5 District property bounded by 48th Avenue, Van Dam Street, Hunters Point Avenue, and 31st Place, Borough of Queens, Community District 2, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 2

C 190260 ZMQ

City Planning Commission decision approving an application submitted by 48-18 Property Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b changing from an M2-1 District to an M1-5 District property bounded by 48th Avenue, Van Dam Street, Hunters Point Avenue, and 31st Place; as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-608.

INTENT

To grant approval to rezone the Project Area to change an M2-1 zoning district to an M1-5 zoning district to facilitate the enlargement of an existing two-story loft building with an additional four stories of office space. The resulting six story building would serve as the headquarters for Teamsters Local Union 813 and will include office, training, and archival space. The property is located at 48-18 Van Dam Street ((Block 284, Lots 1, 6, and 14) (the "Development Site") in the Long Island City neighborhood of Queens, Community District 2.

PUBLIC HEARING

DATE: September 24, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 12, 2021

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

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1775

Resolution approving the decision of the City Planning Commission on ULURP No. C 190260 ZMQ, a Zoning Map amendment (L.U. No. 863).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, 48-18 Property Holdings, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, changing from an M2-1 District to an M1-5 District, property in the Long Island City neighborhood of Queens, Community District 2 (ULURP No. C 190260 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 10, 2021, its decision dated August 18, 2021 (the "Decision") on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 24, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration (CND) issued August 18, 2021, (CEQR No. 20DCP096Q). As described in the CND, the

applicant will enter into a Restrictive Declaration to ensure implementation of measures relating to transportation and open space. Additionally, the CND includes an (E) designation to avoid the potential for significant adverse impacts related to noise, air quality, and hazardous materials (the “E” Designation (E-608));

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-608) and Conditional 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 190260 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9b to change from an M2-1 District to an M1-5 District property bounded by 48th Avenue, Van Dam Street, Hunters Point Avenue, and 31st Place; as shown on a diagram (for illustrative purposes only) dated April 5, 2021, and subject to the conditions of CEQR Declaration E-608, Community District 2, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, INEZ D. BARRON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 875

Report of the Committee on Land Use in favor of approving Application No. C 210278 ZMK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c changing from an existing C6-1 District to an C6-4 District and changing from an existing C6-1 District to an C6-6 District, for property located in the Borough of Brooklyn, Community District 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2458) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

**BROOKLYN CB-2 - FOUR APPLICATIONS RELATED TO 130 ST. FELIX STREET
C 210278 ZMK (L.U. No. 875)**

City Planning Commission decision approving an application submitted by 130 St. Felix Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c:

1. changing from an existing C6-1 District to an C6-4 District property bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, Hanson Place, a line midway between Ashland Place and St. Felix Street, a line 100 feet northerly of Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street; and
2. changing from an existing C6-1 District to an C6-6 District property bounded by a line 100 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, and Ashland Place;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-616.

N 210279 ZRK (L.U. No. 876)

City Planning Commission decision approving an application submitted by 130 St. Felix Street, 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 provisions of Article X, Chapter 1 (Special Downtown Brooklyn District) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 210280 ZSK (L.U. No. 877)

City Planning Commission decision approving an application submitted by 130 St. Felix Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District.

C 210281 ZSK (L.U. No. 878)

City Planning Commission decision approving an application submitted by 130 St. Felix Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify the tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 23-532 (Required rear yard equivalents), to modify the inner court dimension requirements of Section 23-851 (Minimum dimensions of inner courts), in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District.

INTENT

To approve the amendment to change a portion of a C6-1 to C6-4 and C6-6, within the Special Downtown Brooklyn District (SDBD); amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area Option 1-Workforce Option, change the residential floor area allowed within a C6-6/SDBD zoning district

where MIH is mapped, and to make an existing special permit applicable within C6-4/SDBD and C6-6/SDBD zoning districts; grant an approval to waive required residential parking to facilitate affordable housing; and grant an approval to modify bulk regulations to facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2.

PUBLIC HEARING

DATE: October 5, 2021

Witnesses in Favor: Thirty-four

Witnesses Against: Five

SUBCOMMITTEE RECOMMENDATION

DATE: October 12, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 875 through 878.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION

DATE: October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against:

Barron

Abstain:

None.

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

Res. No. 1776

Resolution approving the decision of the City Planning Commission on ULURP No. C 210278 ZMK, a Zoning Map amendment (L.U. No. 875).

By Council Members Salamanca and Moya.

WHEREAS, 130 St. Felix Street, LLC, filed an application pursuant Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an existing C6-1 District to an C6-4 District and changing from an existing C6-1 District to an C6-6 District, which in conjunction with the related actions would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2 (ULURP No. C 210278 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210279 ZRK (L.U. No. 876), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, change the residential floor area allowed within a C6-6/SDBD zoning district where MIH is mapped, and to make an existing special permit applicable within C6-4/SDBD and C6-6/SDBD zoning districts; C 210280 ZSK (L.U. No. 877), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive required residential parking to facilitate affordable housing; and C 210281 ZSK (L.U. No. 878), a special permit pursuant to Zoning Resolution (ZR) Section 101-82 to modify bulk regulations;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 3rd, 2021 (CEQR No. 21DCP083K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-616) (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) Designations (E-616) 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 210278 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. 16c:

1. changing from an existing C6-1 District to an C6-4 District property bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, Hanson Place, a line midway between Ashland Place and St. Felix Street, a line 100 feet northerly of Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street; and
2. changing from an existing C6-1 District to an C6-6 District property bounded by a line 100 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, and Ashland Place;

as shown on a diagram (for illustrative purposes only) dated May 3, 2021, and subject to the conditions of CEQR Declaration E-616, Borough of Brooklyn, Community District 2.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 876

Report of the Committee on Land Use in favor of approving Application No. N 210279 ZRK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the Special Downtown Brooklyn District (ARTICLE X, Chapter 1) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, for property located in the Borough of Brooklyn, Community District 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2458) 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. 875 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1777

Resolution approving the decision of the City Planning Commission on Application No. N 210279 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 876).

By Council Members Salamanca and Moya.

WHEREAS, 130 St. Felix Street, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying

provisions of Article X, Chapter 1 (Special Downtown Brooklyn District) and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2 (ULURP No. N 210279 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 210278 ZMK (L.U. No. 875), a zoning map amendment to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the Special Downtown Brooklyn District (SDBD); C 210280 ZSK (L.U. No. 877), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive required residential parking to facilitate affordable housing; and C 210281 ZSK (L.U. No. 878), a special permit pursuant to Zoning Resolution (ZR) Section 101-82 to modify bulk regulations;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 3rd, 2021 (CEQR No. 21DCP083K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-616) (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) Designations (E-616) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210279 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

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

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

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

**ARTICLE X
SPECIAL PURPOSE DISTRICTS**

**Chapter 1
Special Downtown Brooklyn District**

**101-20
SPECIAL BULK REGULATIONS**

* * *

**101-21
Special Floor Area and Lot Coverage Regulations**

* * *

(d) In C6-6 Districts

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential# #floor area ratio# shall be 9.0. However, in #Mandatory Inclusionary Housing areas# mapped after [date of adoption], the maximum #residential# #floor area ratio# shall be 12.0. No #floor area# bonuses shall be permitted.

* * *

**101-80
SPECIAL PERMITS**

* * *

**101-82
Modification of Bulk Regulations for Certain Buildings on Irregular Sites**

In C6-9 Districts within the #Special Downtown Brooklyn District#, mapped after March 13, 2019, and in C6-4 and C6-6 Districts within the #Special Downtown Brooklyn District#, mapped after [date of adoption], for #developments# or #enlargements# on irregular sites, the City Planning Commission may modify underlying #bulk# regulations, other than #floor area ratio#, provided that no Use Group 5 #use# shall be permitted in any portion of the #building# receiving such modifications, and:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot shape or size that create practical difficulties in complying with the #bulk# regulations and would adversely affect the #building# configuration or site plan;
- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications are limited to the minimum needed to relieve such difficulties;
- (d) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#; and
- (e) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area and to improve the quality of the site configuration.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 2

* * *

Map 8 – (9/26/18)[date of adoption]



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

Area **6** — 9/26/18 — MIH Program Option 1 and Option 2

Area **#** — [date of adoption] — MIH Program Option 1 and Workforce Option

Portion of Community District 2, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 877

Report of the Committee on Land Use in favor of approving Application No. C 210280 ZSK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2458) 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. 875 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1778

Resolution approving the decision of the City Planning Commission on ULURP No. C 210280 ZSK, for the grant of a special permit (L.U. No. 877).

By Council Members Salamanca and Moya.

WHEREAS, 130 St. Felix Street, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to waive all required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, which in conjunction with the related actions would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130

St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2 (ULURP No. C 210280 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 210278 ZMK (L.U. No. 875), a zoning map amendment to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the Special Downtown Brooklyn District (SDBD); N 210279 ZRK (L.U. No. 876), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, change the residential floor area allowed within a C6-6/SDBD zoning district where MIH is mapped, and to make an existing special permit applicable within C6-4/SDBD and C6-6/SDBD zoning districts; and C 210281 ZSK (L.U. No. 878), a special permit pursuant to Zoning Resolution (ZR) Section 101-83 to modify bulk regulations;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-533 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 3rd, 2021 (CEQR No. 21DCP083K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-616) (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) Designations (E-616) and Negative Declaration.

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210280 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 210280 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by FXCollaborative Architects filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	04/14/2021
Z-004	Zoning Site Plan	04/14/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign or legal representative of such party to observe any of the restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission or of any agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission to disapprove any application for modification, cancellation or amendment of the special permit.
6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 878

Report of the Committee on Land Use in favor of approving Application No. C 210281 ZSK (130 St. Felix Street) submitted by 130 St. Felix Street LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82* of the Zoning Resolution to modify the tower lot coverage requirements of Section 101-223 (Tower Regulations), to modify the rear yard requirements of Section 23-532 (Required rear yard equivalents), to modify the inner court dimension requirements of Section 23-851 (Minimum dimensions of inner courts), in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between 55 Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, within the Special Downtown Brooklyn District, Borough of Brooklyn, Community District 2, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 23, 2021 (Minutes, page 2459) 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. 875 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1779

Resolution approving the decision of the City Planning Commission on ULURP No. C 210281 ZSK, for the grant of a special permit (L.U. No. 878).

By Council Members Salamanca and Moya.

WHEREAS, 130 St. Felix Street, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 101-82 of the Zoning Resolution to modify the tower lot coverage requirements of Section 101-223 (Tower Regulations); the rear yard requirements of Section 23-532 (Required rear yard equivalents); and the inner court dimension requirements of Section 23-851 (Minimum dimensions of inner courts), in connection with a proposed mixed-use development, on property generally bounded by a line 330 feet northerly of Hanson Place, St. Felix Street, a line 165 feet northerly of Hanson Place, a line midway between Ashland Place and St. Felix Street, Hanson Place, Ashland Place, a line 250 feet northerly of Hanson Place, and a line midway between Ashland Place and St. Felix Street (Block 2111, Lots 37, 40, & 1001-1199), in C6-4 and C6-6 Districts, which in conjunction with the related actions would facilitate the construction of a 23-story, approximately 147,000-square-foot mixed-use residential and community facility building with approximately 120 dwelling units at 130 St. Felix Street (Block 2111, Lot 40) in the Downtown Brooklyn neighborhood of Brooklyn Community District 2 (ULURP No. C 210281 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2021, its decision dated September 22, 2021 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 210278 ZMK (L.U. No. 875), a zoning map amendment to change a portion of a C6-1 zoning district to C6-4 and C6-6 zoning districts within the Special Downtown Brooklyn District (SDBD); N 210279 ZRK (L.U. No. 876), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, change the residential floor area allowed within a C6-6/SDBD zoning district where MIH is mapped, and to make an existing special permit applicable within C6-4/SDBD and C6-6/SDBD zoning districts; and C 210280 ZSK (L.U. No. 877), a special permit pursuant to Zoning Resolution (ZR) Section 74-533 to waive requires residential parking to facilitate affordable housing;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 101-82 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued May 3rd, 2021 (CEQR No. 21DCP083K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-616) (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) Designations (E-616) 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 210281 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 210281 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved drawings, prepared by FXCollaborative Architects, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-002	Zoning Analysis	04/14/2021
Z-003	Zoning Analysis	04/14/2021
Z-004	Zoning Site Plan	04/14/2021
Z-020	Waiver Plan	04/14/2021
Z-021	Waiver Sections	04/14/2021
Z-022	Waiver Sections	04/14/2021
Z-023	Waiver Sections	04/14/2021
Z-024	Waiver Sections	04/14/2021

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
5. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning

Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 879

Report of the Committee on Land Use in favor of approving Application No. C 210025 ZMQ (Broadway and 11th Street Rezoning) submitted by 11 St. & Broadway, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23), Borough of Queens, Community District 1, Council District 26).

The Committee on Land Use, to which the annexed Land Use item was referred on October 7, 2021 (Minutes, page 2652) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB-1 - TWO APPLICATIONS RELATED TO BROADWAY AND 11th STREET REZONING

C 210025 ZMQ (Pre. L.U. No. 879)

City Planning Commission decision approving an application filed by 11 St & Broadway LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a:

1. changing from an R5 District to an M1-4/R7A District property bounded by Broadway, 12th Street, 33rd Avenue, and 11th Street; and

2. establishing a Special Mixed Use District (MX-23) bounded by Broadway, 12th Street, 33rd Avenue, and 11th Street;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-613, Community District 1, Borough of Queens.

N 210026 ZRQ (Pre. L.U. No. 880)

City Planning Commission decision approving an application filed by 11 St & Broadway LLC pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To grant approval to rezone the Project Area, changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23) and modifying provisions of Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a seven-story mixed use building at 11-01 33rd Avenue (Block 316, Lots 1 and 13), in the Ravenswood neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: October 5, 2021

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 12, 2021

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 879 and 880.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None.

COMMITTEE ACTION**DATE:** October 21, 2021

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Koo, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Brooks-Powers, Borelli.

Against: Abstain

Barron None.

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

Res. No. 1780

Resolution approving the decision of the City Planning Commission on ULURP No. C 210025 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 879).

By Council Members Salamanca, Jr. and Moya.

WHEREAS, 11 St & Broadway LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9a, changing from an R5 District to an M1-4/R7A District and establishing a Special Mixed Use District (MX-23), which in conjunction with the related action would facilitate the construction of a seven-story mixed use building at 11-01 33rd Avenue (Block 316, Lots 1 and 13), in the Ravenswood neighborhood of Queens, Community District 1 (ULURP No. C210025 ZMQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 27, 2021 its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 210026 ZRQ (Pre. L.U. No. 880), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and establish a Special Mixed Use District (MX 23);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 19, 2021 (CEQR No. 21DCP022Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-613));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 210025 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9a:

1. changing from an R5 District to an M1-4/R7A District property bounded by Broadway, 12th Street, 33rd Avenue, and 11th Street; and
2. establishing a Special Mixed Use District (MX-23) bounded by Broadway, 12th Street, 33rd Avenue, and 11th Street;

as shown on a diagram (for illustrative purposes only) dated April 19, 2021, and subject to the conditions of CEQR Declaration E-613, Community District 1, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report for L.U. No. 880

Report of the Committee on Land Use in favor of approving Application No. N 210026 ZRQ (Broadway and 11th Street Rezoning) submitted 11 St. & Broadway, LLC, pursuant to Section 201 of the New York City Charter for an amendment to the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and 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 October 7, 2021 (Minutes, page 2652) 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. 879 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1781

Resolution approving the decision of the City Planning Commission on Application No. N 210026 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 880).

By Council Members Salamanca and Moya.

WHEREAS, 11 St & Broadway LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying provisions of Article XII, Chapter 3 (Special Mixed Use District) for the purpose of establishing a new Special Mixed Use District and APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action which in conjunction with the related action would facilitate the construction of a seven-story mixed use building at 11-01 33rd Avenue (Block 316, Lots 1 and 13), in the Ravenswood neighborhood of Queens, Community District 1 (Application No. N 210026 ZRQ) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 27, 2021 its decision dated September 22, 2021 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 210025 ZMQ (Pre. L.U. No. 879), a zoning map amendment to change an R5 zoning district to an M1-4/R7A zoning district and to map a Special Mixed Use District (MX-23);

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 5, 2021;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued April 19, 2021 (CEQR No. 21DCP022Q), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (the "E" Designation (E-613));

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 210026 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission:

Matter underlined is new, to be added;

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

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

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

ARTICLE XII – Special Purpose Districts

* * *

Chapter 3 - Special Mixed Use District (MX-1), (MX-2), (MX-4), (MX-5), (MX-6), (MX-7), (MX-8), (MX-9), (MX-10), (MX-11), (MX-12), (MX-13), (MX-14), (MX-15), (MX-16), (MX-17), (MX-18), (MX-19), (MX-20) (MX-21) (MX-22) (MX-23)

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

* * *

#Special Mixed Use District#	Designated #Residence District#
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* * *

<u>MX 23 - Community District 1, Queens</u>	<u>R7A</u>
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* * *

123-90

Special Mixed Use Districts Specified

* * *

#Special Mixed Use District# - 23 [Date of Adoption]
Ravenswood, Queens

The #Special Mixed Use District#- 23 is established in Ravenswood in Queens as indicated on the #zoning maps#.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

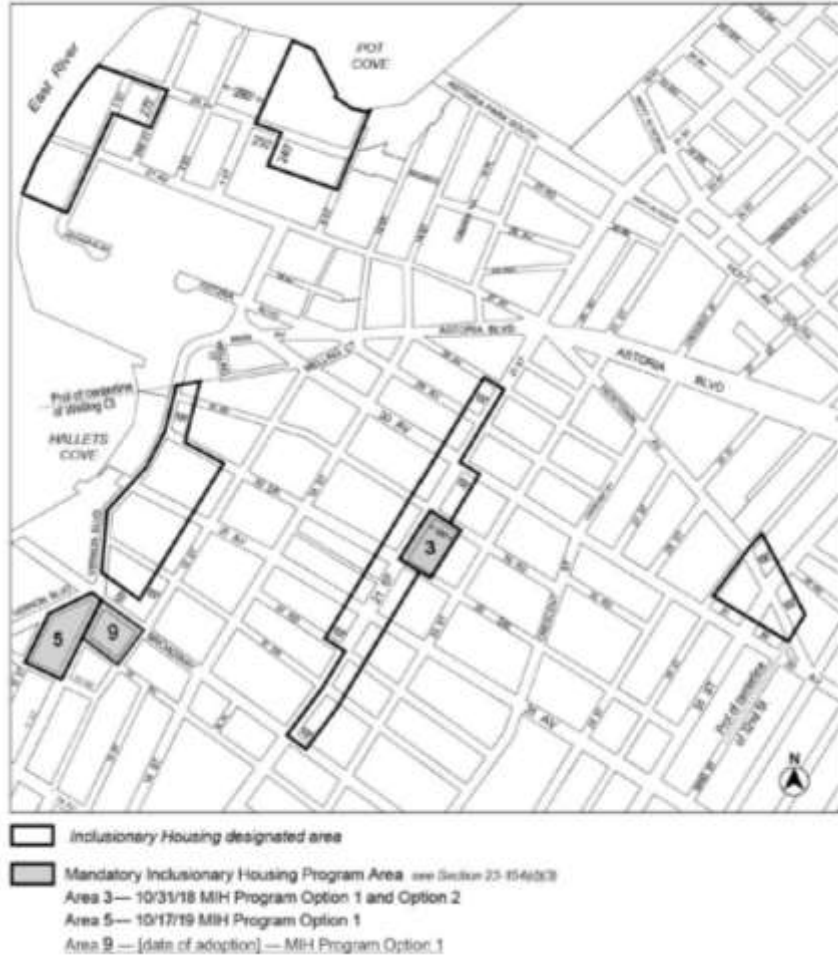
* * *

Queens Community District 1

* * *

Map 1 – [date of adoption]

Proposed Map



Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, VANESSA L. GIBSON, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, JOSEPH C. BORELLI; Committee on Land Use, October 21, 2021.

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

Report of the Committee on Women and Gender Equity

Report for Int. No. 1712-A

Report of the Committee on Women and Gender Equity in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to report on services and resources provided specific to lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming and non-binary residents of domestic violence emergency shelters.

The Committee on Women and Gender Equity, to which the annexed proposed amended local law was referred on September 12, 2019 (Minutes, page 2887), respectfully

REPORTS:

I. INTRODUCTION

On October 21, 2021, the Committee on Women and Gender Equity, chaired by Council Member Darma V. Diaz, will hold a vote on Introduction Number 1712-A (Int. No. 1712-A), sponsored by Council Member Rosenthal. This legislation was originally heard at a joint hearing of this committee and the Committee on General Welfare on September 24, 2019. Witnesses invited to testify included representatives from the Human Resources Administration (HRA), the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV), survivors¹ of domestic violence, local legal service providers, activists, advocacy groups and other interested parties.

II. BACKGROUND

Domestic violence, a pattern of offenses committed by and against members of the same family or household and individuals who are or have been in an intimate relationship, where the abuser exerts power and control over the victim,² is a crime in the state of New York.³ Intimate partner violence (IPV), a subset of domestic violence, refers to a pattern of abusive behavior involving victims and offenders who are married, formerly married, have a child in common, or are involved in an intimate relationship to gain or maintain power and control.⁴ Domestic violence and IPV, which includes economic, emotional, physical, and sexual abuse and

¹ With regard to individuals who have experienced domestic violence, this Committee Report utilizes the terms 'survivor' and 'victim' interchangeably to reflect that both are used in the field of domestic violence, and the context with which they are used by the cited source. These terms, however, can take on similar but different meanings. See RAINN, "Key Terms and Phrases" available at <https://www.rainn.org/articles/key-terms-and-phrases>.

² Domestic violence is one part of a larger continuum of issues related to gender-based violence, which includes intimate partner violence, family violence, sexual assault, stalking and human trafficking. See NYC Mayor's Office of Criminal Justice & the Mayor's Office to Combat Domestic Violence (now ENDGBV), *NYC Domestic Violence Task Force: 2017 goals and recommendations*, Office of the Mayor (May 2017), 2, available at <https://www1.nyc.gov/assets/ocdv/downloads/pdf/DVTF-2017-Recommendations.pdf>; Mayo Clinic Staff, "Domestic violence against women: recognize patterns, seek help" Mayo Clinic (Oct. 19, 2018), available at <https://www.mayoclinic.org/healthy-lifestyle/adult-health/in-depth/domestic-violence/art-20048397>; New York State Office for the Prevention of Domestic Violence & the Governor's Office of Faith Based Community Development Services, *Domestic Violence and Faith Communities: Guidelines for Leaders* (2016), available at <http://www.opdv.ny.gov/professionals/faith/guidelines.pdf>.

³ See NYC Mayor's Office of Criminal Justice & the Mayor's Office to Combat Domestic Violence (now ENDGBV), *NYC Domestic Violence Task Force: 2017 goals and recommendations*, Office of the Mayor (May 2017), 2, available at <https://www1.nyc.gov/assets/ocdv/downloads/pdf/DVTF-2017-Recommendations.pdf>.

⁴ New York County District Attorney, *DOMESTIC VIOLENCE INITIATIVE: Recommendations to Combat Domestic Violence in New York City*, (Oct. 2016), 13-16, available at https://www.manhattanda.org/wp-content/themes/dany/files/Domestic%20Violence%20Initiative%20Report%20October%202016_0.pdf.

controlling behaviors, occur in all settings and among all cultural, religious and socioeconomic groups, but primarily affect women, and racial and ethnic minorities.⁵

While there is growing awareness of the impact of domestic violence, it is associated with multiple negative psychological and physical health consequences.⁶ This includes posttraumatic stress disorder, depression, physical injury, reproductive health problems, irritable bowel syndrome, and chronic pain.⁷ Studies have revealed an association between IPV against women and negative health and social consequences for children, including anxiety, depression, poor academic performance and poor health.⁸

The harm children suffer from experiencing domestic violence can be physical, emotional, behavioral, cognitive, and social, and effects are usually overlapping and interrelated.⁹ In some cases, domestic violence in childhood leads to emotional problems that are manifested in disruption to schooling including non-attendance, attention and concentration difficulties, sleep disturbance, withdrawal, insecurity, guilt, depression and low self-esteem; physical effects may include injury, eating problems, and stress-related conditions such as asthma and bronchitis; and behaviorally, changes in conduct, unpredictable behavior, aggression, anger, and hyperactivity, as well as being the perpetrator or victim of bullying.¹⁰ In older children, the impact is most pronounced along gender lines and includes self-blame, depression, self-harm, suicidal ideation, substance abuse, risk-taking behavior, criminal behavior, poor social networks, disaffection with education and eating disorders.¹¹

Additionally, evidence indicates that exposure to IPV is a leading factor associated with male perpetration and female experience of IPV later in life, as well as an association between IPV and child abuse within the same household.¹² Moreover, studies have found that 40 to 70 percent of female murder victims were killed by their husband or boyfriend, often in the context of an abusive relationship, while evidence also suggests that IPV increases the risk of a woman committing suicide.¹³

Nationally, according to the United States (U.S.) Centers for Disease Control and Prevention (CDC)'s 2017 National Intimate Partner and Sexual Violence Survey (NISVS), an average of 37.3 percent of women and an average of 30.9 percent of men experienced intimate partner contact sexual violence, physical violence, and/or stalking during their lifetime.¹⁴ The NISVS also reported that an average of 27.4 percent of women and an average of 11 percent of men have experienced contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime and experienced an IPV-related impact, such as injury, fear, concern for safety, or needing services.¹⁵ Among racial/ethnic groups in the U.S., 56.6 percent of multiracial women, 47.5 percent of American Indian/Alaska Native women, 45.1 percent of non-Hispanic Black women, 37.3 percent of non-Hispanic white women, 34.4 percent of Hispanic women, and 18.3 percent of Asian-Pacific Islander women experienced contact sexual violence, physical violence, and/or stalking by an intimate partner in their lifetime.¹⁶

⁵ *Id.*; See also World Health Organization, "Understanding and addressing violence against women" (2012), available at http://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf?sequence=1.

⁶ Lloyd, Michele. "Domestic Violence and Education: Examining the Impact of Domestic Violence on Young Children, Children, and Young People and the Potential Role of Schools." *Frontiers in psychology* vol. 9 2094 (Nov. 13, 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6243007/>.

⁷ *Id.*

⁸ D.J. Whitaker, et al. "Differences in frequency of violence and reported injury between relationships with reciprocal and nonreciprocal intimate partner violence." *American journal of public health* vol. 97,5 (May 2007), 941-7, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1854883/>.

⁹ Lloyd, Michele. "Domestic Violence and Education: Examining the Impact of Domestic Violence on Young Children, Children, and Young People and the Potential Role of Schools." *Frontiers in psychology* vol. 9 2094 (Nov. 13, 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6243007/>.

¹⁰ Lloyd, Michele. "Domestic Violence and Education: Examining the Impact of Domestic Violence on Young Children, Children, and Young People and the Potential Role of Schools." *Frontiers in psychology* vol. 9 2094 (Nov. 13, 2018), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6243007/>.

¹¹ *Id.*

¹² World Health Organization, "Understanding and addressing violence against women" (2012), 7, available at http://apps.who.int/iris/bitstream/handle/10665/77432/WHO_RHR_12.36_eng.pdf?sequence=1.

¹³ *Id.*

¹⁴ S.G. Smith, et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010-2012 State Report*, National Center for Injury Prevention and Control & Centers for Disease Control and Prevention (Apr. 2017), 1-3, available at <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

¹⁵ *Id.*

¹⁶ *Id.*

In 2003, the CDC estimated that the economic costs of IPV to be \$5.8 billion annually, which includes nearly \$4.1 billion for direct medical and mental health care services and nearly \$0.9 billion in lost productivity from paid work and household chores for victims of nonfatal IPV and \$0.9 billion in lifetime earnings lost by victims of IPV homicide.¹⁷ However, economists suggest that the cost could be substantially higher than previous studies have indicated. One 2010 study calculated that the total cost to the U.S. could be about \$460 billion.¹⁸

Domestic violence, and IPV in particular, has traditionally been examined through a framework that is based on male-perpetuated violence against women.¹⁹ Such offenses, which are rooted in power and control, can be linked to assertion of male privilege and are likely related to gender inequities.²⁰ Related data therefore almost always implicitly refers to the experiences of heterosexual cisgender women, at the exclusion of transgender and gender nonconforming populations.²¹ Moreover, while there is limited data on domestic violence in the lesbian, gay, bisexual, transgender and queer or questioning (LGBTQ+) population, the CDC found that it occurs in LGBTQ+ relationships at similar or higher rates than in the general population.²²

According to research published by Northeastern University, after almost four decades of decline, IPV homicide has increased each year between 2014 and 2017.²³ In 2014, 1,875 people were killed by a partner, the majority of whom were women; in 2015, the death toll rose to 2,096; in 2016, it increased to 2,149; and in 2017, there were 2,237 IPV homicides.²⁴ Research indicates that four women a day are killed by an intimate partner.²⁵ Similarly, while overall crime rates have fallen in New York City (NYC) over the past decade, the number of domestic violence homicides has remained steady and domestic violence has assumed a larger percentage of overall crime.²⁶ According to its website, the NYC Police Department (NYPD) responds to approximately 230,000 domestic incidents annually, or about 600 calls a day.²⁷ However, in 2018, the NYPD responded to 250,447 domestic incident reports in 2018 alone, or about eight percent over the annual average.²⁸ Additional statistics indicate a rise in intimate partner-related incidents in NYC since 2017,²⁹ and the number of domestic violence-related killings has continued to increase, while even the City's homicide rate has dropped.³⁰

¹⁷ *Id.*

¹⁸ McCollister, Kathryn E. et al. "The cost of crime to society: new crime-specific estimates for policy and program evaluation." *Drug and alcohol dependence* vol. 108,1-2 (2010): 98-109, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2835847/>.

¹⁹ D.J. Whitaker, et al. "Differences in frequency of violence and reported injury between relationships with reciprocal and nonreciprocal intimate partner violence." *American journal of public health* vol. 97,5 (May 2007), 941-7, available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1854883/>.

²⁰ *Id.*

²¹ Andrea L. Wirtz, et al., *Gender-Based Violence Against Transgender People in the United States: A Call for Research and Programming*, Trauma, Violence, & Abuse (Feb. 2018), available at <http://journals.sagepub.com/doi/10.1177/1524838018757749>.

²² M.L. Walters, et al., *The National Intimate Partner and Sexual Violence Survey (NISVS): 2010 Findings on Victimization by Sexual Orientation*, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (Jan. 2013), 10, available at https://www.cdc.gov/violenceprevention/pdf/nisvs_sofindings.pdf.

²³ J.A. Fox et al., *Gender Differences in Patterns and Trends in U.S. Homicide, 1976–2017*, *Violence and Gender* Vol. 6, No. 1, available at <https://www.liebertpub.com/doi/full/10.1089/vio.2019.0005>.

²⁴ *Id.*

²⁵ *Id.*

²⁶ NYC Mayor's Office to End Domestic and Gender-Based Violence, *NYC Domestic Violence Task Force: 2017 goals and recommendations* (May 2017), 2, available at <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/domestic-violence-task-force-2017-recommendations.pdf>.

²⁷ See New York City Police Department, *Domestic Violence* (last visited Oct. 21, 2018), available at <https://www1.nyc.gov/site/nypd/services/law-enforcement/domestic-violence.page>.

²⁸ NYC Mayor's Office to End Domestic and Gender Based Violence, *ENDGBV 2018 Domestic Violence Fact Sheet* (last visited June 17, 2019), available at https://www1.nyc.gov/assets/ocdv/downloads/pdf/2018_ENDGBV_Fact_Sheet_rev.pdf; See also Rocco Parascandola and Thomas Tracy, *Domestic Violence Investigations Up 4%, NYPD Statistics Reveal*, NEW YORK DAILY NEWS (Oct. 10, 2018), available at <http://www.nydailynews.com/new-york/nyc-crime/ny-metro-body-cameras-domestic-violence-20181010-story.html>.

²⁹ NYC Mayor's Office to End Domestic and Gender Based Violence, *ENDGBV 2018 Domestic Violence Fact Sheet* (last visited June 17, 2019), available at https://www1.nyc.gov/assets/ocdv/downloads/pdf/2018_ENDGBV_Fact_Sheet_rev.pdf; NYC Mayor's Office to Combat Domestic Violence, *Mayor's Office to Combat Domestic Violence: 2017 Annual Fact Sheet* (last visited June 17, 2019), available at <https://www1.nyc.gov/assets/ocdv/downloads/pdf/ocdv-fact-sheet-2017.pdf>.

³⁰ *Id.*; ENDGBV, *NYC Domestic Violence Task Force: 2017 Goals and Recommendations* 1, 2 (May 2017) available at <https://www1.nyc.gov/assets/criminaljustice/downloads/pdfs/domestic-violence-task-force-2017-recommendations.pdf>.

III. DOMESTIC VIOLENCE SERVICES IN NEW YORK CITY

NYC Human Resources Administration's Emergency Shelter System

Domestic violence is one of the leading causes of homelessness in New York City, ahead of evictions and overcrowding shelters.³¹ For survivors of domestic violence that require shelter, the Human Resources Administration (HRA) oversees the City's system of emergency domestic violence shelters. HRA's domestic violence shelter system is the largest in the nation.³²

HRA's Office of Domestic Violence (ODV) provides emergency shelter, transitional housing programs and supportive services for survivors of domestic violence and their children.³³ To protect the survivors, HRA's domestic violence shelter locations are kept confidential.³⁴ HRA's ODV has fiscal and program oversight of 44 confidential facilities throughout the five boroughs of the City with a total capacity of 2,689 emergency beds. Additionally, there are eight transitional housing programs for survivors of domestic violence, otherwise known as Tier II shelters, totaling 297 Tier II units. Under State law, local social services districts, such as New York City, must provide temporary emergency shelter to survivors of domestic violence, however, State law limits the length of stay at these shelters to 180 consecutive days.³⁵ In 2018, HRA's emergency DV shelters served 9,981 individuals, which included 262 single adults and 3,634 families (including both adults and children).³⁶ In addition to the approximately 1,000 families served each day in HRA's domestic violence shelters, many victims reside in the Department of Homeless Services (DHS) shelter system.

In September 2015, Mayor Bill de Blasio announced that the City would develop 400 additional DV Tier II units and 300 emergency beds. As of March 2019, contracts for all 300 emergency beds and 163 of the 400 Tier II units have been awarded.³⁷

Currently, there are almost 60,000 individuals in DHS shelters, which includes 12,240 families with children.³⁸ In 2016, among families with children entering DHS shelters each month, an average of 31 percent had a history of domestic violence, including 10 percent who were eligible for HRA's No Violence Again (NoVA) program (to be discussed herein) due to an ongoing domestic violence threat.³⁹ During the intake process at the Prevention Assistance and Temporary Housing (PATH) Office, the City's single intake point for families with children seeking shelter, individuals are asked whether they are applying for shelter in order to seek refuge from domestic violence.⁴⁰ Those who report household violence are referred to NoVA staff at PATH, who specifically assist victims of domestic violence.⁴¹ NoVA staff use a set of criteria to determine eligibility based on the following:

- Whether the individual is a domestic violence survivor in accordance with New York Social Services Law § 459 and the definitions and procedures specified in 98-ADM-3;

³¹ Stewart, N., "New York Adding Shelter Options for Homeless Victims of Domestic Abuse," The New York Times (June 14, 2017) available at <https://www.nytimes.com/2017/06/14/nyregion/new-york-domestic-violence-homeless-shelters.html> (last visited Sep. 19, 2019).

³² New York City Human Resources Administration, Local Law 83 of 2019 Report (March 2019).

³³ Human Resources Administration (HRA) 2017 Policy Statement at 11, available at <http://www.nyc.gov/html/manch3/downloads/budget/2019/Human%20Services/HRA/HRA%20Policy%20Statement.pdf> (last visited Sep. 17, 2019).

³⁴ Department of Homeless Services, Domestic Violence, available at <https://www1.nyc.gov/site/dhs/prevention/domestic-violence.page> (last visited Sept. 17, 2019).

³⁵ N.Y. Soc. Serv. § 459-b. Emergency shelter is limited to 90 days with the possibility of two 45 day extensions for residents who continue to need emergency shelter.

³⁶ *Supra* note 32. Local Law 83 of 2019.

³⁷ *Id.*

³⁸ Department of Homeless Services, Shelter Census, Daily Report (Data from Sep. 19, 2019) available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/dailyreport.pdf> (last visited Sep. 19, 2019).

³⁹ The City of New York, "Turning the Tide on Homelessness in New York City" (Feb. 23, 2017) at 8 available at <http://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf> (hereinafter "Turning the Tide report") (last visited Sep. 19, 2019).

⁴⁰ Testimony of Grace Bonilla, Commissioner, Human Resources Administration, before the Committee on General Welfare, Oversight: HRA's System of Domestic Violence Shelters," (Oct. 30, 2017) available at <https://legistar.council.nyc.gov/View.ashx?M=F&ID=5553794&GUID=2FDEC46B-2551-4D93-B250-334B00F18543>

⁴¹ Department of Homeless Services, [Welcome to PATH](#), at 1 (on file with the Committee on General Welfare).

- Whether there is a relationship between the need for emergency shelter for current safety and the incident of domestic violence; and
- Whether the perpetrator meets the definition of “family or household member” in accordance with NoVA procedures.

If space is available, families will be referred to a HRA domestic violence shelter; if the HRA domestic violence shelters are at capacity, the family will be placed in a DHS family shelter. Domestic violence victims are also referred to PATH for shelter after they time out of a HRA domestic violence shelter and have not found permanent housing. For individuals timing out of a DV shelter and requiring a DHS shelter unit, Local Law 62 of 2014 requires DHS to deem those individuals “presumptively eligible.” While those individuals must still show up at PATH for a shelter placement, they are not required to undergo the full intake process. NoVA workers at PATH additionally make connections for the client to domestic violence providers and Family Justice Centers, and ensure that there is a safety plan in place.⁴²

NYC Mayor’s Office to End Domestic and Gender-Based Violence

The Mayor’s Office to End Domestic and Gender Based Violence (ENDGBV, or “the Office”) was created as the Mayor’s Office to Combat Domestic Violence (OCDV)⁴³ in 2001 when residents voted to make the office a permanent part of City government.⁴⁴ ENDGBV is one of only several government offices across the country that focuses solely on issues of domestic violence.⁴⁵ ENDGBV is charged with formulating policies and programs regarding the citywide delivery of services to victims of domestic violence, gender-based violence, and human trafficking.⁴⁶ The Office, which is comprised of 17 positions and annual funding of about \$1.7 million,⁴⁷ works closely with City agencies, community based organizations, community leaders, and others to increase awareness of domestic violence and to make it as easy as possible for victims of domestic violence and their children to get the help that they need, regardless of the language they speak or their immigration status.⁴⁸ ENDGBV also administers programs intended to prevent domestic violence, and works with the criminal justice system to hold abusers accountable.⁴⁹ To this end, the Office has sponsored a number of initiatives that attempt to coordinate and promote the smooth delivery of services to victims of domestic violence.⁵⁰ Over the years, these initiatives have included such programs as NYC’s Domestic Violence Hotline; the Alternatives to Shelter

⁴² Supra note 40. Testimony of Grace Bonilla, Commissioner, Human Resources Administration (Oct. 30, 2017)

⁴³ On September 7, 2018, Mayor de Blasio announced that he had signed an executive order expanding the mission and authority of the Office, formerly OCDV and now known as the Mayor’s Office to End Domestic and Gender-Based Violence (ENDGBV), to coordinate services, create policy and interventions, and developed citywide system responses to gender-based and domestic violence issues. To reflect the name change, this report uses primarily ENDGBV to refer to the office. Some sections, such as those with legislation, still utilize OCDV, however, to reflect that the new office name is not codified. See New York City, First Lady McCray Announces Launch of Mayor’s Office to End Domestic and Gender-Based Violence (Sept. 7, 2018), available at <https://www1.nyc.gov/office-of-the-mayor/news/461-18/first-lady-mccray-launch-mayor-s-office-end-domestic-gender-based-violence>.

⁴⁴ NYC Charter Revision Commission, “Archives – Pre-2003 Reports and Ballot” available at <https://www1.nyc.gov/site/charter/reports/pre-2003-reports-ballot-issues-archive.page> (last visited Sep. 19, 2019).

⁴⁵ See <https://www1.nyc.gov/site/ocdv/about/about-endgbv.page> (last visited Sep. 19, 2019).

⁴⁶ Official Website of the City of New York. “First Lady McCray Announces Launch of Mayor’s Office to End Domestic and Gender-Based Violence,” available at <https://www1.nyc.gov/office-of-the-mayor/news/461-18/first-lady-mccray-launch-mayor-s-office-end-domestic-gender-based-violence> (last visited Sep. 19, 2019).

⁴⁷ The figures are stable between FY19-22, but note that the 2017 OCDV annual report suggests other funding sources through federal agencies and private foundations. The office is categorized as part of the Office of the Mayor within the Mayoralty for budgetary purposes. See <https://www1.nyc.gov/assets/ocdv/downloads/pdf/2017-annual-report.pdf> (last visited Sep. 19, 2019) (Notably, this figure does not include any additional funding that may be available and provided by other city agencies).

⁴⁸ Domestic violence is one part of a larger continuum of issues related to gender-based violence, which includes intimate partner violence, family violence, sexual assault, stalking, and human trafficking. These issues all require comprehensive, coordinated, multi-agency responses, policies, and programs, and a lead office overseeing efforts. ENDGBV coordinates responses to incidents in these areas, although they are largely criminal justice focused. See Zlatka Rakovec-Felser, *Domestic Violence and Abuse in Intimate Relationship from Public Health Perspective*, 2(3) *Helath Psych. Res.*, 1821 (Nov. 6, 2014), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4768593/>; The Mayor’s Office to End Domestic and Gender-Based Violence, About ENDGBV (last visited Sep. 19, 2019), available at <https://www1.nyc.gov/site/ocdv/about/about-endgbv.page>.

⁴⁹ Supra note 46.

⁵⁰ *Id.*

Program; a Dating Violence program for Teens; the Domestic Violence Healthcare Education Project; and the Adopt-a-School Initiative.⁵¹

In September 2018, the Mayor created an Advisory Committee, chaired by ENDGBV, to review individual case level data of gender-based, and domestic violence fatalities; engage in an intensive review of gender-based violence fatalities; and develop innovative recommendations to enhance responses and interventions.⁵² The Office also chairs the Domestic Violence Fatality Review Committee, which reviews aggregate-level data of domestic violence fatalities and develops recommendations for enhancing domestic violence response in New York City, co-leads the Mayor's Domestic Violence Task Force,⁵³ in collaboration with the Mayor's Office on Criminal Justice (MOCJ), and operates the City's five Family Justice Centers (FJCs) that provide comprehensive services for survivors and their families in each borough.⁵⁴

In addition, the NYC Domestic Violence Task Force (DVTF) was launched in October 2016 and charged with developing a comprehensive citywide strategy to address one of the most urgent challenges facing our City.⁵⁵ The work of the Task Force is led by Commissioner Cecile Noel, the Director of the Mayor's Office of Criminal Justice (MOCJ), Elizabeth Glazer, and the Task Force's Executive Director, Bea Hanson. In 2017, the DVTF announced 32 new initiatives with \$11 million in City funding to reduce violence and enhance the safety and wellbeing of survivors of domestic violence and their families. The below is a snapshot of some of these major domestic violence-related initiatives recently undertaken by the Office and DVTF:

Early-RAPP⁵⁶

This program is an expansion of healthy relationship education to 128 middle schools throughout all five boroughs. An estimated one in 10 teens in a dating relationship reported experiencing physical dating violence in the past year, and that number is double for LGBTQ-identified youth and triple for pregnant or parenting teens. Through the Early-Relationship Abuse Prevention Program (Early-RAPP), existing high school-based teen dating abuse programs will be retooled and expanded to provide a continuity of learning to Department of Education middle schools—reaching students earlier, when relationships most often begin.

NYC Hope⁵⁷

This is a web-based portal to provide centralized access to information, education and resource for domestic violence survivors, providers and community members and stakeholders.

⁵¹ Mayor's Office to Combat Domestic Violence, "2017 Annual Report," available at <https://www1.nyc.gov/assets/ocdv/downloads/pdf/2017-annual-report.pdf> (last visited Sep. 19, 2019).

⁵² This Committee will be the first of its kind in the U.S. See <https://www1.nyc.gov/office-of-the-mayor/news/461-18/first-lady-mccray-launch-mayor-s-office-end-domestic-gender-based-violence> (last visited Sep. 19, 2019).

⁵³ Established by Local Law 61 of 2005, the Fatality Review Committee (FRC) is tasked with summarizing information pertaining to domestic violence homicides in New York City and developing recommendations for the coordination and improvement of services for domestic violence homicide victims in New York City. The FRC is chaired by the Commissioner of ENDGBV and includes staff from ten City agencies, two representatives from social services agencies and two survivors of domestic violence. See <https://www1.nyc.gov/site/ocdv/press-resources/fatality-review-committee.page>. See also https://www1.nyc.gov/assets/ocdv/downloads/pdf/2018_Annual_FRC_Report_Final.pdf; See Domestic Shelters, *New York Launches Taskforce to Combat Domestic Violence* (Jul. 3, 2017), available at <https://www.domesticshelters.org/domestic-violence-articles-information/new-york-city-launches-task-force-to-combat-domestic-violence>.

⁵⁴ The first FJC opened in Brooklyn in 2005 and the other locations were modeled after that location. The inclusion of an FJC in each borough has enabled the City to provide borough or community-specific services and serve survivors in that borough (e.g., the Brooklyn FJC is designed to help Brooklyn domestic violence victims). The FJCs function as a one-stop-shop for survivors that provides information and services for domestic violence victims in one location. Clients may walk in and choose which services they need, including counseling, advocacy, meeting with a prosecutor, shelter and housing help, and legal information. A separate room is provided where children may play safely. ENDGBV and the District Attorney's Offices in each borough are the primary sponsors; however, professionals from a wide range of community-based organizations, faith-based organizations, and government agencies also provide services at each FJC. See ENDGBV, *Family Justice Centers* (last visited Sep. 19, 2019), available at <https://www1.nyc.gov/site/ocdv/programs/family-justice-centers.page>.

⁵⁵ Expansion of the Domestic Violence Task Force Recommendations, available at https://www1.nyc.gov/assets/ocdv/downloads/pdf/201710_DVTF-Expansion-of-the-Domestic-Violence-Task-Force-Recommendations.pdf (last visited Sep. 19, 2019).

⁵⁶ *Id.*

⁵⁷ *Id.*

We Understand⁵⁸

This is a domestic violence public awareness campaign, which launched in February 2018 and focused on telling the diverse and wide-ranging stories of domestic violence survivors that are not always visible and provide critical ways for New Yorkers to connect to the community and government resources for help.

Safe Families NYC⁵⁹

This is a network of free supervised visitation resources in each borough providing a safe place for children to attend court ordered visitation with a noncustodial parent.

Home+Safe⁶⁰

This is an innovative program that will enable domestic violence survivors and their children to safely stay in their homes with access to high-tech alarm systems.

Finally, in addition to initiatives, ENDGBV works closely with agencies, especially HRA, to provide comprehensive domestic violence-related services.⁶¹ This includes the Office of Domestic Violence and Emergency Intervention Services (ODVEIS), which provides temporary housing, emergency shelter and supportive services for victims of domestic violence and their children; HRA's ODV; and HRA's Relationship Abuse Prevention Program Teen (RAPP), one of the most extensive domestic violence prevention programs in NYC, which is based in schools throughout the City.⁶² HRA also assists survivors of domestic violence survivors with services in the community or with placement in emergency HRA DV shelters.

According to the Mayor's Management Report released in September 2019, in Fiscal 2019 there was an average monthly caseload of 2,016 for domestic violence non-residential service programs, which was an increase of 398 cases, or 24.6 percent, when compared to the same period in Fiscal 2018. The average number of families served per day in the domestic violence shelter program was 828 in Fiscal 2019, when compared to the same period in Fiscal 2018 when the average number of families served per day was 827. The capacity of domestic violence emergency beds in Fiscal 2018 and Fiscal 2019 was 2,467. In Fiscal 2019, 37 percent of eligible families seeking shelter at PATH entered HRA's domestic violence shelters, an increase of just two percent when compared to the same period in Fiscal 2018. The increase in caseload and individuals served may suggest an increase in the number of people who feel comfortable reporting domestic violence and seeking services.

IV. ANALYSIS**Int. No. 1712-A**

Int. No. 1712-A would require the Department of Social Services (DSS) to review the services and resources it provides specific to lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming and non-binary (LGBTQI+) individuals who are entering domestic violence emergency shelters. DSS would submit to the Mayor and the Speaker of the Council and publish on its website, a written report disclosing the total number of demographic information survey forms regarding sexual orientation and gender identity that were distributed by the department and the total number of individuals who identified as LGBTQI+ on such forms, a description of the department's efforts to collect data specifically about LGBTQI+ domestic violence survivors, the department's outreach efforts, any complaints the department received about domestic violence emergency shelter services provided to LGBTQI+ residents and recommendations for enhancing outreach efforts and services offered by DSS specifically for domestic violence emergency shelter residents who identify as

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ *Id.*

⁶¹ <https://www1.nyc.gov/assets/ocdv/downloads/pdf/2017-annual-report.pdf>; <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2017/03/069-HRA.pdf>; <https://www1.nyc.gov/assets/ocdv/downloads/pdf/2017-annual-report.pdf>; <https://council.nyc.gov/budget/wp-content/uploads/sites/54/2018/06/Fiscal-2019-Schedule-C-Final-Report.pdf>

⁶² <https://www1.nyc.gov/site/hra/help/domestic-violence-support.page>.

LGBTQI+. Under this bill, DSS would also be required to consult with a community based organization with culturally specific expertise in challenges faced by survivors of domestic violence self-identifying as LGBTQI+ to develop and provide LGBTQI+ cultural competency trainings to domestic violence emergency shelter employees who work directly with residents.

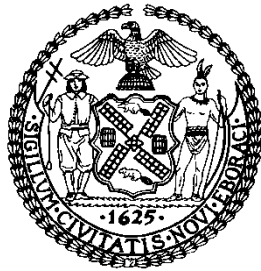
Since its initial hearing, this bill has been amended to require reporting on relevant data collection efforts, and to enhance the effectiveness of required cultural competency trainings for domestic violence emergency shelter employees who work directly with residents.

Int. No. 1712-A would take effect 180 days after it becomes law.

UPDATE

On October 21, 2021, the Committee passed Introduction 1712-A by a vote of eight in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1712-A:)



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

**PROPOSED INT. NO. 1712-A
COMMITTEE: Women and Gender Equity**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to report on services and resources provided specific to lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming, and non-binary residents of domestic violence emergency shelters.

Sponsors: Council Members Rosenthal, Gibson, Ayala, Kallos, Louis, and D. Diaz.

SUMMARY OF LEGISLATION: Proposed Int. No. 1712-A would require the Department of Social Services (DSS) to review and issue a written report annually on the services and resources provided to lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming, or non-binary (LGBTQI+) individuals entering domestic violence emergency shelters (DV shelters). The report would include: the number of survey forms distributed; the number of individuals who self-identified as LGBTQI+ on such forms; a description of efforts to collect data about LGBTQI+ individuals utilizing DV shelters; a description of the specific needs of DV shelter residents who identify as LGBTQI+; a description of efforts to reach LGBTQI+ individuals who may be eligible for DV shelter; the number of complaints received regarding DV shelter services provided to residents who identify as LGBTQI+, disaggregated by complaint type; recommendations for enhancing outreach efforts and services offered to DV shelter residents who identify as LGBTQI+; and the number of unduplicated DSS and contracted staff who have completed the training regarding LGBTQI+ individuals during the preceding fiscal year. The first report would be due on August 1, 2023, and annually by August 1st thereafter. The report would be submitted to the Mayor and the Speaker of Council, as well as published on the DSS website.

Additionally, beginning no later than six months after the effective date of law, and at least once every two years thereafter, DSS would be required provide training to all appropriate employees who work directly with clients at domestic violence emergency shelters. This would be done in consultation with a community-based organization with culturally specific expertise in challenges faced by LGBTQI+ individuals who have experienced domestic violence.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2023

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	(\$190,000)	(\$190,000)
Net	\$0	(\$190,000)	(\$190,000)

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

IMPACT ON EXPENDITURES: The reporting portion of this bill would have zero fiscal impact, as existing DSS resources can be used to collect the required information. For the training portion of this bill, DSS estimates that the enactment of this legislation would have a fiscal impact of \$163,900 per year. However, based on the Council’s estimate, it is anticipated that there would be a fiscal impact of approximately \$190,000 in Fiscal 2023 comprised of \$25,000 for DSS to develop the training in conjunction with a community-based organization and \$1,500 per training session for 110 sessions, two at each of the 55 DV shelters, totaling \$165,000. For each year thereafter, the estimated total cost would be approximately \$82,500 for one training session at each DV shelter.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Julia K. Haramis, Financial Analyst

ESTIMATE REVIEWED BY: Stephanie Ruiz, Assistant Counsel
Dohini Sompura, Unit Head
Nathaniel Toth, Deputy Director

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 12, 2019 as Int. No. 1712 and was referred to the Committee on Women and Gender Equity (Committee). A hearing was held on September 24, 2019 by the Committee jointly with the Committee on General Welfare, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1712-A, will be voted on by the Committee at a hearing on October 21, 2021. Upon a successful vote by the Committee, Proposed Int. No. 1712-A will be submitted to the full Council for a vote on October 21, 2021.

DATE PREPARED: October 19, 2021.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1712-A:)

Int. No. 1712-A

By Council Members Rosenthal, Gibson, Ayala, Kallos, Louis, D. Diaz, Dinowitz, Rivera and Gennaro.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to report on services and resources provided specific to lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming and non-binary residents of domestic violence emergency shelters

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-147 to read as follows:

§ 21-147 Domestic violence emergency shelter services for lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming and non-binary residents. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Domestic violence emergency shelter. The term “domestic violence emergency shelter” has the same meaning as provided in section 21-141.

LGBTQI+. The term “LGBTQI+” means lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming or non-binary.

b. No later than August 1, 2023 and annually by August 1 thereafter, the department shall complete a review of the services and resources provided to LGBTQI+ individuals entering domestic violence emergency shelters including, but not limited to, efforts aimed at data collection about LGBTQI+ individuals utilizing domestic violence emergency shelter, and shall submit to the mayor and the speaker of the council, and post on its website, a written report including the following information:

1. The total number of survey forms distributed by the department pursuant to paragraph 4 of subdivision k of section 15 of chapter 1 of the charter;

2. The total number of individuals who self-identified as LGBTQI+ on the survey forms distributed pursuant to paragraph 4 of subdivision k of section 15 of chapter 1 of the charter;

3. A description of the department’s efforts to collect data specifically about LGBTQI+ individuals utilizing domestic violence emergency shelters;

4. A description of what the department has determined are the specific service needs of domestic violence emergency shelter residents who identify as LGBTQI+;

5. A description of the types of services and resources provided at domestic violence emergency shelters specific to residents who identify as LGBTQI+;

6. A description of the department’s outreach efforts to reach LGBTQI+ individuals who may be eligible for domestic violence emergency shelter services;

7. *To the extent practicable, the total number of complaints the department received regarding domestic violence emergency shelter services provided to residents who identify as LGBTQI+, disaggregated by complaint type;*

8. *Recommendations for enhancing outreach efforts and services offered by the department specifically for domestic violence emergency shelter residents who identify as LGBTQI+; and*

9. *The total number of unduplicated department and contracted provider staff who have completed the training regarding LGBTQI+ individuals to be provided pursuant to subdivision c of this section during the preceding fiscal year.*

c. Beginning no later than six months after the effective date of this local law, and at least once every two years thereafter, the department shall, in consultation with a community based organization with culturally specific expertise in challenges faced by LGBTQI+ individuals who have experienced domestic violence, provide training to all appropriate employees identified by the department who work directly with clients at domestic violence emergency shelters.

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

DARMA V. DIAZ, *Chairperson*; BEN KALLOS; HELEN ROSENTHAL, FARAH N. LOUIS, JAMES F. GENNARO; Committee on Women and Gender Equity October 21, 2021.

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

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

By the Presiding Officer –

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

Approved New Applicants

<i>Name</i>	<i>Address</i>	<i>District #</i>
JOANNE SCHWARTBERG	510 E 85th Street, Apt 4E New York, New York 10028	5
MEGINA BEJKO COMPRES	511 123rd Street College Point, New York 11356	19
WATCHARIN JOEMSITTIPRASERT	43-16 Judge Street, Apt 2 Queens, New York 11373-3458	25
DAMIR RAHIMI	1461 Shore Pkwy, Apt 3H Brooklyn, New York 11214	43
ENRIKO GAVRILOV	3729 Oceanic Ave Brooklyn, New York 11224	47
ANGELA MESSINA	341A Van Pelt Ave Staten Island, New York 10303	49

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

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

- (1) **Int 499-A -** Allowing corporations, partnerships and other business entities to obtain newsstand licenses; and to repeal section 20-241.
- (2) **Int 1145-A -** Creating an exception to the item pricing requirement for retail stores with scanners available for consumer use.
- (3) **Int 1712-A -** Department of Social Services to report on services and resources provided specific to lesbian, gay, bisexual, transgender, queer, questioning, intersex, gender non-conforming and non-binary residents of domestic violence emergency shelters.
- (4) **Int 1716-A -** Demographic information for emergency removals by the Administration for Children's Services.
- (5) **Int 1717-A -** Information regarding demographic information of parents and children at each step in the child welfare system and a plan to address racial and income disparities.
- (6) **Int 1719-A -** Reporting on youth in foster care.
- (7) **Int 1727-A -** Emergency removals conducted by the Administration for Children's Services and quarterly and annual reporting.
- (8) **Int 1729-A -** Requiring the Administration for Children's Services to provide information to parents or caretakers about their right to request a fair hearing to appeal an indicated report.
- (9) **Int 1919-A -** Notification of recording of real estate instruments.
- (10) **Int 2259-A -** Extension of the deadlines for inspection and correction of building gas piping systems in certain community districts.

- (11) **Int 2321-A -** Inspection of building gas piping systems and extension of time to complete work required by inspection.
- (12) **Int 2373-A -** Amending a transcript of a record of death for a death caused by COVID-19.
- (13) **Int 2404-A -** Certifications of no harassment.
- (14) **Res 1765 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (15) **L.U. 828 & Res 1766 -** App. **20215034 HKM (N 210498 HKM/DL 524-LP 2651)** Borough of Manhattan, Council District 9, Community District 10.
- (16) **L.U. 835 & Res 1767 -** App **C 210329 PCK (101 Varick Avenue)** Borough of Brooklyn, Council District 34, Community District 1.
- (17) **L.U. 852 & Res 1768 -** App. **C 200070 ZMQ (62-04 Roosevelt Avenue Rezoning)** Borough of Queens, Community District 2, Council District 26.
- (18) **L.U. 853 & Res 1769 -** App. **N 20200069 ZRQ (62-04 Roosevelt Avenue Rezoning)** Borough of Queens, Community District 2, Council District 26.
- (19) **L.U. 854 & Res 1770 -** App. **C 210324 ZMM (495 Eleventh Ave – Slaughterhouse)** Borough of Manhattan, Community District 4, Council District 3.
- (20) **L.U. 855 & Res 1771 -** App. **N 210325 ZRM (495 Eleventh Ave – Slaughterhouse)** Borough of Manhattan, Community District 4, Council District 3.
- (21) **L.U. 856 & Res 1772 -** App. **C 210326 PCM (495 Eleventh Ave – Slaughterhouse)** Borough of Manhattan, Community District 4, Council District 3.

- (22) L.U. 857 & Res 1773 - App. C 210361 ZMR (252 Victory Boulevard) Borough of Staten Island, Community District 1, Council District 49.
- (23) L.U. 858 & Res 1774 - App. N 210362 ZRR (252 Victory Boulevard) Borough of Staten Island, Community District 1, Council District 49.
- (24) L.U. 863 & Res 1775 - App. C 20190260 ZMQ (48-18 Van Dam Teamsters Rezoning) Borough of Queens, Community District 2, Council District 26.
- (25) L.U. 875 & Res 1776 - App. C 210278 ZMK (130 St. Felix Street) Borough of Brooklyn, Community District 2, Council District 35.
- (26) L.U. 876 & Res 1777 - App. N 210279 ZRK (130 St. Felix Street) Borough of Brooklyn, Community District 2, Council District 35.
- (27) L.U. 877 & Res 1778 - App. C 210280 ZSK (130 St. Felix Street) Borough of Brooklyn, Community District 2, Council District 35.
- (28) L.U. 878 & Res 1779 - App. C 210281 ZSK (130 St. Felix Street) Borough of Brooklyn, Community District 2, Council District 35.
- (29) L.U. 879 & Res 1780 - App. C 210025 ZMQ (Broadway and 11th Street Rezoning) Borough of Queens, Community District 1, Council District 26).
- (30) L.U. 880 & Res 1781 - App. N 210026 ZRQ (Broadway and 11th Street Rezoning) Borough of Queens, Community District 1, Council District 26).
- (31) Resolution approving various persons Commissioners of Deeds.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **42**.

The General Order vote recorded for this Stated Meeting was 42-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 1145-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Chin, Cornegy, D. Diaz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Holden, Kallos, Koo, Koslowitz, Levin, Levine, Maisel, Miller, Moya, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **36**.

Negative – Lander – **1**.

Abstention – Brooks-Powers, Dinowitz, Grodenchik, Louis, and Riley – **5**.

The following was the vote recorded for **Int. No. 2404-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Chin, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, and The Speaker (Council Member Johnson) – **36**.

Negative – Borelli, Cornegy, Gjonaj, Holden, Yeger and the Minority Leader (Council Member Matteo) - **6**.

The following was the vote recorded for **L.U. No. 852 & Res. No. 1768; L.U. No. 853 & Res. No. 1769; L.U. No. 854 & Res. No. 1770; L.U. No. 855 & Res. No. 1771; L.U. No. 856 & Res. No. 1772; L.U. No. 857 & Res. No. 1773; L.U. No. 858 & Res. No. 1774; L.U. No. 875 & Res. No. 1776; L.U. No. 876 & Res. No. 1777; L.U. No. 877 & Res. No. 1778; L.U. No. 878 & Res. No. 1779; L.U. No. 879 & Res. No. 1780; L.U. No. 880 & Res. No. 1781:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Chin, Cornegy, D. Diaz, Dinowitz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **41**.

Negative – Barron – **1**.

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

Int. Nos. 499-A, 1145-A, 1712-A, 1716-A, 1717-A, 1719-A, 1727-A, 1729-A, 1919-A, 2259-A, 2321-A, 2373-A, and 2404-A.

INTRODUCTION AND READING OF BILLS

Res. No. 1762

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S6760, legislation to allow access to sealed and protected records to civilian law enforcement oversight entities conducting investigations and disciplinary proceedings for misconduct by police and peace officers.

By Council Member Adams.

Whereas, Civilian law enforcement oversight entities throughout New York State, including, but not limited to the Civilian Complaint Review Board (“CCRB”), are responsible for investigating and recommending action on complaints against police officers related to misconduct; and

Whereas, The CCRB, specifically, is empowered to receive, investigate, mediate, hear, make findings, and recommend action on complaints made against New York City police officers alleging the use of excessive or unnecessary force, abuse of authority, discourtesy, or the use of offensive language; and

Whereas, Legal barriers currently exist that prevent civilian law enforcement oversight entities, such as the CCRB, from meeting their essential goals, by precluding their ability to compel the release of sealed and protected records for investigative purposes; and

Whereas, CCRB Chairman Frederick Davie has petitioned state lawmakers for exemptions from state sealing statutes, calling it a necessary action for the agency to achieve their legal mandate to probe racial profiling and patterns of bias policing within the New York City Police Department (“NYPD”), according to the New York Daily News; and

Whereas, Over 279,000 misconduct complaints filed against NYPD officers since the CCRB’s creation, fewer than 20,000, or just about 7 percent, have been substantiated, according to the New York Civil Liberties Union’s NYPD Misconduct Complaint Database; and

Whereas, Allowing civilian law enforcement entities access to sealed and protected records that may contain information pertinent to their misconduct investigations has the potential to improve the accuracy of substantiation rates; and

Whereas, S6760, originally introduced by former Senator Brian Benjamin, would, if passed, improve the ability of civilian law enforcement entities to thoroughly investigate police misconduct by amending the criminal procedure law, the civil rights law, and the family court law to allow them access to sealed and protected police records; 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, S6760, legislation to allow access to sealed and protected records to civilian law enforcement oversight entities conducting investigations and disciplinary proceedings for misconduct by police and peace officers.

Referred to the Committee on Public Safety.

Res. No. 1763

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that would require all school buses operating within the state, regardless of seating capacity, to have a stop-arm on each side, and to prohibit any school buses from operating if they do not have functioning stop-arms.

By Council Members Barron, Rodriguez and Riley.

Whereas, According to the Governor's Traffic Safety Committee (GTSC), 2.3 million children are transported by more than 50,000 school buses annually within New York State (NYS); and

Whereas, The New York City (NYC) Department of Education provides all eligible NYC students in public, charter, and non-public schools with transportation, and it is estimated that the City spends about \$1.25 billion annually to transport about 150,000 students to and from school; and

Whereas, As school buses have bigger blind spots, take longer to stop, and need more room to maneuver than a standard vehicle, school buses are and should be treated differently; and

Whereas, The NYS Department of Motor Vehicles (DMV) advises that when drivers encounter a school bus they should slow down, be alert, come to a complete stop at least 20 feet away from the bus, and be extra careful before moving their vehicle, as children and pedestrians may be walking in front of, behind, or on the side of the buses; and

Whereas, In 2019, according to data from the National Highway Traffic Safety Administration, 109 people were killed nationwide in school bus-related crashes with 8 deaths, or 7% of the total, occurring within NYS; and

Whereas, According to the DMV, fatal crashes involving students who were struck by passing motorists typically involved motorists in one or more of the following circumstances: attempting to pass the bus; claiming they did not have time to wait; not seeing the flashing lights of the bus due to visibility issues; being waved on by the bus driver; being unaware of a child crossing; and/or simply disregarding the law and children's safety; and

Whereas, Surveys conducted by the New York Association for Pupil Transportation, in partnership with the GTSC, show that approximately 50,000 motorists illegally pass school buses in NYS each school day, and that illegally passing a school bus has the potential for serious injury or even fatality; and

Whereas, According to NYS law, the Commissioner of the DMV, in consultation with the NYS Commissioner of Transportation, has the authority to promulgate rules and regulations for the use of stop-arms on school buses which shall include provisions for an additional stop-arm to be located on the right side of the bus and/or an additional stop-arm to be located on the driver's side as close as is practical to the rear corner of the bus; and

Whereas, Presently, NYS law requires that every school bus designed with a capacity of 45 persons or more, and manufactured for use in NYS on or after 2002, be equipped with an additional stop-arm on the rear corner of the driver's side in compliance with regulations; and

Whereas, However, all school buses operating in NYS still do not have a stop-arm on each side of the school bus, which proponents think will enhance student safety; and

Whereas, The adoption of a state law requiring that all school buses, regardless of seating capacity, have a stop-arm on each side, and that any school bus without properly functioning stop-arms be prohibited from being used would ensure that motorists on any side of a school bus are alerted to the presence of children and pedestrians, so that children may be safely picked up and dropped off by school buses; 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 that would require all school buses operating within the state, regardless of seating capacity, to have a stop-arm on each side, and to prohibit any school buses from operating if they do not have functioning stop-arms.

Referred to the Committee on Education.

Int. No. 2430

By Council Member Borelli (by request of the Mayor).

A Local Law to amend the New York city fire code, in relation to the advancement and regulation of energy storage systems and the adoption of current fire safety standards as incorporated in the 2015 edition of the international fire code.

(For text of the 912 page bill, please refer to the attachments section of [the Int. No. 2430 of 2021 file](https://council.nyc.gov) which can be found in the legislative section of the New York City Council website at <https://council.nyc.gov>)

Referred to the Committee on Fire and Emergency Management.

Preconsidered Int. No. 2431

By Council Members Brannan, Gennaro, Rose, Yeger, Dinowitz and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to establish a program to provide financial assistance for the purchase and installation of backwater valves

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 24-532 to read as follows:

§ 24-532 *Backwater valves. Subject to appropriation, the commissioner shall establish a program to provide financial assistance that would reduce the cost of purchasing and installing a backwater valve, as such term is defined in section 202 of the New York city plumbing code.*

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

Referred to the Committee on Resiliency and Waterfronts (preconsidered but laid over by the Committee on Resiliency and Waterfronts, Environmental Protection, and Parks and Recreation).

Int. No. 2432

By Council Members Brannan, Lander and Salamanca.

A Local Law to amend the administrative code of the city of New York, in relation to the licensing and use of autonomous vehicles as taxis

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-557 to read as follows:

§ 19-557 *Autonomous taxis; rules. a. All vehicles licensed by the commission must be operated by a human driver at all times, and no autonomous vehicle shall be licensed by the commission to provide transportation for hire, unless and until the commission establishes a license for the use of an autonomous vehicle pursuant to subdivision b of this section. The commission shall not license any autonomous vehicle to provide transportation for hire unless that vehicle is a taxi.*

b. Before licensing an autonomous vehicle as a taxi, the commission shall establish a license for use of an autonomous vehicle as a taxi and shall promulgate rules regarding such license and the operation of autonomous taxis. In promulgating such rules, the commission shall at a minimum set requirements for the following:

- 1. The process for issuing a license to use an autonomous vehicle as a taxi;*
- 2. The issuance of such licenses to owners of taxicab medallions;*
- 3. The number of such licenses to be issued and any restrictions on the number of licenses that may be issued to any one person or entity;*
- 4. The safety standards for use of an autonomous vehicle as a taxi;*
- 5. The insurance required to use an autonomous vehicle as a taxi;*
- 6. The reporting to the commission of trip and revenue data, including the pickup and drop-off location, mileage, and fare for each trip;*
- 7. The vehicle standards for such autonomous vehicles, including whether the vehicle is a wheelchair accessible vehicle or a low- or zero-emission vehicle; and*
- 8. Such other rules as the commission considers to be necessary for the safe and orderly use of an autonomous vehicle as a taxi.*

c. The commission shall deny an application for a license for use of an autonomous vehicle as a taxi if such vehicle or applicant does not comply with the rules of the commission and, after due notice and an opportunity to be heard, may suspend or revoke a license for failure to comply with such rules.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation.

Res. No. 1764

Resolution calling on the New York State Legislature to pass and the Governor to sign the New York Emergency Responder Act, which would limit the liability of certain service providers during times of natural disasters, emergencies, or catastrophic events.

By Council Member Brannan.

Whereas, New York City has faced numerous large-scale emergencies and natural disasters over the past decades including the 9/11 terrorist attacks, Superstorm Sandy and most recently, effects from remnants of Hurricane Ida; and

Whereas, These events not only resulted in the loss of life, but also billions of dollars in extensive property and infrastructure damage throughout the City; and

Whereas, Contractors, such as Bovis Construction and Turner Construction, as well as other professionals, responded to requests from City government to help mitigate building and infrastructure damage from the events of 9/11, and subsequently learned that insurance was not readily available to protect them from certain civil liabilities while providing debris removal; and

Whereas, It took over one year for the federal government, at the request of the City of New York, to establish a \$1 billion dollar insurance company to protect contractors and the City against liability claims resulting from debris removal at ground zero; and

Whereas, As a result of these types of financial obstacles, such entities could be reluctant to assist in subsequent municipal emergencies without proper civil liability coverage; and

Whereas, Facing substantial liability exposure precludes these professionals, who provide vital expertise and services, in assisting government during times of crisis; and

Whereas, In order to quickly address and stabilize issues to infrastructure and rebuilding needs when such events occur, there should be a mechanism to protect professionals and construction service providers from liability when rendering these essential services; and

Whereas, A.5679, introduced by New York State Assemblymember Steve Englebright, and companion bill S.6377, introduced by New York State Senator Diane Savino, also known as the “*New York Emergency Responder Act*”, are pending in the New York State Legislature; and

Whereas, The *New York Emergency Responder Act* aims to protect licensed design professionals and other construction service providers in the building industry by extending rights and benefits to limit liability for providing advice, services, labor and materials during times of natural disasters and emergencies; and

Whereas, The *New York Emergency Responder Act* would amend the New York State Executive Law by adding new section 29-f, which would provide that any person, firm, or corporation, including any engineer, architect, landscape architect, land surveyor, contractor, subcontractor, laborer, and/or supplier, who is requested by government to render advice or services in connection with a declared emergency is not liable for certain damages that may occur; and

Whereas, These provisions would not be applied in cases of willful or intentional misconduct and expire 60 days after the natural disaster or emergency has been declared; and

Whereas, By providing liability protection, the *New York Emergency Responder Act* would help incentivize members of the construction industry to respond to declared emergencies rapidly and efficiently – helping government to quickly limit damages caused during an emergency and prevent further damage; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass and the Governor to sign the New York Emergency Responder Act, which would limit the liability of certain service providers during times of natural disasters, emergencies, or catastrophic events.

Referred to the Committee on Resiliency and Waterfronts.

Preconsidered Int. No. 2433

By Council Members Cabrera and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to electronic issuance of notices of violation returnable to the environmental control board or a tribunal of the office of administrative trials and hearings

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 34 to read as follows:

*Title 34: Administrative Trials and Hearings
Chapter 1: General Provisions*

§ 34-101 Electronic issuance of notices of violation returnable to the environmental control board or a tribunal of the office of administrative trials and hearings. a. Definitions. For the purpose of this section, the following terms have the following meanings:

Electronic device. The term “electronic device” means one or more pieces of electronic equipment capable of being carried by an enforcement officer on such officer’s person in the course of such officer’s duties.

Enforcement officer. The term “enforcement officer” means any officer or employee of an agency who is authorized to issue notices of violation.

Notice of violation. The term “notice of violation” means any notice of violation returnable to the environmental control board or a tribunal of the office of administrative trials and hearings.

b. Each agency that issues notices of violation shall equip each of its enforcement officers with an electronic device while such officer is engaged in enforcement activities that enables such officer to:

- 1. Fill out notices of violation electronically;*
- 2. Print notices of violation once completed so that they may be served upon respondents in accordance with applicable law;*
- 3. Electronically transmit notices of violation once completed to the to the office of administrative trials and hearings;*

4. Indicate on a notice of violation the section of law or rule alleged to have been violated by selecting such section from a list; and

5. To the extent practicable, access relevant city databases such as the buildings information system and the automated city register information system to validate respondent information.

c. Except as provided in subdivision d of this section, enforcement officers shall issue all notices of violation using an electronic device meeting the requirements of subdivision b of this section.

d. An enforcement officer may issue a notice of violation by means other than using an electronic device meeting the requirements of subdivision b of this section if the electronic device provided to such officer pursuant to subdivision b of this section would not be capable of issuing a valid or accurate notice of violation under the circumstances.

e. Nothing in this section shall be construed so as to render a notice of violation invalid, defective or otherwise unenforceable solely because it was not issued in accordance with the requirements of this section.

f. 1. No later than August 1, 2022, and each August 1 thereafter, each agency that issues notices of violation shall submit to the mayor's office of operations the following data:

(a) The total number of notices of violation issued by such agency in the preceding fiscal year; and

(b) The total number of notices of violation issued by such agency in the preceding fiscal year using an electronic device meeting the requirements of subdivision b of this section.

2. No later than September 1, 2022, and each September 1 thereafter, the mayor's office of operations shall:

(a) compile the data submitted pursuant to paragraph 1 of this subdivision into a single report that disaggregates such data by agency;

(b) deliver such compiled report to the speaker of the council; and

(c) post such compiled report on the single web portal described in section 23-502 of this code.

§ 2. This local law takes effect 365 days after becoming law.

Referred to the Committee on Governmental Operations (preconsidered but laid over by the Committee on Governmental Operations).

Int. No. 2434

By Council Members Dromm, Salamanca, Yeger and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the senior citizen rent increase exemption and the disability rent increase exemption

Be it enacted by the Council as follows:

Section 1. Section 11-137 of the administrative code of the city of New York, as added by local law number 40 for the year 2015, is amended by adding new subdivisions d and e to read as follows:

d. *Information System.* The department shall develop and maintain a secure citywide system that allows tenants to access their information related to the rent increase exemption programs. A link to such system shall be prominently displayed on the website of the department and any other city agency website that administers such programs. The information presented in such system shall be updated with any applicable changes no less frequently than daily. Such system shall include, but not be limited to, the following functionality:

a. allowing any tenant who has submitted an application, renewal application or any other application form required by the department or city agency for a rent increase exemption program to view the current status of their application. Such system shall indicate for each individual whether the department or city agency has:

(1) received such tenant's application;

(2) approved or rejected such application, if applicable, and if rejected, a brief statement of the reason for rejection as well as a list of any missing documents that led the department or city agency to reject the application; and

(3) mailed or delivered a letter to such tenant containing information regarding the determination to approve or reject the application, and shall include the ability for such tenant to view an electronic version of the letter.

b. allowing the tenant to view their benefit status, including but not limited to, for each exemption:

(1) active status, with the inclusion of the date on which the benefit became active, the date by which the tenant must apply to renew the benefit, and the date on which the benefit will become inactive; and

(2) inactive status, with a brief explanation of what this status means and why the benefit is categorized as such, as well as information on how the tenant can restore the benefit to active status.

c. allowing the tenant to view, if applicable, any documents such tenant has submitted to the department or city agency, or that the department or city agency has submitted to such tenant, including the date on which such document was received by the department or city agency or submitted to such tenant;

d. providing any tenant with the option to receive written or electronic alerts including, but not limited to, notification of a change in their exemption status; and

f. allowing the tenants to access existing online resources including, but not limited to, resources allowing such property owner to:

(1) submit an initial application, a renewal application and any other form other than an application or renewal application form;

(2) update tenant or household information; and

(3) submit questions regarding the rent increase exemption programs.

e. Outreach. The department shall, to the extent practicable, contact by telephone or electronic mail any person who (i) has registered their telephone number or electronic mail address with the department and (ii) has received the notice described in subdivision b of this section Any such contact shall be made within a time period reasonably proximate to the mailing of such notice.

§ 2. Paragraph (9) of subdivision m of section 26-405 administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to re-establish the ratio of adjusted rent to aggregate disposable income which existed at the time of the approval of such eligible head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to such law. For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income. For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth,

two thousand five. For purposes of this paragraph, “adjusted rent” shall mean maximum rent less the amount set forth in a rent exemption order.

§ 3. Paragraph (9) of subdivision b of section 26-509 administrative code of the city of New York, as amended by local law number 44 for the year 2009, is amended to read as follows:

(9) Notwithstanding any other provision of law to the contrary, where a head of household holds a current, valid rent exemption order and, after the effective date of this paragraph, there is a permanent decrease in aggregate disposable income in an amount which exceeds twenty percent of such aggregate disposable income as represented in such head of the household's last approved application for a rent exemption order or for renewal thereof, such head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to aggregate disposable income which existed at the time of approval of such head of the household's last application for a rent exemption order or for renewal thereof; provided, however, that in no event shall the amount of adjusted rent be redetermined to be (i) in the case of a head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of the aggregate disposable income unless such head of the household has been granted a rent exemption order that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of a head of the household who receives a monthly allowance for shelter pursuant to such law, less than the maximum allowance for shelter which such head of the household is entitled to receive pursuant to the social services law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income.* For purposes of this paragraph, a decrease in aggregate disposable income shall not include any decrease in such income resulting from the manner in which such income is calculated pursuant to any amendment to paragraph c of subdivision one of section four hundred sixty-seven-b of the real property tax law, any amendment to the regulations of the department of finance made on or after the effective date of the local law that added this clause, or any amendment to the regulations of such other agency as the mayor shall designate made on or after October tenth, two thousand five. For purposes of this paragraph, “adjusted rent” shall mean legal regulated rent less the amount set forth in a rent exemption order.

§ 44. Subdivision d of section 26-605 administrative code of the city of New York, as amended by chapter 553 of the laws of 2015, is amended to read as follows:

(d) Notwithstanding any other provision of law to the contrary, where an eligible head of the household holds a current, valid rent increase exemption order/tax abatement certificate and, after the effective date of this subdivision, there is a permanent decrease in income in an amount which exceeds twenty percent of such income as represented in such eligible head of household's last approved application for a rent increase exemption order/tax abatement certificate or for renewal thereof, such eligible head of the household may apply for a redetermination of the amount set forth therein. Upon application, such amount shall be redetermined so as to reestablish the ratio of adjusted rent to income which existed at the time of approval of such eligible head of the household's last application for a rent increase exemption order/tax abatement certificate or for renewal thereof; provided, however, that in no event shall the amount of the adjusted rent be redetermined to be (i) in the case of an eligible head of the household who does not receive a monthly allowance for shelter pursuant to the social services law, less than one-third of income unless such head of the household qualifies as a person with a disability pursuant to section 26-617 of this chapter and has been granted a rent increase exemption order/tax abatement certificate that is in effect as of January first, two thousand fifteen or takes effect on or before July first, two thousand fifteen; or (ii) in the case of an eligible head of the household who receives a monthly allowance for shelter pursuant to the social services law, less than the maximum allowance for shelter which such eligible head of the household is entitled to receive pursuant to law. *For purposes of this paragraph, a decrease in aggregate disposable income shall include an event in which (i) a member of the household has died; (ii) a member of the household has permanently moved to a nursing home; (iii) a member of the household*

has permanently retired or has a permanent disability; (iv) a member of the household is no longer receiving social security disability income benefits; and (v) a member of the household has experienced a termination of employment for a period no less than six months. Notwithstanding any other provision of law if, upon the approval of a redetermination application and prior to renewal, there is a change to the employment status to such member of the household who experienced a termination of employment for a period no less than six months, the head of the household shall re-apply for a redetermination so as to re-establish the ratio of adjusted rent to aggregate disposable income. For purposes of this subdivision, a decrease in income shall not include any decrease in income resulting from the manner in which income is calculated pursuant to any amendment to paragraph f of subdivision one of section four hundred sixty-seven-c of the real property tax law or an amendment to subdivision f of section 26-601 of this code made on or after April first, nineteen hundred eighty-seven. For purposes of this subdivision, “adjusted rent” shall mean maximum rent less the amount set forth in a rent increase exemption order/tax abatement certificate.

§ 5. This local law takes effect 120 days after it becomes law, except that the administering agency, may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Finance.

Preconsidered Res. No. 1765

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

By Council Member Dromm.

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

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

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

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021 and Fiscal 2020 Expense Budgets by approving the new designation and the changes in the designation of certain organizations receiving local discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local and youth discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

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

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Pandemic Support for Human Service Providers Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1765 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Int. No. 2435

By Council Members Holden and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for excessive noise from speakers and motor vehicles

Be it enacted by the Council as follows:

Section 1. Section 24-233 of the administrative code of the city of New York is amended by adding a new subdivision (d) to read as follows:

(d) A motor vehicle shall be towed and retained by the police department for a second or any subsequent violation of this section, and shall be released to the motor vehicle owner upon payment of the associated civil penalty set forth in section 24-257.

§ 2. Subchapter 6 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-233.1 to read as follows:

§ 24-233.1 Affixing audio output devices to motor vehicles prohibited. (a) Definitions. As used in this section, the term "audio output device" means any device that can receive and process an audio signal for the purpose of playing sound.

(b) Prohibition. No motor vehicle owner shall affix an audio output device to the exterior of the motor vehicle or permit an audio output device to be affixed to the exterior of the motor vehicle.

(c) Enforcement. (1) Notice of violation. A motor vehicle owner shall be issued a notice of violation pursuant to section 24-259 for violations of this section.

(2) Hearing. A motor vehicle owner may contest allegations of violations contained in a notice of violation issued pursuant to this section and request a hearing in a written response to such notice. Such written response shall be in a form prescribed by the board and shall be served upon the department and filed with the board within 5 days of receipt of a notice of violation. The department shall hold a hearing for a motor vehicle owner to contest allegations of violations contained in a notice of violation within 10 days after a request for a hearing has been made.

(3) Penalties. A motor vehicle owner who violates any provision of this section shall be liable for a civil penalty of not more than \$225 and not less than \$100 for a first violation, not more than \$400 and not less than \$150 for a second violation, and not more than \$575 and not less than \$200 for a third and any subsequent violation. A motor vehicle shall be towed and retained by the police department for a second or any subsequent violation of this section, and shall be released to the motor vehicle owner upon payment of the associated civil penalty set forth in section 24-257.

§ 3. The rows beginning 24-233(a), 24-233(b)(1) and 24-233(b)(2) of table 1 of paragraph 5 of subdivision b of section 24-257 of the administrative code of the city of New York, as amended by local law number 80 for the year 2020, are amended and a new row 24-233.1 is added to read as follows:

24-233(a)	[175] 225	[50] 100	[350] 400	[100] 150	[525] 575	[150] 200
24-233(b)(1)	[175] 225	[50] 100	[350] 400	[100] 150	[525] 575	[150] 200
24-233(b)(2)	[350] 400	[100] 150	[700] 750	[200] 250	[1,050] 1,100	[300] 350
24-233.1	225	100	400	150	575	200

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

Referred to the Committee on Environmental Protection.

Int. No. 2436

By Council Members Miller, Cornegy, Salamanca, Yeger, Kallos and Dinowitz.

A Local Law to amend the New York city charter, in relation to the creation of an office of the homeowner advocate within the department of housing preservation and development

Be it enacted by the Council as follows:

Section 1. Chapter 61 of the New York city charter is amended by adding a new section 1807 to read as follows:

§ 1807. *Office of the homeowner advocate. a. For the purposes of this section the following term shall have the following meaning:*

Homeowner. The term "homeowner" means the owner of a building containing a residence within the city that such owner utilizes as their primary residence. For the purposes of this section, such building may be either a one- or two- family dwelling or a multiple dwelling as defined by section 4 of the New York state multiple dwelling law.

b. There shall be in the department an office of the homeowner advocate whose duties shall include, but not be limited, to the following:

- 1. establish a website and email address to receive comments and complaints from homeowners;*
- 2. refer homeowners to the appropriate state or federal agency and, where needed, facilitate communication between the homeowner and such agency;*
- 3. serve as a liaison to homeowners and city agencies including, but not limited to, the department, the department of buildings, the department of environmental protection and the department of finance and to provide the names of individuals or offices within such agencies that directly relate to the interests of homeowners;*
- 4. act as a liaison to homeowners and community based organizations, legal services organizations and other organizations that provide support to homeowners;*
- 5. make available, or provide referrals to, counseling for homeowners on areas such as scam prevention, mortgage counseling, municipal payment assistance, repair financing, financial planning and estate planning;*
- 6. provide trainings for homeowners on topics such as homeownership basics, property management, utility payments, insurance, mortgage relief and foreclosure prevention;*
- 7. assist homeowners with navigating and accessing private and public financial and technical resources;*
and
- 8. create public awareness campaigns about the rights and responsibilities of homeowners.*

c. By January 1, 2023, and by January first of each year thereafter, the office of the homeowner advocate shall submit to the speaker of the council, the mayor and post on its website a report. The report shall include, but need not be limited to, the following, disaggregated by community district where applicable:

- 1. the number of inquiries received by the office of the homeowner advocate, including complaint type and frequency;*
- 2. a summary of actions taken for each inquiry type;*
- 3. average amount of time taken to address each inquiry type;*
- 4. the names and websites of existing not for profit organizations providing low cost or free services to homeowners within the city, including the names of individual points of contact within such organizations; and*
- 5. recommendations for free and low cost services not already available that might be beneficial to homeowners within the city.*

§ 2. This local law takes effect 90 days after becoming law.

Referred to the Committee on Housing and Buildings.

Int. No. 2437

By The Public Advocate (Mr. Williams) and Council Members Rivera, Yeger and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a flash flood emergency evacuation plan for residents of multiple dwellings and outreach and reporting relating thereto

Be it enacted by the Council as follows:

Section 1. Section 30-114 of title 30 of the administrative code of the city of New York, as amended by local law number 17 for the year 2015, is amended to read as follows:

§ 30-114 Localized emergency preparedness materials. The commissioner shall develop and disseminate localized emergency preparedness materials, *including detailed evacuation plans*, for communities, *including all multiple dwellings*, in which there is a risk of evacuation due to *flash floods*, coastal storms or hurricanes to increase public awareness as to the appropriate responses by members of the public to such risk and of the resources available during such *flash flood*, coastal storm or hurricane within and near such communities. Such materials shall:

a. [be] *Be* limited to information relevant to that community, as identified by zip code or contiguous zip codes in a geographic area;

b. [identify] *Identify* any local evacuation zones, evacuation centers or other such geographic information relevant to an evacuation, *including providing a detailed explanation as to how residents of multiple dwellings, especially residents of basement and first floor apartments, would be evacuated in the event of a flash flood, coastal storm or hurricane emergency warning*;

c. [identify] *Identify* and provide contact information for any local patrol precinct or firehouse;

d. [at] *At* the discretion of the commissioner, identify and provide contact information for any charitable organization or not-for-profit organization that the commissioner identifies as having the potential to provide services or materials that may be beneficial to such community after a *flash flood*, coastal storm or hurricane;

e. [provide] *Provide* any other information deemed relevant by the commissioner; and

f. [be] *Be* distributed within communities, *including all multiple dwellings*, at risk of evacuation due to *flash floods*, coastal storms or hurricanes in the [top ten most commonly spoken languages within each such community as determined by the commissioner in consultation with the department of city planning,] *designated citywide languages, as defined in section 23-1101*, and be made available online.

§ 2. Title 30 of the administrative code of the city of New York is amended by adding a new section 30-114.1, to read as follows:

§ 30-114.1 *Outreach and reporting on flash flood risk and emergency evacuation plans. a. Beginning no more than 60 days after the effective date of the local law that added this section, the commissioner, in collaboration with the commissioner of environmental protection and the commissioner of housing preservation and development, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, including providing signage to landlords for use in multiple dwellings, to notify residents of flash flood risks and the emergency evacuation plans required by section 30-114.*

b. Within 60 days of a flash flood emergency, the commissioner shall submit a report on the implementation of the flash flood emergency evacuation plans required by section 30-114 to the mayor, the speaker of the council and the public advocate, which the commissioner shall post on the department's website. The report shall include, but not be limited to, the following information, which shall not include any personally identifiable information:

1. The number of multiple dwellings, including specifically the number of basement and first floor apartments that were evacuated during the flash flood emergency;

2. The addresses and council districts of such evacuated multiple dwellings;

3. The number of individuals who were evacuated from such multiple dwellings;

4. The challenges in implementing such evacuation plans, including, but not limited to, the evacuation of seniors and persons with limited mobility, and any recommendations to address such challenges; and

5. Any additional information that the commissioner deems relevant.

§ 3. This local law takes effect 90 days after it becomes law, except that the commissioner of emergency management shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Resiliency and Waterfronts.

Int. No. 2438

By Council Members Rosenthal, Brooks-Powers, Ampry-Samuel, Menchaca, D. Diaz and Dinowitz.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to video voter guides

Be it enacted by the Council as follows:

Section 1. Paragraphs 1 and 2 of subdivision b of section 1052 of the New York city charter, as amended by local law number 170 for the year 2016, are amended to read as follows:

1. The board shall take such actions as it deems necessary and appropriate to improve public awareness of the candidates, ballot proposals or referenda in all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, including but not necessarily limited to the publication of a non-partisan, impartial voter guide in at least [one media format] *two media formats, including but not limited to a printed voter guide and a video voter guide to be published online*, providing information on candidates, ballot proposals and referenda, and the distribution of one copy of such printed guide to each household in which there is at least one registered voter eligible to vote in the election involved. A voter may opt out of receiving a printed copy of such guide and the board shall comply with this request to the extent feasible.

2. The board shall also take such actions as it deems necessary and appropriate to improve public awareness of the candidates in all other contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, including but not necessarily limited to the publication of a non-partisan, impartial voter guide in at least [one media format] *two media formats, including but not limited to a printed voter guide and a video voter guide to be published online*, providing information on such candidates, ballot proposals or referenda. The board shall coordinate with other agencies in general and specialized efforts to improve public awareness of such candidates, proposals, or referenda.

§ 2. Section 1053 of the New York city charter, as amended by local law number 88 for the year 2017, is amended to read as follows:

Section 1053. Voter guide. a. For all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, each printed voter guide published by the board shall contain:

1. material explaining the date and hours during which the polls will be open for that election; when, where, and how to register to vote; when a citizen is required to reregister; when, where, and how absentee ballots are obtained and used; instructions on how to vote; information on the political subdivisions applicable to a particular citizen's address; and any other general information on voting deemed by the board to be necessary or useful to the electorate or otherwise consistent with the goals of this charter;

2. such table of contents, graphics, and other materials which the board determines will make the voter guide easier to understand or more useful for the average voter;

3. information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, a listing of major organizational affiliations and endorsements, and a concise statement by each candidate of his or her principles, platforms or views;

4. where there is a ballot proposal or referendum, concise statements explaining such proposal or referendum and an abstract of each such proposal or referendum; and

5. For a *printed* voter guide mailed in connection with the citywide primary and general elections held every four years, such voter guide shall include for each registered voter a list of the primary and general elections held over the previous four calendar years for which, according to the records of the board of elections, such voter was registered to vote and whether such voter voted in each such election. Such information may be printed separately from such voter guide, provided that it is included with the mailing of such voter guide.

b. For all other elections in which there are contested elections held in the city of New York for any city, county, state, or federal office or ballot proposals or referenda pursuant to city, county, state, or federal law, each voter guide shall contain information that the board deems necessary or useful to the electorate or is otherwise consistent with the board's responsibility under this chapter to improve public awareness of candidates, ballot proposals, or referenda.

c. *Printed and video* [V]voter guides shall be prepared in plain language using words with common and every day meanings.

d. The board shall promulgate such rules as it deems necessary for the preparation and publication of printed voter guides in English, Spanish and any other languages the board determines to be necessary and appropriate and for the distribution of the guide in at least one media format. *The board shall promulgate such rules as it deems necessary for the preparation and online publication of video voter guides in English, American Sign Language and each of the designated citywide languages as defined in section 23-1101, and to provide captions in each such language in such videos.* The purpose of such rules shall be to ensure that the guide and its distribution will serve to fully, fairly and impartially inform the public about the issues and candidates appearing on the ballot.

e. *For all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, each video voter guide published by the board shall contain information on each candidate, including but not limited to name, party affiliation, present and previous public offices held, present occupation and employer, prior employment and other public service experience, educational background, a listing of major organizational affiliations and endorsements, a concise statement by each candidate of his or her principles, platforms or views, and a concise description by each candidate of such candidate's physical attributes. The mayor's office for people with disabilities shall establish guidance for best practices for candidates to fulfill the requirements of this subdivision.*

f. *For all elections in which there are contested elections for the offices of mayor, public advocate, borough presidents, comptroller, or city council or ballot proposals or referenda pursuant to this charter or the municipal home rule law, the mayor's office for people with disabilities shall establish guidance for best practices for creating each printed voter guide and video voter guide for individuals with disabilities, including but not limited to individuals who are deaf or hard of hearing, and individuals who are blind or have low vision. The mayor's office for people with disabilities shall continue to update such guidance as it deems necessary.*

§ 3. Section 3-703 of the administrative code of the city of New York, as amended by local law number 188 for the year 2016, is amended by adding a new subdivision (p) to read as follows:

(p) fulfill the requirements of section 1053 of the charter.

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

Referred to the Committee on Governmental Operations.

Preconsidered Int. No. 2439

By Council Members Rosenthal and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to domestic violence, sexual crimes, and human trafficking training for police officers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-192 to read as follows:

§ 14-192 Domestic violence, sexual crimes, and human trafficking training. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Domestic violence. The term “domestic violence” means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.

Family offense matter. The term “family offense matter” shall mean an act or threat of an act that may constitute disorderly conduct, harassment in the first degree, harassment in the second degree, aggravated harassment in the second degree, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision 1 of section 130.60 of the penal law, stalking in the first degree, stalking in the second degree, stalking in the third degree, stalking in the fourth degree, criminal mischief, menacing in the second degree, menacing in the third degree, reckless endangerment, strangulation in the first degree, strangulation in the second degree, criminal obstruction of breathing or blood circulation, assault in the second degree, assault in the third degree, an attempted assault, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree or coercion in the second degree as set forth in subdivisions 1, 2 and 3 of section 135.60 of the penal law between spouses or former spouses, or between parent and child or between members of the same family or household.

Human trafficking. The term “human trafficking” shall mean an act or threat of an act that may constitute sex trafficking, as defined in section 230.34 of the penal law, or labor trafficking, as defined in section 135.35 and 135.36 of the penal law.

Sexual crimes. The term “sexual crimes” means any offense in article 130 of the penal law.

b. Training requirement. 1. Beginning July 1, 2022, each police officer shall complete no less than three hours of training on responding to incidents involving domestic violence, sexual crimes, or human trafficking. Such training, shall include, at a minimum: the dynamics of domestic violence, including abuser tactics of power and control; danger and lethality factors in domestic violence cases; the criminal provisions of the family protection domestic violence intervention act of 1994, codified in chapter 222 of the laws of 1994; how to determine the primary aggressor in a domestic violence incident; the elements of family offense matters; investigating domestic violence, sexual assault, human trafficking, and related cases; techniques of trauma-informed policing; and resources available to victims of domestic violence, sexual assault, and human trafficking, including shelter and nonresidential services available to victims of domestic violence, locating hospital-based sexual assault forensic exams, sexual assault, and human trafficking emergency resources. Such training shall be supplemented by trainings, conducted at least monthly, at roll-call on topics to enhance police response to domestic violence, sexual assault, and human trafficking.

2. Such training shall be developed by an interdisciplinary, interagency committee that shall meet at least quarterly and shall consist of:

- (i) the commissioner of the mayor’s office to end domestic and gender-based violence;*
- (ii) the director of the mayor’s office of criminal justice;*
- (iii) the department’s commander of the special victims division;*
- (iv) the department’s chief of collaborative policing;*
- (v) the department’s chief of the domestic violence unit;*
- (vi) the department’s chiefs or deputy chiefs of the domestic violence bureau of each county;*
- (vii) two representatives of two domestic violence service providers, including at least one that serves immigrant communities, as appointed by the mayor;*
- (viii) two representatives of two sexual assault service providers, as appointed by the mayor; and*
- (ix) two representatives of two human trafficking service providers, as appointed by the mayor.*

In making appointments from providers, that mayor shall consider appointees that are survivors of domestic violence, sexual assault, and/or human trafficking. Such committee shall be formed and begin meeting no later than December 1, 2021.

c. Reporting. Beginning February 1, 2023, and no later than each February 1 thereafter, the department shall report the following information concerning domestic violence, sexual crimes, or human trafficking training for the previous calendar year: the number of police officers trained, the dates of such trainings, and the curriculum used for each training session. Such report shall be posted on the department’s website and

submitted to mayor, the speaker of the council, and the members of the committee formed pursuant to subdivision b.

§ 2. Paragraphs 2, 3, and 5 of subdivision d of section 19 of the New York city charter are amended to read as follows:

2. There shall be a domestic violence fatality review committee to examine [aggregate information relating to] domestic violence fatalities in the city of New York. Such committee shall develop recommendations for the consideration of the director of the office to end domestic and gender-based violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency. The committee shall be convened by the director of the office to end domestic and gender-based violence, or his or her designee, and shall consist of the director of the office to end domestic and gender-based violence, or his or her designee, the commissioner of the police department, or his or her designee, the commissioner of the department of health and mental hygiene, or his or her designee, the commissioner of the department of social services/human resources administration, or his or her designee, the commissioner of the department of homeless services, or his or her designee and the commissioner of the administration for children's services, or his or her designee. The committee shall also consist of two representatives of programs that provide social or legal services to victims of domestic violence, *including at least one program that serves immigrant victims; two representatives of sexual assault service providers; two representatives of two human trafficking service providers;* [and] two individuals with personal experience with domestic violence. The director of the office to end domestic and gender-based violence, or his or her designee, shall serve as chairperson of the committee. At the discretion of the director of the office to end domestic and gender-based violence, the committee may also include a representative of any of the offices of the district attorney of any of the five boroughs and/or a representative of the New York city housing authority. Each member of the committee other than any member serving in an ex officio capacity shall be appointed by the mayor.

(i) The service of each member other than a member serving in an ex officio capacity shall be for a term of two years to commence ninety days after the effective date of the local law that added this subdivision. Any vacancy occurring other than by expiration of term shall be filled by the mayor in the same manner as the original position was filled. A person filling such a vacancy shall serve for the unexpired portion of the term of the member succeeded. New terms shall begin on the next day after the expiration date of the preceding term.

(ii) Members of the committee shall serve without compensation.

(iii) No person shall be ineligible for membership on the committee because such person holds any other public office, employment or trust, nor shall any person be made ineligible to or forfeit such person's right to any public office, employment or trust by reason of such appointment.

(iv) The committee shall meet at least four times a year.

3. The committee's work shall include, but not be limited to, reviewing statistical data relating to domestic violence fatalities; analyzing aggregate information relating to domestic violence fatalities, including, non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; examining any factors indicating a high-risk of involvement in domestic violence fatalities; [and] developing recommendations for the director of the mayor's office to end domestic and gender-based violence regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency; *and for each domestic violence fatality, reviewing the response of the New York city police department and any other relevant public or private entities and whether such fatality could have been prevented.*

5. The committee shall submit to the mayor and to the speaker of the city council, on an annual basis, a report including, but not limited to, the number of domestic violence fatality cases which occurred in the city of New York during the previous year; the number of domestic violence fatality cases reviewed by the committee during the previous year, if any; any non-identifying data with respect to victims and perpetrators involved in domestic violence fatalities, such as gender, age, race and familial or other relationship involved, and, if available, religion, ethnicity and employment status; any factors indicating a high risk of involvement in domestic violence fatalities; *results of reviews of domestic violence fatalities;* and recommendations regarding the coordination and improvement of services for victims of domestic violence provided by agencies and private organizations that provide such services pursuant to a contract with an agency.

§ 3. This local law takes effect in 90 days.

Referred to the Committee on Public Safety (preconsidered but laid over by the Committee on Public Safety).

Preconsidered L.U. No. 894

By Council Member Salamanca:

Application No. C 200314 ZMK (824 Metropolitan Avenue) submitted by 824 Metropolitan Avenue Owner, 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 R6B District to an R7A District, changing from a C8-2 District to an R7A District, and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 1, Council District 34.

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. 895

By Council Member Salamanca:

Application No. N 200315 ZRK (824 Metropolitan Avenue) submitted by 824 Metropolitan Avenue Owner, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 1, Council District 34.

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. 896

By Council Member Salamanca:

Application No. C 210339 ZMX (624 Morris Avenue Rezoning) submitted by Application submitted by 624 Morris B, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, by establishing within an existing R7-1 District a C1-4 District, Borough of the Bronx, Community District 1, Council District 17).

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Zoning and Franchises).

L.U. No. 897

By Council Member Salamanca:

Application No. C 210398 ZSX (WIN Powers) submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located at 346 Powers Avenue (Block 2572, Lot 6) in an R6 District. submitted by the NYC Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-903 of the Zoning Resolution to modify the requirements of ZR 24-111 (Maximum Floor Area Ratio for Certain Community Facility Uses) to permit the allowable community facility floor area ratio of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to a non-profit institution with sleeping accommodations, in connection with the development of two community facility buildings, on property located in an R6 District at 346 Powers Avenue (Block 2572, Lot 6), Borough of the Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 898

By Council Member Salamanca:

Application No. C 210399 HAX (WIN Powers) submitted by the NYC Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and an Urban Development Action Area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 346 Powers Avenue (Block 2572, Lot 6), Borough of the Bronx, Community District 1, Council District 8.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings & Dispositions.

L.U. No. 899

By Council Member Salamanca:

Application No. C 210412 ZSM (175 Park Avenue) submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-685 of the Zoning Resolution, in conjunction with a special permit pursuant to 81-64 (Special Floor Area Provisions for Qualifying Sites), to modify: the qualifying site definition of Section 81-613 (Definitions); the floor area requirements for an increase in floor area pursuant Row A of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites); the street wall regulations of Sections 81-43 (Street Wall Continuity along Designated Streets) and 81-671 (Special Street Wall Requirements); the height and setback requirements of Section 81-27 (Alternative Height and Setback Regulations – Daylight Evaluation) and Section 81-66 (Special Height and Setback Requirements); the mandatory district plan elements of Section 81-42 (Retail Continuity along Designated Streets),

and 81-45 (Pedestrian Circulation Space), Section 81-674 (Ground floor use provisions) & Section 37-53 (Design Standards for Pedestrian Circulation Space); the publicly accessible space requirements of Section 81-681 (Mandatory Requirements for Qualifying Sites) and Section 37-70 (Public Plazas); and the requirements of Section 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) to extend the time for substantial construction to be completed prior to the lapse of any special permit granted for the qualifying site; in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 900

By Council Member Salamanca:

Application No. C 210413 ZSM (175 Park Avenue) submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-621 of the Zoning Resolution to allow Use Group 5 uses (transient hotel), on property located at 175 Park Avenue (Block 1280, Lot 30), in a C5-3 District, within the Special Midtown District (East Midtown Subdistrict), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 901

By Council Member Salamanca:

Application No. C 210414 ZSM (175 Park Avenue) submitted by Commodore Owner LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-644 of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites) where subway station and/or rail mass transit facility improvements are made in accordance with the provisions of Section 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict - Grand Central Transit Improvement Zone Subarea), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 902

By Council Member Salamanca:

Application No. C 210415 ZSM (175 Park Avenue) submitted by Commodore Owner, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 81-645 of the Zoning Resolution to allow an increase in the amount of floor area permitted, up to the amount specified in Row G of the table in Section 81-64 (Special Floor Area Provisions for Qualifying sites); and to modify the off-street loading berth requirements of Section 36-62 (Required Accessory Off-street Loading Berths); in connection with a proposed commercial building, on property located at 175 Park Avenue (Block 1280, Lot 30), within a qualifying site consisting of two zoning lots – Development Site Zoning Lot (Block 1280, Lot 30) and Grand Central Zoning Lot (Block 1280, Lots 1, 54, 154, 8154, 8254, 9001 & 9154), in a C5-3 District, within the Special Midtown District (Grand Central Subdistrict), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 903

By Council Member Salamanca:

Application No. C 210416 ZRM (175 Park Avenue) submitted by Commodore Owner LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York modifying the provisions of the East Midtown Subdistrict in Article VIII, Chapter 1 (Special Midtown District), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 904

By Council Member Salamanca:

Application No. C 210417 PPM (175 Park Avenue) submitted by the Department of Citywide Administrative Services pursuant to Section 197-c of the New York City Charter, for the disposition pursuant to zoning of a city owned property located at 175 Park Avenue aka 109 East 42nd Street (Block 1280, Lot 30), Borough of Manhattan, Community District 5, Council District 4.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 905

By Council Member Salamanca:

Application No. C 210438 ZSM (250 Water Street) submitted by 250 Seaport District, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following sections of the Zoning Resolution: Section 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-

652 (Maximum height of buildings and setback regulations), and Sections 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location); in connection with a proposed mixed-use development in a C6-2A District, within a Large-Scale General Development within the Special Lower Manhattan District, on property located at 250 Water Street (Block 98, Lot 1), Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 906

By Council Member Salamanca:

Application No. C 210438(A) ZSM (250 Water Street) submitted by 250 Seaport District, LLC pursuant to Sections 197-c and 201 of the New York City Charter and proposed for modification pursuant to Section 2-06(c)(1) of the Uniform Land Use Review Procedure for the grant of special permits pursuant to the following sections of the Zoning Resolution: Section 74-743(a)(1) – to allow the distribution of total allowable floor area without regard for zoning lot lines; and Section 74-743(a)(2) – to modify the height and setback requirements of Section 62-341 (Development on land and platforms), Section 35-652 (Maximum height of buildings and setback regulations), and Section 23-662 (Maximum height of buildings and setback regulations), and the street wall location requirements of Section 35-651 (Street wall location); in connection with a proposed mixed use development in a C6-2A District, within a Large-Scale General Development, within the Special Lower Manhattan District, on property located at 250 Water Street (Block 98, Lot 1), Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

L.U. No. 907

By Council Member Salamanca:

Application No. N 210439 ZRM (250 Water Street) submitted by 250 Seaport District, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying the provisions of the South Street Seaport Subdistrict in Article IX Chapter 1 (Special Lower Manhattan District), Borough of Manhattan, Community District 1, Council District 1.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Friday, October 22, 2021

Committee on Criminal Justice

Keith Powers, Chairperson

Oversight - Update on the Local Conditional Release Commission.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Consumer Affairs & Business Licensing

Diana Ayala, Chairperson

Int 2130 - By Council Members Rosenthal, Kallos, Adams, Chin, Cornegy, Yeger and Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to providing notice regarding student loan forgiveness programs to certain employees and applicants for employment

Int 2410 - By Council Members Brooks-Powers and Yeger (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to agency actions in case of a breach of security and to repeal section 20-117 of such code, relating to licensee disclosure of a security breach.

Remote Hearing (Virtual Room 2)..... 10:00 a.m.

Monday, October 25, 2021

Committee on General Welfare

Stephen Levin, Chairperson

Int 1304 - By Council Members Dromm, Ampry-Samuel and Dinowitz - **A Local Law** to amend the New York city charter, in relation to authorizing council members and the public advocate to visit and inspect detention facilities.

Int 1829 - By Council Members Ayala, Kallos and Dinowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to precluding the department of homeless services from requiring a child’s presence at an intake center when a family with children applies for shelter.

Int 1992 - By Council Members Ayala, Gjonaj and Dinowitz - **A Local Law** in relation to establishing a pilot program in the administration for children’s services to train case workers who specialize in developmental, intellectual and physical disabilities.

Int 2379 - By Council Members D. Diaz, Riley, Louis, Dromm, Menchaca, Levin, Salamanca, Miller, Powers, Koslowitz, Adams, Koo, Cumbo, Treyger, Brannan, Cornegy, Maisel, Cabrera, Ayala, Dinowitz, Rivera and Ulrich

- **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of social services to create a domestic violence shelter designated for men.

Int 2405 - By Council Members Levin, Rose, Dinowitz, Brannan, Kallos, Adams, Menchaca, Rosenthal, Reynoso, Rivera, Louis, Koo and D. Diaz - **A Local Law** to amend the administrative code of the city of New York, in relation to runaway and homeless youth eligibility for rental assistance.

Int 2419 - By Council Member Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to quarterly reporting by the administration for children’s services on the amount of time children spend in the children’s center or temporary placement facilities.

Int 2420 - By Council Member Levin - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring an audit and report on foster care placement notices.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Subcommittee on Zoning & Franchises

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Contracts](#)

Ben Kallos, Chairperson

Int 2401 - By Council Members Kallos and Yeger - **A Local Law** to amend the administrative code of the city of New York, in relation to a public procurement database.

Remote Hearing (Virtual Room 3).....1:00 p.m.

Tuesday, October 26, 2021[Committee on Immigration](#) jointly with the

Carlos Menchaca, Chairperson

[Committee on Veterans](#)

Eric Dinowitz, Chairperson

Oversight: City Services for Foreign-Born Veteran Families.

Remote Hearing (Virtual Room 3).....10:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Transportation](#) jointly with the

Ydanis Rodriguez, Chairperson

[Committee on Oversight and Investigations](#)

Vanessa L. Gibson, Chairperson

Oversight - Rethinking Vision Zero: Stopping Illegal Parking, Reducing Reliance on Vehicles and Improving Pedestrian and Cyclist Safety.

Int 9 - By Council Members Barron, Brannan, Holden, Van Bramer and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the installation of a stop sign or traffic control signal at every intersection immediately adjacent to any school.

Int 2073 - By Council Members Kallos, Adams, Powers and Dromm - **A Local Law** to amend the administrative code of the city of New York, in relation to pedestrian crossing guidelines and right of way.

Int 2417 - By Council Members Holden, Grodenchik, Vallone, Yeger, Adams, Kallos, Dinowitz, Miller, Brannan, Ayala, Rose, Lander, D. Diaz, Koo, Koslowitz, Moya, Powers, Gjonaj, Chin, Cumbo, Levin, Cabrera, Maisel, Salamanca, Ulrich and Borelli - **A Local Law** to amend the administrative code of the city of New York, in relation to prohibiting the sale or distribution of materials that obscure license plates or distort images of license plates.

Int 2422 - By Council Members Rodriguez, Yeger and Holden (by request of the Mayor) - **A Local Law** to amend the administrative code of the city of New York, in relation to parking meters, and to repeal section 19-167 of such code, relating to suspending the activation of parking meters on Sundays; section 19-167.1 of such code, relating to parking at broken or missing meters or muni-meters; section 19-167.2 of such code, relating to transfer of muni-meter time; section 19-167.3 of such code, relating to deactivating muni-meters; section 19-167.4 of such code, relating to new muni-meter installation; section 19-175.3 of such code, relating to notification of changes relating to parking meters; section 19-214 of such code, relating to failure to display a muni-meter receipt; and section 19-215 of such code, relating to cancellation of certain tickets.

Remote Hearing (Virtual Room 2).....10:30 a.m.

[Committee on Cultural Affairs, Libraries &](#)[International Intergroup Relations](#)

James Van Bramer, Chairperson

Int 2203 - By Council Members Van Bramer, Menchaca and Kallos - **A Local Law** in relation to the establishment of a drag laureate program.

Res 1487 - By the Public Advocate (Mr. Williams) and Council Members Kallos, Rosenthal, D. Diaz, Gibson and Van Bramer - **Resolution** recognizing November 20th annually as Transgender Day of Remembrance and March 31st annually as Transgender Day of Visibility in the City of New York.

Res 1543 - By Council Members Ayala, Rivera and Kallos - **Resolution** calling on Congress to pass, and the President to sign, the Puerto Rico Self-Determination Act of 2020, H.R. 8113.

Remote Hearing (Virtual Room 4).....11:00 a.m.

Wednesday, October 27, 2021

Committee on Education

Mark Treyger, Chairperson

Oversight - DOE's Academic Recovery Plans.

Int 2374 - By Council Members Treyger, the Speaker (Council Member Johnson), Cornegy, Dinowitz, Brooks-Powers, Dromm, Levin, D. Diaz, Ampry-Samuel, Koslowitz, Rivera, Chin, Moya, Menchaca, Adams, Reynoso, Riley, Brannan, Rosenthal, Kallos, Maisel, Perkins, Ayala, Gennaro, Holden, Cumbo and Van Bramer - **A Local Law** to amend the administrative code of the city of New York, in relation to classroom capacity

Remote Hearing (Virtual Room 4).....10:00 a.m.

Committee on Hospitals jointly with the
Committee on Fire and Emergency Management

Carlina Rivera, Chairperson
Joseph Borelli, Chairperson

Oversight - NYC Hospitals Preparedness for Weather Emergencies.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Remote Hearing (Virtual Room 1).....11:00 a.m.

Committee on Technology

Robert Holden, Chairperson

Oversight - NYC 311

Int 101 - By Council Members Koo, Holden, Yeger and Dinowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to 311 transmitting image and video data for service requests or complaints.

Int 1356 - By Council Members Holden, Ulrich, Yeger, Gjonaj, Powers, Brannan, Salamanca, Menchaca, Reynoso, Perkins and Dinowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to reports of illegal towing to 311.

Int 2077 - By Council Members Holden, Yeger, Adams and Dinowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to the number of steps to submit service requests or complaints on the 311 website and mobile application.

Int 2303 - By Council Members Dromm, Rosenthal, Kallos, Yeger and Dinowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to the department of information technology and telecommunications updating 311 complaint types and reporting on such updates.

Remote Hearing (Virtual Room 3).....11:30 a.m.

Thursday, October 28, 2021

Committee on Civil Service and Labor

I. Daneek Miller, Chairperson

Oversight - Changes to Municipal Retirees' Healthcare Plan.

Council Chambers – City Hall.....1:00 p.m

Friday, October 29, 2021

Committee on Small Business

Mark Gjonaj, Chairperson

Oversight - Key to NYC.

Council Chambers – City Hall.....10:00 a.m

Monday, November 1, 2021

Committee on Fire and Emergency Management

Joseph Borelli, Chairperson

Int 2430 - By Council Member Borelli (by request of the Mayor) - **A Local Law** to amend the New York city fire code, in relation to the advancement and regulation of energy storage systems and the adoption of current fire safety standards as incorporated in the 2015 edition of the international fire code.

Remote Hearing (Virtual Room 1)..... 10:00 a.m.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) acknowledged that Brian Crow, Deputy Director for the Justice Services Division, was leaving the Council after seven years of service. He noted that Mr. Crow had been instrumental in the Council’s criminal justice efforts with such legislation as the Criminal Justice Reform Act, the Right to Know Act, and the Nuisance Abatement Fairness Act. He also worked on the Council’s efforts in investing in diversion programs, supporting alternatives to incarceration, creating a citywide bail fund, and closing Rikers Island. Mr. Crow was departing the Council to join the office of Manhattan’s next District Attorney Alvin Bragg. The Speaker (Council Member Johnson) congratulated Mr. Crowe for all his service to the city as those assembled in the Chambers applauded in appreciation.

The Speaker (Council Member Johnson) acknowledged that Communications Director Kate Lucadamo was leaving the Council. He noted that Ms. Lucadamo had been at the Council for a few years before assuming the Communications Director position following the departure of former Director Jennifer Fermino. The Speaker (Council Member Johnson) expressed gratitude for her service and praised Ms. Lucadamo as a thoughtful and talented individual who helped run and lead the press office. He asked for a big round of applause for her and those assembled in the Chambers responded in appreciation.

The Speaker (Council Member Johnson) acknowledged that Council Member Feliz was married on Sunday, October 17, 2021. He wished the newly wedded couple the best of luck and asked for a round of applause. In response, those assembled in the Chambers applauded in appreciation.

Whereupon on motion of the Speaker (Council Member Johnson), the Assistant Majority Leader and Acting President Pro Tempore (Council Member Cornegy) adjourned these in-person proceedings.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor’s Local Law Note: Int. Nos. 647-A, 1152-A, 1668-A, 1789-A, and 1828-A, all adopted at the September 9, 2021 Stated Meeting, were returned unsigned by the Mayor on October 12, 2021. These items had become law on October 10, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 105 to 109 of 2021, respectively.

