

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, November 21, 2024, 6:48 p.m.

Council Members

Adrienne E. Adams, *The Speaker*

Amanda C. Farías, The Majority Leader
and Acting President Pro Tempore

Joseph C. Borelli, The Minority Leader

Shaun Abreu	Shahana K. Hanif	Yusef Salaam
Joann Ariola	Kamillah M. Hanks	Rafael Salamanca, Jr
Alexa Avilés	Robert F. Holden	Pierina A. Sanchez
Diana I. Ayala	Crystal Hudson	Lynn C. Schulman
Chris Banks	Rita C. Joseph	Althea V. Stevens
Erik D. Bottcher	Farah N. Louis	Sandra Ung
Justin L. Brannan	Kristy Marmorato	Inna Vernikov
Gale A. Brewer	Darlene Mealy	Julie Won
Selvena N. Brooks-Powers	Julie Menin	Kalman Yeger
Tiffany L. Cabán	Francisco P. Moya	Susan Zhuang
David M. Carr	Mercedes Narcisse	
Carmen N. De La Rosa	Sandy Nurse	
Eric Dinowitz	Chi A. Ossé	
Oswald J. Feliz	Vickie Paladino	
James F. Gennaro	Kevin C. Riley	
Jennifer Gutiérrez	Carlina Rivera	

Absent: Council Members Krishnan, Lee, Marte, Powers, Restler, and Williams.

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

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

There were 45 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Members Feliz, Joseph, Moya, and Ossé who all participated remotely during the meeting).

INVOCATION

There was no Invocation delivered at this Stated Meeting.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 1025-A

Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the provision of information regarding employment discrimination and older adult workforce programs.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 12, 2024 (Minutes, page 3100), respectfully

REPORTS:

I. INTRODUCTION

On November 21, 2024, the Committee on Aging, chaired by Council Member Crystal Hudson, considered Introduction Number (“Int. No.”) 1025-A, sponsored by Council Member Hudson, in relation to relation to the provision of information regarding employment discrimination and older adult workforce programs, and Int. No. 1053-A, sponsored by Council Member Hudson, in relation to a study and report on the feasibility of creating older adult information points.

The Committee on Aging previously heard this legislation on September 23, 2024. Witnesses who testified include the New York City (“NYC” or “City”) Department for the Aging (DFTA), aging advocates, and other interested stakeholders. On November 21, 2024, the Committee passed this legislation by a vote of six in the affirmative, zero in the negative, and zero abstentions.

II. BACKGROUND

a. Rapidly Growing Older Adult Population

Older adults are rapidly becoming a larger percentage of the population nationally and in New York State (“State”), and are driving most of the population growth in the State.¹ In NYC, which is currently home to 1.8 million older adult New Yorkers, the population of residents aged 65 years and older increased by 36 percent

¹ Jonathan Bowles, Eli Dvorkin & Charles Shaviro, *Keeping Pace with an Aging New York State*, Center for an Urban Future (Jan. 2023), accessible at <https://nycfuture.org/research/keeping-pace-with-an-aging-new-york-state>.

over the past decade, from 1,010,156 in 2011 to 1,373,495 in 2021.² Older adult New Yorkers currently account for 16.2 percent of NYC's population.³ Among the boroughs, Queens is home to the largest older adult population of any county in the State, while Brooklyn is home to the second largest older adult population.⁴ By 2040, DFTA projects the population of older adults to reach 1.86 million, or 20.6 percent of NYC's population.⁵

b. Older Adult Employment Services at DFTA

The Older Americans Act (OAA), which was passed in 1965 as part of President Lyndon Johnson's "Great Society" initiative, was designed "to assist our older people to secure equal opportunity to the full and free enjoyment" of several objectives, including opportunity for employment without discrimination based on age and "[p]articipating in and contributing to meaningful activity within the widest range of civic, cultural, education and training and recreational opportunities..."⁶ Accordingly, it cites as one of its purposes the establishment of programs to "...furnish meaningful employment opportunities for many individuals, including older persons, young persons, and volunteers from the community..." with the planning and operation of those programs to be undertaken as a partnership between older citizens, community agencies, and state and local governments, with assistance from the federal government.⁷

To comply with these federal objectives, and recognizing that older adults are likely to remain in the workforce for a longer period of time than ever before, DFTA administers five programs to assist older adults in securing employment. The Older Adult Employment Program (formerly the Senior Community Service Employment Program), which is authorized under Title V of the OAA,⁸ provides recruitment, training, and employment opportunities, including job search skills workshops, career advisement, job fairs, and computer technology and customer service training for adults aged 55 and older, whose income is at or below 125 percent of the Federal Poverty Level.⁹

Using NYC agencies as employers, DFTA has partnered with Reserve Elder Services to offer the Civic Engagement Employment Service, also known as the ReServe program, which connects potential agency-employers with older adults who assist with short-term projects based on their experience and expertise.¹⁰ Through Americorps, DFTA offers the SilverCorps program, which provides older adults with volunteer assignments at a partner organization, training, or credentialing to secure employment.¹¹ Participants receive job coaching and support to secure employment, as well as post-employment support services to help ensure successful job retention.¹² The Silver Stars Program is an opportunity for retired NYC municipal employees to work part-time at a City agency.¹³ Silver Star employees continue to collect their pensions.¹⁴ Finally, the Foster Grandparent Program (FGP) is a volunteer-based opportunity that offers New Yorkers aged 55 and older the opportunity to provide one-on-one support to children with special needs to improve their academic, social, and emotional development through volunteer assignments in schools and school-based settings.¹⁵ Volunteers receive \$4 per hour while volunteering and attending in-service training, orientation, recognition events, and other training deemed necessary by the volunteer station and/or FGP Team.¹⁶

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ N.Y.C. Dep't. for the Aging, *Commissioner's Message* (n.d.), accessible at <https://www.nyc.gov/site/dfta/about/commissioners-message.page>.

⁶ 42 U.S.C. § 3001

⁷ 42 U.S.C. § 3003(4)

⁸ 42 U.S.C.A. § 3056, et seq.

⁹ N.Y.C. Dep't for the Aging, *Older Adult Workforce Programs*, <https://www.nyc.gov/site/dfta/services/older-adult-workforce.page#:~:text=If%20you%20would%20like%20information,and%20ask%20for%20employment%20services.&text=The%20Older%20Adult%20Employment%20Program,skills%20in%20various%20professional%20fields>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ N.Y.C. Dep't for the Aging, *Older Adult Workforce Programs*, <https://www.nyc.gov/site/dfta/services/older-adult-workforce.page#:~:text=If%20you%20would%20like%20information,and%20ask%20for%20employment%20services.&text=The%20Older%20Adult%20Employment%20Program,skills%20in%20various%20professional%20fields>.

¹⁶ *Id.*

Employers may also contact DFTA to indicate their interest in hiring older adults using the Employer Interest Form or by contacting DFTA's Older Adult Employment Program.¹⁷

III. LEGISLATIVE ANALYSIS

a. Int. No. 1025-A

This bill would require DFTA to provide information in paper form regarding older adult workforce programs administered by DFTA to all contracted older adult centers and clients of all contracted providers. This bill would also require that DFTA update its existing know-your-rights pamphlet for older adults to include information and resources regarding employment opportunities, volunteer opportunities, and workforce program opportunities. The pamphlet would also include information to assist older adults in identifying and addressing employment discrimination, as well as the name, address, contact information, and website of relevant government agencies or community-based organizations that an older adult may contact to obtain additional information about issues regarding employment discrimination. This bill would take effect 90 days after it becomes law.

Since its initial hearing, this legislation received technical amendments and was additionally amended to require that DFTA update its existing know-your-rights pamphlet for older adults with information regarding discrimination in employment and resources regarding employment, volunteer, and workforce program opportunities.

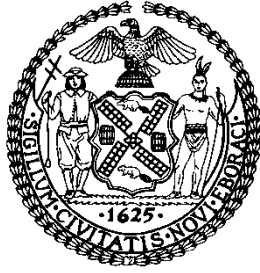
b. Int. No. 1053-A

This bill would require DFTA to conduct a feasibility study regarding the creation of older adult information points. Older adult information points would serve as physical locations where older adults can receive information concerning DFTA services and programming. In the feasibility study, DFTA would be required to identify potential locations in each borough for the creation of older adult information points. The feasibility study would also identify considerations for locating proposed sites and potential services that could be provided at older adult information points. Additionally, the feasibility study would require DFTA to assess the potential benefits and constraints in establishing older adult information points. Finally, this bill would require DFTA to submit a report to the Mayor and Speaker of the Council regarding the findings of the feasibility report, and to post the report on DFTA's website. This bill would take effect immediately.

Since its initial hearing, this bill received technical amendments and was additionally amended to require that DFTA conduct a feasibility study regarding the creation of older adult information points, rather than older adult information and service centers. This amendment serves to distinguish such information points from older adult centers, which operate throughout the City. The bill now also requires, as part of the feasibility study, that DFTA include in its considerations for locating older adult information points their proximity to major commercial districts.

(The following is the text of the Fiscal Impact Statement for Int. No. 1025-A:)

¹⁷ *Id.*



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1025-A

COMMITTEE: Aging

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the provision of information regarding employment discrimination and older adult workforce programs.

SPONSOR(S): Council Members Hudson, Restler, Cabán, Narcisse, Hanif, Louis, Ossé, Joseph, Schulman, Brannan, Farías, Williams, Krishnan, Stevens, Won, Mealy and Zhuang.

SUMMARY OF LEGISLATION: Proposed Int. No. 1025-A would require the New York City Department for the Aging (DFTA) to provide information in paper form regarding older adult workforce programs administered by DFTA to all contracted older adult centers and clients of all contracted providers. This bill would also require that DFTA update its existing know-your-rights pamphlet for older adults to include information and resources regarding employment opportunities, volunteer opportunities, and workforce program opportunities. This bill would require that the pamphlet include information to assist older adults in identifying and addressing employment discrimination, as well as the name, address, contact information, and website of relevant government agencies or community-based organizations that an older adult may contact to obtain additional information about issues regarding employment discrimination.

EFFECTIVE DATE: 90 days after becoming law

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as DFTA would utilize existing resources to fulfill the requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Saiyemul Hamid, Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 12, 2024, as Int. No. 1025 and referred to the Committee on Aging (the Committee). The legislation was heard by the Committee on September 23, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1025-A, will be considered by the Committee at a hearing on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 1025-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 18, 2024.

(For text of Int. No. 1053-A and its Fiscal Impact Statement, please see the Report of the Committee on Aging for Int. No. 1053-A printed in these Minutes; for text of Int. No. 1025-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1025-A and 1053-A.

(The following is the text of Int. No. 1025-A:)

Int. No. 1025-A

By Council Members Hudson, Restler, Cabán, Narcisse, Hanif, Louis, Ossé, Joseph, Schulman, Brannan, Farías, Williams, Krishnan, Stevens, Won, Mealy, Zhuang, Gutiérrez, Banks and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to the provision of information regarding employment discrimination and older adult workforce programs

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-211 of the administrative code of the city of New York, as added by local law number 21 for the year 2023, is amended to read as follows:

b. Pamphlet. The department, in consultation with relevant agencies, shall develop and publish a pamphlet written in English, using clear and accessible language, to educate older adults about their rights, and access to information and resources, on topics including, but not limited to, age discrimination, deed theft, *discrimination in employment*, elder abuse, emergency preparedness and response, *employment opportunities*, *paid volunteer opportunities*, *workforce program opportunities*, food security, health care and insurance, home care, housing accommodations, living wills, and transportation. Such pamphlet shall (i) describe each such topic and the rights of older adults regarding such topic and (ii) list the name, address, contact information, and website of the relevant agency or state agency and relevant community-based organizations that an older adult may contact to obtain additional information. The department may include a statement in such pamphlet notifying recipients that inclusion of an organization on such list does not constitute an endorsement by the department of the services provided by any such organization. The department shall post, and update *annually* as necessary, such pamphlet on the department's website and make it available in the designated citywide languages. Such pamphlet shall also be posted on the 311 [citizen]customer service center website.

§ 2. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-215 to read as follows:

§ 21-215 *Provision of information regarding older adult workforce programs. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Client. The term “client” means an older adult to whom direct services are provided by the department or by an entity that contracts with the department to provide such services.

Older adult. The term “older adult” means a person 60 years of age or older.

Older adult workforce program. The term “older adult workforce program” means a program administered by the department for the purpose of connecting older adults to employment or paid volunteer opportunities.

b. Provision of information regarding older adult workforce programs. The department shall make available to all clients information regarding older adult workforce programs. Such information shall describe all such programs and provide eligibility guidelines for such programs. The department shall make such information available to clients in paper form at physical locations where the department, or an entity contracted with the department, provides services to clients.

c. Publication of information. The department shall post, and update as necessary, the information required by subdivision b of this section on the department’s website and shall post a link to such information on the 311 customer service center website. The department shall make such information available in the designated citywide languages as defined in section 21-211.

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

CRYSTAL HUDSON, Chairperson; LINDA LEE, DARLENE MEALY, LYNN C. SCHULMAN, CHRIS BANKS, YUSEF SALAAM; 6-0-0; Absent: Susan Zhuang; Committee on Aging, November 21, 2024.

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

Report for Int. No. 1053-A

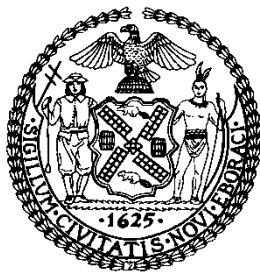
Report of the Committee on Aging in favor of approving and adopting, as amended, a Local Law in relation to a study and report on the feasibility of creating older adult information points.

The Committee on Aging, to which the annexed proposed amended local law was referred on September 26, 2024 (Minutes, page 3258), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Aging for Int. No. 1025-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1053-A:



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1053-A**COMMITTEE:** Aging

TITLE: A Local Law in relation to a study and report on the feasibility of creating older adult information points.

SPONSOR(S): Council Members Hudson, Louis, Gutiérrez, Restler, Ossé, Riley, Schulman, Narcisse, Farías, Williams, Krishnan, Joseph, Stevens, Won, Brannan, Mealy and Zhuang.

SUMMARY OF LEGISLATION: Proposed Int. No. 1053-A would require the New York City Department for the Aging (DFTA) to conduct a feasibility study regarding the creation of older adult information points. Older adult information points would serve as physical locations where older adults can receive information concerning DFTA services and programming. In the feasibility study, DFTA would be required to identify potential locations in each borough for the creation of older adult information points. DFTA would also be required to identify considerations for locating proposed sites and potential services that could be provided at older adult information points. Additionally, the feasibility study would require DFTA to assess the potential benefits and constraints in establishing older adult information points. Finally, this bill would require DFTA to submit a report to the Mayor and Speaker of the Council regarding the findings of the feasibility report, and to post the report on DFTA's website.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as DFTA would utilize existing resources to fulfill the requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Saiyemul Hamid, Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was first considered as a Pre-considered Introduction at a hearing held by the Committee on Aging (the Committee) on September 23, 2024, and the legislation was laid over. The legislation was subsequently introduced to the full Council on September 26, 2024, as Int. No. 1053 and referred to the Committee. The legislation has been amended and the amended version, Proposed Int. No. 1053-A, will be considered by the Committee at a hearing on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 1053-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 18, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1053-A:)

Int. No. 1053-A

By Council Members Hudson, Louis, Gutiérrez, Restler, Ossé, Riley, Schulman, Narcisse, Farías, Williams, Krishnan, Joseph, Stevens, Won, Brannan, Mealy, Zhuang, Cabán, Hanif and Dinowitz.

A Local Law in relation to a study and report on the feasibility of creating older adult information points

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Department. The term “department” means the department for the aging.

Naturally occurring retirement community. The term "naturally occurring retirement community" has the same meaning as set forth in section 209 of the elder law.

Neighborhood naturally occurring retirement community. The term “neighborhood naturally occurring retirement community” has the same meaning as set forth in section 209 of the elder law.

Older adult. The term “older adult” means a person 60 years of age or older.

Older adult center. The term "older adult center" means a facility, other than a social adult day care as defined in section 215 of the elder law, operated by a person pursuant to a contract with the department to provide services to older adults on a regular basis including, but not limited to meals, recreation, and counseling.

Older adult information point. The term “older adult information point” means a site, such as a booth, counter, kiosk, stand, or other installation, which is staffed by at least 1 representative or designee of the department for the purpose of providing assistance and information about services and programming provided through the department to older adults.

b. Study. The department shall study the feasibility of creating older adult information points or designating older adult information points within existing older adult centers. Such study shall:

1. Identify potential locations in each borough for the creation of older adult information points;
2. Identify considerations for locating older adult information points, such as the accessibility of the proposed location and proximity to older adult centers, naturally occurring retirement communities, neighborhood naturally occurring retirement communities, commercial districts, and mass transit;
3. Identify assistance and resources that could be provided to older adults at older adult information points, such as assistance with applications for services and benefits and information on services and programming provided through the department and older adult centers;
4. Assess the potential benefits of establishing older adult information points;
5. Assess potential constraints on the establishment of older adult information points, including the resources needed to establish and staff each such facility; and
6. For each older adult information point, (i) estimate how many older adults would be served and (ii) list the boroughs, council districts, and neighborhoods that would be served.

c. Report. No later than 1 year after the effective date of this local law, the department shall submit to the mayor and the speaker of the council and post on the department’s website a report on the findings of the study conducted pursuant to subdivision b of section one of this local law. Such report shall state the date of

publication. If the department determines through the study that the creation of older adult information points would be feasible or infeasible, the department shall include a statement in the report explaining its reasons for either such determination.

§ 2. This local law takes effect immediately.

CRYSTAL HUDSON, *Chairperson*; LINDA LEE, DARLENE MEALY, LYNN C. SCHULMAN, CHRIS BANKS, YUSEF SALAAM; 6-0-0; *Absent*: Susan Zhuang; Committee on Aging, November 21, 2024.

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

Report of the Committee on Education

Report for Int. No. 515-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information about employees of school bus transportation vendors.

The Committee on Education, to which the annexed proposed amended local law was referred on March 7, 2024 (Minutes, page 1115), respectfully

REPORTS:

I. INTRODUCTION

On November 21, 2024, the Committee on Education, chaired by Council Member Rita Joseph, considered Proposed Introduction Number (“Int. No.”) 515-A, sponsored by Council Member Justin Brannan, related to requiring the department of education to report information about employees of school bus transportation vendors. The Committee also considered Resolution Number (“Res. No.”) 250, sponsored by Council Member Kevin Riley, a 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.

The Committee previously held a hearing on Int. No. 515 and Res. No. 250 on September 30, 2024. At that hearing, the Committee heard testimony from the New York City (NYC) Department of Education (DOE), non-profits, community-based organizations, advocates, and members of the public. On November 21, 2024, the Committee passed this legislation by a vote of thirteen in the affirmative, zero in the negative, and zero abstentions.

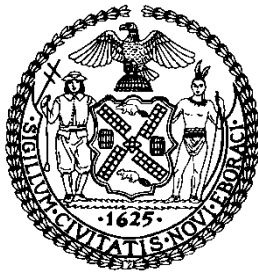
II. BILL ANALYSIS

Int. No. 515-A – A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information about employees of school bus transportation vendors

Section 21-993 of the administrative code of the city of New York currently requires DOE to report on school bus transportation services, including the number of employees employed by each school bus vendor. This bill expands existing requirements, to also include reporting on whether transportation employees accompany students on school bus routes, the route assignments of such employees (i.e. general or special education), and the type of training such employees completed, including training specific to supporting students with disabilities. Such detailed reporting would enhance transparency and accountability, helping to ensure the safety and well-being of all students, particularly those with disabilities.

Since it was heard, reporting on the number of employees trained to handle the needs of students with disabilities was removed from the bill and replaced by reporting on employee route assignment and the type of training completed for each employee job classification. Reporting on the number of employees who serve as designated contacts for parents of any student with a disability was also removed from the bill. Additionally, this bill received technical edits. If enacted, this bill would take effect immediately, with the first report due on April 30, 2025.

(The following is the text of the Fiscal Impact Statement for Int. No. 515-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 515-A

COMMITTEE: Education

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information about employees of school bus transportation vendors.

SPONSOR(S): By Council Members Brannan, Hanif, Schulman, Louis, Narcisse and Farías.

SUMMARY OF LEGISLATION: Proposed Int. No. 515-A would require the New York City Department of Education to report more details about school bus transportation employees, including but not limited to their job classification, route assignment, and training history, as well as whether or not the employee accompanies students on a transportation route and their route type (general education or special education).

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
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 DOE would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Grace Amato, Legislative Financial Analyst, NYC Council Finance Division

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on March 7, 2024, as Int. No. 515 and referred to the Committee on Education (the Committee). The Committee heard the legislation at a hearing held jointly with the Committee on Contracts on September 30, 2024, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 515-A, will be considered by the Committee on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 515-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 18, 2024.

(For text of Res. No. 250, please see the voice-vote Resolutions calendar section for the Report of the Committee on Education for Res. No. 250 printed in these Minutes; for text of Int. No. 515-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 515-A and Res. No. 250.

(The following is the text of Int. No. 515-A:)

Int. No. 515-A

By Council Members Brannan, Hanif, Schulman, Louis, Narcisse, Farías, Brooks-Powers, Gennaro, Gutiérrez, Dinowitz, Joseph and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report information about employees of school bus transportation vendors

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision b of section 21-993 of the administrative code of the city of New York, as added by local law number 34 for the year 2019, is amended to read as follows:

3. The total number of employees known to the department employed by each school bus vendor, disaggregated by [type] *the following*:

(a) *Job classification*, including but not limited to [drivers]*driver*, [attendants]*attendant*, and other, *and whether such employee accompanies students on the school bus route*;

(b) *For each job classification listed in subparagraph (a) of this paragraph, current school bus route assignment, including whether it is a general education school bus route or special education school bus route; and*

(c) *For each job classification listed in subparagraph (a) of this paragraph, type of training completed, including, but not limited to, training on the needs of students with disabilities, and a description of such training;*

§ 2. This local law takes effect immediately.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS ERIC DINOWIZ, JAMES F. GENNARO, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH M. HANKS, SHEKAR KRISHNAN, LINDA LEE, MERCEDES NARCISSE, PIERINA A. SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS; 13-0-0; Committee on Education, November 21, 2024.

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

Report of the Committee on Finance

Report for Int. No. 557-B

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 adding a 311 complaint category for unlicensed cannabis retailers.

The Committee on Finance, to which the annexed proposed amended local law was referred on March 7, 2024 (Minutes, page 1183), respectfully

REPORTS:

INTRODUCTION

On November 21, 2024, the Committee on Finance, chaired by Council Member Justin Brannan, held a vote on the following pieces of legislation: Proposed Introduction 557-B, sponsored by Council Member Gale A. Brewer, in relation to adding a 311 complaint category for unlicensed cannabis retailers, and Proposed Introduction 981-A, also sponsored by Council Member Brewer, in relation to reporting on enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis. The committee heard prior versions of these bills on September 17, 2024. The Committee approved Proposed Introduction 557-B by a vote of 14 in the affirmative, 0 in the negative, and 0 abstentions. The Committee approved Proposed Introduction 981-A by a vote of 14 in the affirmative, 0 in the negative, and 0 abstentions.

BACKGROUND

I. The Proliferation of Unlicensed Smoke Shops between 2021 and 2024

a. Background

Until the early 20th century, cannabis was a widely available ingredient in largely unregulated pharmaceuticals and recreational products like candies.¹ Cannabis was first federally regulated in the United States in 1906 when Congress passed the Pure Food and Drug Act, which created modern food and medicinal labeling.² The Pure Food and Drug Act required drug manufacturers to list the presence and potency of certain ingredients including cannabis, alcohol, cocaine, and heroin, though it did not outlaw those drugs.³ Outright bans followed at the state level amid a panic about increased immigration from Mexico and the onset of Prohibition.⁴ In 1937, Congress passed the Marijuana Tax Act, which required federal transfer licenses for all dealers, effectively criminalizing almost all sales of the substance. In midcentury New York City, marijuana was illegal but widely available: it grew in vacant lots.⁵ A 1951 extermination effort uprooted 41,000 pounds of marijuana from City streets.⁶

In 1973, New York Governor Nelson Rockefeller signed into law what came to be known as the “Rockefeller Drug Laws,” mandating lengthy prison stays for felony drug convictions, including marijuana.⁷ In 2009, however, a series of reforms essentially dismantled the Rockefeller Drug Laws: New York enacted legislation eliminating or reducing mandatory minimum prison sentences for many first- and second-time drug offenses, as well as offering judges the discretion to direct defendants to treatment instead of criminal penalties.⁸

In 2014, New York launched its medical cannabis program pursuant to the Compassionate Care Act, which legalized prescriptions for non-smokable forms of marijuana for a select list of medical and psychological conditions.⁹ The Compassionate Care Act required medical professionals to undergo a two-to-four-hour training and then provide certifications that patients were under their care for the conditions necessitating a marijuana prescription.¹⁰ The law prohibited patients from possessing more than a 60-day supply.¹¹

b. Marijuana Regulation and Taxation Act of 2021

In 2021, New York State enacted the Marijuana Regulation and Taxation Act (MRTA), which repealed and replaced the Compassionate Care Act and created a framework for legal commercial marijuana sales for recreational purposes.¹² Residents aged 21 and up can now lawfully possess up to three ounces of marijuana or more with a doctor’s prescription.¹³ For those under 21, violations are subject to fine but no criminal penalty,

¹ Stephen Siff, “The Illegalization of Marijuana: A Brief History,” *Origins: Current Events in Historical Perspective*, Oklahoma State University, available at: <https://origins.osu.edu/article/illegalization-marijuana-brief-history>.

² Frontline, “Marijuana Timeline,” available at: <https://www.pbs.org/wgbh/pages/frontline/shows/dope/etc/cron.html>.

³ U.S. Food and Drug Administration, “The 1906 Food and Drugs Act and its Enforcement,” April 24, 2019, available at: <https://www.fda.gov/about-fda/changes-science-law-and-regulatory-authorities/part-i-1906-food-and-drugs-act-and-its-enforcement>; Kristin Powers, “A History of Research: 1906 Pure Food and Drugs Act – The Birth of the FDA,” Washington University School of Medicine in St. Louis, September 14, 2022, available at: <https://obgyn.wustl.edu/a-history-of-research-1906-pure-food-drug-act-the-birth-of-the-fda>.

⁴ Stephen Siff, “The Illegalization of Marijuana: A Brief History,” *Origins: Current Events in Historical Perspective*, Oklahoma State University, available at: <https://origins.osu.edu/article/illegalization-marijuana-brief-history>.

⁵ Ben Gocker, “White Wings and Dream Stuff,” *Brooklyn Public Library*, January 28, 2011, available at: <https://www.bklynlibrary.org/blog/2011/01/28/white-wings-and-dream>.

⁶ *Id.*

⁷ Jim Parsons, et al., “End of An Era? The Impact of Drug Law Reform in New York City: Fact Sheet,” Vera Institute of Justice, January 2015, available at: <https://www.vera.org/downloads/publications/drug-law-reform-new-york-city-fact-sheet.pdf>.

⁸ *Id.*

⁹ New York State Department of Health “Medical Use of Marijuana Under the Compassionate Care Act” at page 6 available at <https://cannabis.ny.gov/system/files/documents/2023/03/medical-use-of-marijuana-two-year-report-9-27-18.pdf>

¹⁰ *Id.* Patients then have to get registry cards from the state health department. *Id.*

¹¹ NYC Health “Cannabis” available at <https://www.nyc.gov/site/doh/health/health-topics/marijuana.page#medical>

¹² NYS Office of Cannabis Management, “Marihuana Regulation and Taxation Act (MRTA),” available at: <https://cannabis.ny.gov/marihuana-regulation-and-taxation-act-mrta>.

¹³ *Id.*

and police are no longer permitted to stop people for smoking or smelling like marijuana.¹⁴ Smoking is prohibited only in places where tobacco consumption was already banned.¹⁵

MRTA also established the New York State Office of Cannabis Management (OCM) and the Cannabis Control Board to regulate the state's nascent legal recreational market. OCM is charged with issuing licenses for three kinds of businesses: adult use conditional cultivators, which grow cannabis with more than 0.3 percent THC; adult use conditional processors, which transform harvested cannabis plants into finished products and distribute to retail locations; and conditional adult use dispensaries, which sell to retail consumers.¹⁶ Licensees may only participate in either the supply tier of cultivators and processors or the retail tier of dispensaries and delivery services.¹⁷

As described below, the requirements for licensed businesses are extensive, placing additional costs on legal operations that are not borne by illegal unlicensed stores and making it more difficult for the legitimate sector to compete, especially on price and ease of access, in the absence of enforcement. Adult use dispensaries and delivery services are arguably the cornerstone of the regulatory structure and the element of the recreational marijuana business ecosystem where state law makes its greatest push for equity and redress of harms created by the War on Drugs. OCM-licensed dispensaries and delivery services must be at least 30 percent owned and controlled by a justice-involved person who previously owned at least 10 percent of a business that was profitable for two years.¹⁸

The original text of the MRTA did not direct OCM or other authorities to shut down unlicensed cannabis dealers.¹⁹

c. Lack of Enforcement

A surge of unlicensed cannabis shops²⁰ followed passage of the MRTA, which originally gave only OCM the authority to enforce cannabis licensing.²¹ OCM was established as a regulatory agency, not an enforcement agency, and therefore lacked the resources to effectively police illicit operators.²² Law enforcement in New York City was reluctant to engage despite clear violations of penal law,²³ tax law,²⁴ and municipal law, including the Department of Consumer and Worker Protection (DCWP) enforcement of Local Law 97 of 2013.²⁵ On June 22, 2023, the City Council passed Local Law 107, prohibiting owners of commercial premises from knowingly leasing commercial premises to an unlicensed cannabis retailer, and requiring a quarterly report on enforcement

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Office of Cannabis Management, "Licensing," <https://cannabis.ny.gov/licensing>.

¹⁷ Office of Cannabis Management, "CAURD FAQ," https://cannabis.ny.gov/system/files/documents/2022/09/caurd-faq-9.12.22_0.pdf.

¹⁸ "Justice-involved person" is someone who has been convicted of a marijuana-related offense in New York State before March 21, 2021; someone whose parent, spouse, child, legal guardian, or dependent has been convicted of a marijuana-related offense in New York State before March 31, 2021; or someone who is the dependent of someone who has been convicted of a marijuana-related offense in New York State before March 31, 2021. Office of Cannabis Management, "CAURD Information," <https://cannabis.ny.gov/caurd-info>; Office of Cannabis Management, "Guidance for Adult Use Dispensaries," https://cannabis.ny.gov/system/files/documents/2022/12/guidance-for-adult-use-retail-dispensaries_0.pdf.

¹⁹ Joe Lovinger and Cailley LaPara, "Puff, puff, lease: Illegal cannabis retailers popping up like weeds," *The Real Deal*; October 25, 2022; <https://therealdeal.com/new-york/2022/10/25/puff-puff-lease-illegal-cannabis-retailers-popping-up-like-weeds/>

²⁰ Ashley Southall, "For Rogue Smoke Shops in New York the 'Party's Over,'" *The New York Times*, June 13, 2024, available at <https://www.nytimes.com/2024/06/13/nyregion/nyc-weed-cannabis-shops.html>.

²¹ New York State Office of Cannabis Management, "OCM Enforcement Briefing," June 17, 2024, available at <https://www.wyomingco.net/DocumentCenter/View/14937/A-Office-of-Cannabis-Management-Enforcement-Briefing-Slides-SFY-2024-25-Budget>.

²² Ashley Southall, "For Rogue Smoke Shops in New York the 'Party's Over,'" *The New York Times*, June 13, 2024, available at <https://www.nytimes.com/2024/06/13/nyregion/nyc-weed-cannabis-shops.html>.

²³ New York State Office of Cannabis Management, "What is In the Law: Penal Law," Feb. 2022, available at https://cannabis.ny.gov/system/files/documents/2022/02/cannabis-management-fact-sheet-penal-law_0_0.pdf.

²⁴ Steve Lieberman, "Rockland smoke shop owner, workers plead guilty to tax fraud for unlicensed pot sales," *LoHud*, July 12, 2024, available at <https://www.lohud.com/story/news/local/rockland/2024/07/12/rockland-ny-zava-unlicensed-cannabis-stores-must-close-pay-penalties-for-tax-fraud/74379197007/>.

²⁵ NYC Council, Local Law 97 of 2013, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=1322644&GUID=72F68FFE-F53A-4E86-AC30-2FD5065BF90E&Options=ID|Text|&Search=1021>.

relating to such unlicensed sellers.²⁶ As of March 21, 2024 (the first quarterly report shared with the City Council, and only after a written request to the First Deputy Mayor),²⁷ not a single violation of Local Law 107 had been issued by the Sheriff's Office;²⁸ the same was true as of September 16, 2024, when the administration shared the second such report with the Council.

The 2023-24 New York State Budget expanded OCM's enforcement authority to allow them to conduct inspections of all businesses selling or giving away cannabis.²⁹ New York City was able to seek closure orders only through the State Supreme Court.³⁰ And they could only shut down stores that "solely or primarily" sold cannabis, further limiting the number of stores they could close.³¹ Shuttered stores were often able to reopen within hours of being shut down by City agencies while the City sought a court order in order to shut them down permanently.³² Despite hundreds of raids and millions of dollars in fines, unlicensed cannabis shops continued to thrive.³³ The mayoral administration represented that New York City was effectively powerless in regulating illegal cannabis shops.³⁴ Owners of legal cannabis shops worried that they would not be able to compete with the lower prices that the unlicensed shops were able to charge.³⁵

In April 2024, as part of the Fiscal Year 2025 Enacted Budget, New York State granted the City expanded enforcement powers, allowing it to shut down unlicensed cannabis shops.³⁶ Of the estimated 3,600 unlicensed cannabis shops in New York City, the New York Sheriff's Office, working alongside other law enforcement agencies, has sealed more than 1,000 of these illegal shops.³⁷ A recent ruling by a state court judge, however, has thrown into question how many of these stores will be allowed to reopen.³⁸

²⁶ NYC Council, Local Law 107 of 2023, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6165428&GUID=33A0F77B-950A-4A9E-8033-F0316A346404&Options=&Search=>.

²⁷ Letter from Council Member Gale A. Brewer to First Deputy Mayor Sheena Wright and Sheriff Anthony Miranda, Mar. 7, 2024, available at <http://council.nyc.gov/gale-brewer/wp-content/uploads/sites/90/2024/09/Letter-to-Administration-re-Local-Law-107-Reporting-Requirements.pdf>.

²⁸ Chris Sommerfeldt, "NYC law touted as key tool against unlicensed weed stores showing little impact," New York Daily News, Mar. 21, 2024, available at <https://www.nydailynews.com/2024/03/21/nyc-law-touted-as-key-tool-against-unlicensed-weed-stores-showing-little-impact/>.

²⁹ Ashley Southall, "For Rogue Smoke Shops in New York the 'Party's Over,'" *The New York Times*, June 13, 2024, available at <https://www.nytimes.com/2024/06/13/nyregion/nyc-weed-cannabis-shops.html>.

³⁰ *Id.*

³¹ Ashley Southall, "Hochul Pushes for Cannabis Crackdown to get 'Some Teeth,'" *The New York Times*, Feb. 28, 2024, available at <https://www.nytimes.com/2024/02/28/nyregion/hochul-ny-cannabis-marijuana-shops.html>.

³² Ashley Southall, "For Rogue Smoke Shops in New York the 'Party's Over,'" *The New York Times*, June 13, 2024, available at <https://www.nytimes.com/2024/06/13/nyregion/nyc-weed-cannabis-shops.html>.

³³ Ashley Southall "Hochul Pushes for Cannabis Crackdown to get 'Some Teeth'" *The New York Times* February 28, 2024 available at <https://www.nytimes.com/2024/02/28/nyregion/hochul-ny-cannabis-marijuana-shops.html>.

³⁴ Dan Rivoli, "Mayor Adams visits cannabis dispensary in push to close illegal shops," Spectrum News, NY1, Feb. 29, 2024, available at <https://ny1.com/nyc/all-boroughs/politics/2024/03/01/mayor-adams-visits-cannabis-dispensary-in-push-to-close-illegal-shops>. But see Testimony of State Senator Liz Krueger before the N.Y. City Council Committees on Oversight & Investigations, Health, and Consumer & Worker Protection, Jan. 18, 2023, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5971381&GUID=EC1E50D7-796D-4FFB-B94E-5A6753964519&Options=&Search=> (outlining legal violations enforceable by City agencies where the underlying conduct involved retail of unlicensed cannabis products).

³⁵ Ashley Southall "Hochul Pushes for Cannabis Crackdown to get 'Some Teeth'" *The New York Times* February 28, 2024 available at <https://www.nytimes.com/2024/02/28/nyregion/hochul-ny-cannabis-marijuana-shops.html>.

³⁶ Ashley Southall, "For Rogue Smoke Shops in New York the 'Party's Over,'" *The New York Times*, June 13, 2024, available at <https://www.nytimes.com/2024/06/13/nyregion/nyc-weed-cannabis-shops.html>.

³⁷ Office of the Mayor, "Mayor Adams Destroys Four Tons of Seized Cannabis Product as 'Operation Padlock to Protect' Shuts Down More Than 1,000 Unlicensed Shops," NYC.gov, August 28, 2024, available at https://www.nyc.gov/office-of-the-mayor/news/662-24/mayor-adams-destroys-four-tons-seized-cannabis-product-operation-padlock-protect-shuts#.

³⁸ Ashley Southall, "Judge Finds Flaws in New York City's Cannabis Enforcement Efforts," *The New York Times*, Aug. 15, 2024, available at <https://www.nytimes.com/2024/08/15/nyregion/nyc-marijuana-enforcement.html>. In *3512 Bell Corp. v. City of New York*, a judge found that the City could not keep a store accused of selling illicit cannabis padlocked when the NYC Office of Administrative Trials and Hearings had dismissed the underlying summons. Short Form Order, *3512 Bell Corp. v. City of New York*, 715613/2024, Aug. 14, 2024 (N.Y. Sup. Ct., Queens County), available at <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=w5rWQMMydayMcuITZHTl7zg==>.

d. Economic and Equity Concerns

The racially disparate impact of the enforcement of marijuana prohibition is well documented. From January to March of 2018, 93 percent of people arrested for marijuana possession were people of color, and research has shown that consistent racial disparities in marijuana arrests persist despite extreme fluctuations in the number of arrests for marijuana misdemeanor charges.³⁹

One goal of the MRTA was to award cannabis licenses to individuals “from communities disproportionately impacted by cannabis prohibition.”⁴⁰ As licensed cannabis retailers begin to open, there was a fear that, without enforcement actions, the illegal market would crowd out license holders and undermine the MRTA’s revenue and social equity objectives. New York State imposes a 13 percent tax on retail sales of adult-use cannabis products,⁴¹ but illegal products are not taxed and therefore cheaper; without enforcement, consumers may opt for the less expensive option.

In addition to taxation increasing the price of legal cannabis relative to their unregulated counterparts, legal retailers have to meet regulatory requirements, which can increase operating costs and allow illegal operators to sell their product at lower prices. Applying for an OCM license is a costly process, and retail license holders must adhere to strict regulations around the siting of their operations;⁴² the provenance, lab testing, packaging, and marketing of their products; and the security and record-keeping of their businesses.⁴³ All of these requirements add to the cost of the final products; costs that unregulated illegal businesses do not have to pay. By offering cheaper products, these unlicensed businesses can cut into the profits of legal business, undermining the equity purposes of the law.

e. Health and Safety Concerns

As possessing cannabis is legal in New York State, many individuals may assume that the smoke shops selling cannabis products are also legal.⁴⁴ Unlicensed cannabis shops, however, sell unregulated products that are not held to any state or city health and safety standards, creating a health and safety risk for New Yorkers.⁴⁵ Lab tests commissioned by the New York Medical Cannabis Industry Association found prohibited levels of eight different contaminants including *E. coli*, salmonella, nickel, and lead in about 40 percent of smokable marijuana, edible candies and vaporizers purchased from 20 unlicensed smoke shops and dispensaries in the City.⁴⁶ *E. coli* in cannabis can lead to diarrheal illness and lung infections, while salmonella can have prolonged detrimental effects.⁴⁷ Ingestion of nickel and lead can cause headaches, nausea, and more serious effects with prolonged exposure.⁴⁸ In addition, all of the items tested failed the state’s proposed packaging regulations: many of the products tested contained THC levels inconsistent with what was advertised on the labels or were packaged with colorful labels that would appeal to children. Still other products violated copyright laws, imitating common candies such as Rice Krispies and Skittles, posing a further risk of accidental and negligent consumption,

³⁹ Innocence Project, “Racial Disparities Evident in New York City Arrest Data for Marijuana Possession,” May 14, 2018, available at: <https://www.innocenceproject.org/racial-disparities-in-nyc-arrest-data-marijuana-possession/>;

⁴⁰ New York State Office of Cannabis Management “AU Cannabis Licensee Amendment Request Survey Now Available” available at <https://cannabis.ny.gov/licensing>

⁴¹ New York State Department of Taxation and Finance, “Adult-use cannabis products tax,” <https://www.tax.ny.gov/bus/auc>.

⁴² Amelia Pollard and Jo Constantz, “NY Rules Leave Little Room for Pot Shops in Hot Neighborhoods,” *Bloomberg*, March 17, 2022, available at: <https://www.bloomberg.com/news/features/2022-03-17/maps-show-onerous-hurdles-for-pot-dispensaries-in-nyc>.

⁴³ New York State Department of Taxation and Finance, “Adult-use cannabis products tax,” <https://www.tax.ny.gov/bus/auc>.

⁴⁴ See Southall; Amelia Pollard, Tiffany Kary, and Gregory Korte, “New York City Is Cracking Down on Your Local Weed Bodega,” *Bloomberg*, December 12, 2022, available at: <https://www.bloomberg.com/news/features/2022-12-12/new-york-city-says-it-s-going-to-go-after-illegal-pot-sellers>.

⁴⁵ Associated Press, “NY Opens Its First Legal Recreational Marijuana Dispensary,” *Time*, December 30, 2022, available at: <https://time.com/6243823/new-york-first-legal-recreational-marijuana-dispensary>; Catalina Gonella,

“Second legal, recreational weed store slated for Manhattan,” *Gothamist*, January 11, 2023, available at: <https://gothamist.com/news/second-legal-recreational-weed-store-slated-for-manhattan>.

⁴⁶ Ashley Southall, “What’s in New York’s Illicit Cannabis: Germs, Toxins, and Metals,” *NY Times*, Dec. 1, 2022, available at: <https://www.nytimes.com/2022/12/01/nyregion/cannabis-bacteria-pesticides-illegal-dispensary.html>.

⁴⁷ *Id.*

⁴⁸ *Id.*

especially by children and non-English speakers.⁴⁹ Despite this, the New York City Department of Health and Mental Hygiene did not intervene “in light of the State’s regulation of licensed cannabis sales” and because there were “other existing law enforcement authorities with jurisdiction to take action against the unlicensed sale of cannabis.”⁵⁰

Although there is no data at this time on how many smoke shops illegally sell cannabis and tobacco products to underage individuals in the City, it can be assumed that at least some illegally sell their products to underage persons, posing a serious health threat.⁵¹ In 2022, the Sheriff’s Office shut down a smoke shop in Queens that was selling illegal cannabis and tobacco products to underage individuals.⁵² Across the five boroughs, multiple smoke shops and convenience stores carrying illegal cannabis products have reportedly opened up near schools that display cannabis and tobacco products in clear sight with labeling appealing to youth.⁵³ New York City school staffers are seeing an uptick in student marijuana use that they say is starting at a younger age; reports of “controlled substances” and drug paraphernalia found on students at school were up 8 percent in 2022 compared to 2019, even though the K-12 student population had fallen in that time.⁵⁴

II. 2024 Cannabis Enforcement Laws

On April 20, 2024, the New York State Legislature amended the MRTA and added Chapter 5-A to Title 7 of New York City’s Administrative Code (“N.Y.C. Admin. Code”), providing additional enforcement powers to localities and OCM against illicit sales and marketing of cannabis.⁵⁵ “The amendments, which are contained in N.Y.C. Admin. Code §§ 7-551 and 7-552, authorize the [Sheriff’s Office] to inspect, issue summonses to, and seal the premises of businesses selling cannabis without a license.”⁵⁶ The Sheriff’s Office was designated as the lead under the law and can deputize other personnel to assist in enforcement.⁵⁷ State legislators passed a number of reforms that allowed for more aggressive enforcement actions⁵⁸:

- Authorizing OCM and local jurisdictions to padlock storefronts selling or processing cannabis without a license, selling to minors, selling products that lead to illness or hospitalization, selling products untested in the state, engaging in violent conduct, maintaining unlawful firearms on the premises, or operating close to schools or places of worship.
- Imposing fines on landlords who fail to evict unlicensed cannabis dealers, \$50,000 for locations within New York City or five times the rent for locations outside the City.
- Authorizing localities to make their own regulations regarding unlicensed cannabis businesses.
- Creating a statewide enforcement task force to encourage cooperation between State Police and local law enforcement.
- Granting New York City immediate authority to inspect unlicensed cannabis dealers, issue violations, seize cannabis, and padlock stores.

⁴⁹ *Id.*

⁵⁰ Letter from Council Member Gale A. Brewer to Commissioner Ashwin Vasan, Aug. 11, 2023, and Response from Deputy Commissioner Maura Kennelly, Nov. 14, 2023, available at <https://council.nyc.gov/gale-brewer/wp-content/uploads/sites/90/2023/12/2023-08-11-DOHMH-re-cannabis.pdf.pdf>.

⁵¹ Ed Hersh, “Smoke Shops, Convenience Stores, and an Open Secret,” *West Side Rag*, June 6, 2022, available at: <https://www.westsiderag.com/2022/06/06/smoke-shops-convenience-stores-and-an-open-secret>.

⁵² Bill Parry, “Queens councilman cracks down on Middle Village smoke shop for allegedly selling unlicensed tobacco and cannabis to kids,” *QNS*, July 28, 2022, available at: <https://qns.com/2022/07/middle-village-smoke-shop>.

⁵³ Griffin Kelly, “NYC weed dealers sell pot that looks like candy and ice cream to kids,” *New York Post*, April 30, 2022, available at: <https://nypost.com/2022/04/30/nyc-dealers-selling-weed-that-looks-like-ice-cream-to-kids>.

⁵⁴ Michael Elsen-Rooney, “Marijuana use spills into NYC classrooms as educators grapple with new cannabis landscape,” *Chalkbeat New York*, Jan. 4, 2023, available at: <https://ny.chalkbeat.org/2023/1/4/23537654/marijuana-use-teens-smoking-weed-mental-health-nyc-schools-students>.

⁵⁵ See generally New York City Administrative Code §§ 7-551, 7-552.

⁵⁶ *Moon Rocket Inc. v. City of New York*, No. 24-CV-4519 (JPO), 2024 WL 3454901, at *1 (S.D.N.Y. July 18, 2024).

⁵⁷ New York City Administrative Code § 7-552(e).

⁵⁸ Office of Governor Kathy Hochul, “Governor Hochul Unveils New Initiatives to Shut Down Illicit Cannabis Operations and Protect Legal Marketplace in FY25 Budget Agreement,” April 18, 2024; <https://www.governor.ny.gov/news/governor-hochul-unveils-new-initiatives-shut-down-illicit-cannabis-operations-and-protect>

- Allowing OCM to notify liquor, gaming and tobacco licensing authorities if a business that sells alcohol, lottery tickets, or tobacco products also engages in unlicensed cannabis sales.

a. Sealing Powers

“N.Y.C. Admin. Code § 7-551(a) authorizes civil penalties for violations of the Cannabis Law, including for the unlicensed sale of cannabis. N.Y.C. Admin. Code § 7-551(b) authorizes the Sheriff to issue and execute an order to seal a premises where any business is engaged in conduct prohibited by § 7-551 and which poses an imminent threat to public health, safety, and welfare.”⁵⁹ Pursuant to MRTA § 138-b(4), the “[f]actors that determine an imminent threat to public health, safety, and welfare shall be limited to: (a) documented sales to minors; (b) unlicensed processing of cannabis products at the building or premises; (c) orders issued following an inspection wherein the person engaged in the unlicensed activity engaged in violent, tumultuous, or other behaviors indicating expressed intent to not comply with the office’s order to cease the unlicensed activity; (d) documented presence of unlawful firearms at the building or premises; (e) proximity of the building or premises to schools, houses of worship, or public youth facilities; (f) presence of products deemed unsafe based on reports of illness or hospitalization; or (g) sales of, or offers to sell, cannabis products not tested or labeled lawfully.”⁶⁰ The second factor, the unlicensed processing of cannabis, is defined as “blending, extracting, infusing, packaging, labeling, branding and otherwise making or preparing cannabis products.”⁶¹ In addition, a sealing order may be issued only if the unlicensed activity is “more than a *de minimus* part of the business activity on the premises or in the building to be sealed.”⁶²

b. OATH Hearings

MRTA § 138-b(2) “requires that a sealing order be served by delivering the order to the person in apparent control of the business at the time of the inspection, posting the order on the business, and mail.”⁶³ “Moreover, summonses must be served in accordance with New York City Charter § 45-A and OATH rules.”⁶⁴ Summonses and sealing orders may be adjudicated in a proceeding before OATH within five business days of issuance.⁶⁵

Section 6-11 of Title 48 of the Rules of the City of New York (RCNY) lays out the OATH hearing procedures. Pursuant to 48 RCNY § 6-11(d), “[e]ach party has the right to present evidence, to examine and cross-examine witnesses, to make factual or legal arguments and to have other rights essential for due process and a fair and impartial hearing.”⁶⁶ 48 RCNY § 6-12 sets forth OATH evidentiary procedures. As the petitioner in an OATH hearing related to cannabis enforcement, the Sheriff’s Office “has the burden of proving the factual allegations contained in the summons by a preponderance of the evidence” and the “[r]espondent has the burden of proving an affirmative defense, if any, by a preponderance of the evidence.”⁶⁷ “Relevant and reliable evidence may be admitted without regard to technical or formal rules or laws of evidence applicable in the courts of the State of New York.”⁶⁸

Section 7-552(b)(2) of the New York City Administrative Code provides that “[t]he Hearing Officer shall make a determination on the civil summons, which shall be deemed a final decision of such office, and shall also make a recommendation to the Office of the Sheriff with respect to whether such order to seal was properly issued in accordance with the provisions of this section.”⁶⁹ Within four days of the Hearing Officer’s

⁵⁹ *Moon Rocket Inc.*, No. 24-CV-4519 (JPO), 2024 WL 3454901, at *2.

⁶⁰ MRTA § 138-b(4).

⁶¹ MRTA § 69(2).

⁶² *Id.* § 138-b(6).

⁶³ *Moon Rocket Inc.*, No. 24-CV-4519 (JPO), 2024 WL 3454901, at *3 (citing MRTA § 138-b(2)).

⁶⁴ *Id.* (citing New York City Administrative Code § 7-551(c)).

⁶⁵ New York City Administrative Code § 7-551(c), 7-552(b)(2).

⁶⁶ 48 RCNY § 6-11(d).

⁶⁷ 48 RCNY § 6-12(a).

⁶⁸ 48 RCNY § 6-12(c).

⁶⁹ New York City Administrative Code § 7-552(b)(2).

recommendation, the Sheriff shall “make a determination with respect to continuation of such order to seal upon review of such recommendation.”⁷⁰

“If the Sheriff’s final determination directs that the sealing order remain in place, [MRTA] § 138-b(9) provides that the sealing order shall be vacated if a business submits sufficient evidence that the unlicensed activity has been abated.”⁷¹ “However, if a business does not submit evidence of abatement, the sealing order remains in place and expires after one year.”⁷²

“Finally, businesses may challenge the Sheriff’s final determination by filing a CPLR Article 78 proceeding in New York State Supreme Court.”⁷³

c. August 2024 Final Rule

Effective August 28, 2024, the Sheriff adopted a final rule relating to the Sheriff’s enforcement of unlicensed cannabis activity.⁷⁴ The Department of Finance (DOF) adopted the rule to “establish a regulatory framework for the City Sheriff to conduct administrative inspections of businesses engaged in illicit cannabis activity; to specify the civil penalties for violations of Administrative Code Section 7-551; to establish how the City Sheriff may designate personnel of other City agencies to conduct enforcement efforts; to outline the circumstances in which the Sheriff may seal a place of business; and to detail other mechanisms necessary to achieve a comprehensive enforcement of unlicensed cannabis activity.”⁷⁵ In pertinent part, the rules establish a framework for the City Sheriff to conduct administrative searches, specifically by authorizing the Sheriff to “establish a schedule of inspections based on an inspection roster.”⁷⁶ The “places of business listed on it are inspected based on observations by law enforcement officers, statements made, signage, advertising materials associated with a place of business, and complaints received by the City Sheriff.”⁷⁷ The Sheriff “is authorized to conduct these inspections within both the public and non-public portions of a place of business,” but the rule “does not limit any City agency’s authority to engage in law enforcement activity.”⁷⁸

The rules also establish a regulatory penalty schedule for violations of section 7-551(a) of the Administrative Code and authorize civil summonses against persons who own places of business that retail unlicensed cannabis products.⁷⁹ “For each day in which a violation occurs, the place of business or the person who owns the place of business, as applicable, is subject to a \$10,000 penalty. Failure to appear for the hearing at the date, place and time designated for the hearing, or the scheduled date following an adjournment, results in a \$10,000 default penalty.”⁸⁰

The rules also establish a “framework through which the City Sheriff may designate the personnel of other agencies of the City to exercise various enforcement powers.”⁸¹ The Sheriff must designate the personnel in writing and post the designation on the DOF website.⁸² In addition, the rules establish a framework for the Office of the Sheriff to determine which activities pose an imminent threat to public health, safety, and welfare.⁸³ For example, the rules allow the Sheriff to find that an illicit store poses an imminent threat if it is located in close proximity to a place of worship, a school, or a public youth facility.⁸⁴

⁷⁰ *Id.*

⁷¹ *Moon Rocket Inc.*, No. 24-CV-4519 (JPO), 2024 WL 3454901, at *4.

⁷² *Id.*

⁷³ *Id.*

⁷⁴ NYC Rules, “Unlicensed Cannabis Businesses – Permanent Rule,” Aug. 28, 2024, available at <https://rules.cityofnewyork.us/rule/unlicensed-cannabis-businesses-permanent-rule/>.

⁷⁵ New York City Department of Finance, “Notice of Adoption,” Aug. 28, 2024, available at https://rules.cityofnewyork.us/wp-content/uploads/2024/08/PDF_Signed_Notice-of-Adoption-2024-RG-056-Unlicensed-Businesses-Selling-Cannabis-Permanent-Rule.pdf.

⁷⁶ *Id.* (citing 19 RCNY § 42-04(b)).

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.* (citing 19 RCNY § 42-04(c)).

⁸⁰ *Id.* The “cumulative penalties that may be imposed under a single civil summons are not authorized to exceed \$25,000.” *Id.*

⁸¹ *Id.* (citing 19 RCNY § 42-04(d)).

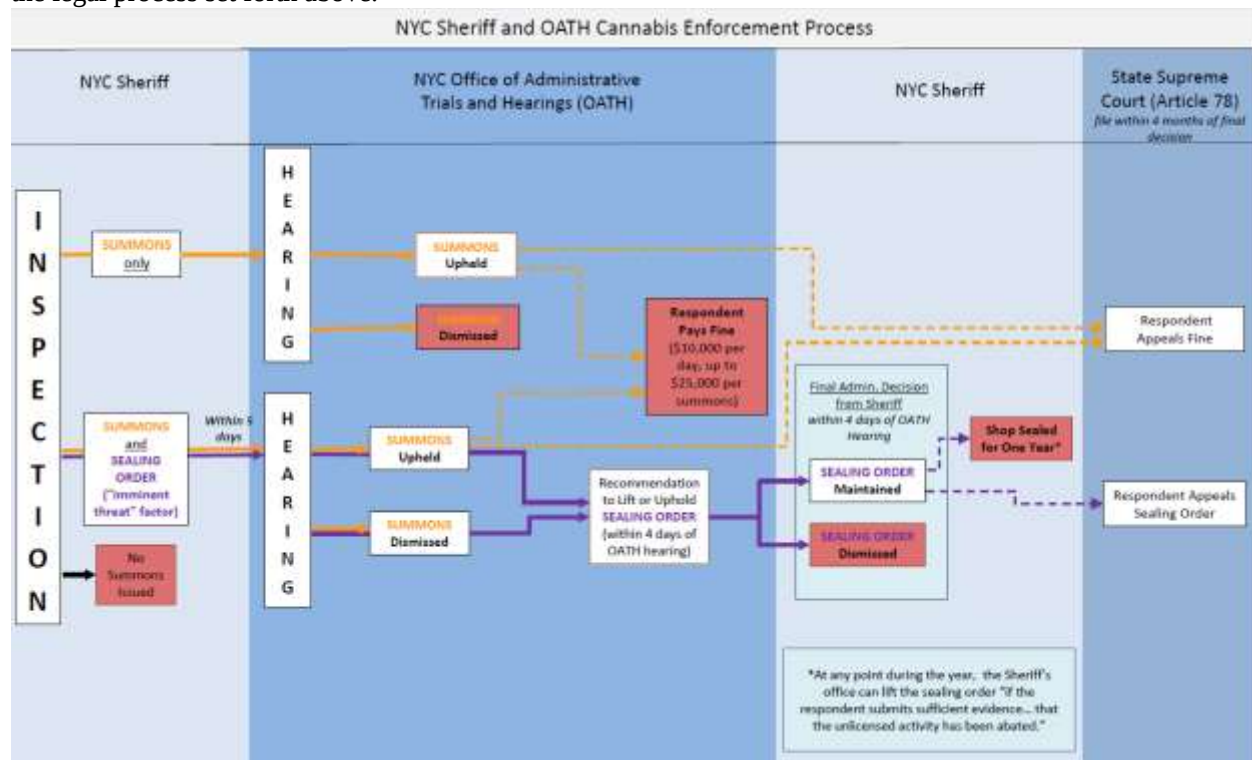
⁸² *Id.*

⁸³ *Id.* (citing 19 RCNY § 42-04(e)).

⁸⁴ *Id.*

Finally, the rules set forth “the procedure for the Sheriff to provide tracking information and broad categorical summaries of cannabis and other related items seized by the City Sheriff,” provide a “process for individuals to petition in writing for the return of cannabis or other related items seized” by the Sheriff, “or to challenge orders to cease prohibited conduct,” and establish “the procedures applicable to properties for which a sealing order is in place or for which a sealing order has been ordered to continue.”⁸⁵ The rules clarify that, “where a respondent has submitted a petition to vacate a sealing order while an administrative proceeding regarding the sealing is ongoing, the City Sheriff will not review such petition until the administrative proceeding is concluded.”⁸⁶

The following flowchart, prepared by the Council’s Oversight and Investigations Division (OID), illustrates the legal process set forth above.



III. Enforcement Efforts to Date

a. Sheriff's Joint Compliance Task Force

In November 2022, Mayor Eric Adams announced the creation of an interagency pilot program conducted by the New York City Sheriff's Office, the New York City Police Department (NYPD), DCWP, and OCM that would begin enforcement efforts against unlicensed cannabis dealers. In the program's first two weeks, enforcement officers seized \$4 million worth of contraband goods and issued 566 criminal and civil summonses.⁸⁷ The task force also sent letters to landlords of buildings where unlicensed cannabis dealers were located, informing them of potential liability.⁸⁸

⁸⁵ *Id.* (citing 19 RCNY § 42-04(f), (g), (h)).

⁸⁶ *Id.* (citing 19 RCNY § 42-04(h)).

⁸⁷ Office of the Mayor, "Mayor Adams Takes Action to Promote Equitable and Legal Cannabis Market, Announces Seizure of \$4 Million of Illegally Sold Items After Interagency Crackdown on Unlicensed Dispensaries," December 15, 2022; <https://www.nyc.gov/office-of-the-mayor/news/918-22/mayor-adams-takes-action-promote-equitable-legal-cannabis-market-seizure-4#0>

⁸⁸ New York City Sheriff, Sample Letter to landlords; November 27, 2023; <https://www.nyc.gov/assets/finance/downloads/pdf/23pdf/landlord-illegal-smokeshop-notice.pdf>

Raids conducted by the Task Force before the passage of reforms to the MRTA in the FY 2025 budget were of limited utility. Some raids were initiated without warrants and were rebuffed by business owners.⁸⁹ Shops reopened in the same location shortly after being raided.⁹⁰ Through 2023, though raids resulted in some criminal prosecutions and millions of dollars' worth of contraband cannabis and tobacco products seized, authorities had only limited ability to shutter unlicensed dealers.⁹¹

Some raids uncovered evidence of more serious criminal activity. For instance, an August 2024 enforcement action by the Task Force at an unlicensed cannabis dealer on the Lower East Side also uncovered more than 13 pounds of crack cocaine.⁹²

b. Operation Padlock to Protect

On May 7, 2024, shortly after the passage of the FY 2025 budget legislation granting wider enforcement authority to OCM and local jurisdictions, New York City law enforcement and executive agencies began "Operation Padlock to Protect," a sustained effort to close unlicensed cannabis businesses.⁹³ As part of the operation, the NYPD, DCWP, and the Sheriff's Office would all work together to inspect smoke shops and businesses suspected of selling cannabis without a license, and padlock those businesses confirmed to be flouting the MRTA.

By the end of July, the mayor and governor announced that the operation had resulted in the closure of more than 900 unlicensed cannabis storefronts across New York City,⁹⁴ the issuance of \$65 million in fines, and the seizure of \$41 million worth of illegal products.⁹⁵ On August 28, 2024, Mayor Adams announced that it had sealed over 1,000 unlicensed locations, seized an estimated \$63 million in illegal products, and inspected 100 percent of shops identified as selling illegal cannabis.⁹⁶ At the beginning of the operation, the mayoral administration estimated about 3,000 unlicensed cannabis shops in the city.⁹⁷ On August 28, 2024, Sheriff Anthony Miranda stated that 3,600 locations had been reported, and that his office had conducted over 4,000 inspections, some of them re-inspections following cease-and-desist orders.⁹⁸ It is unknown how many may have voluntarily closed down once Operation Padlock to Protect began.

As the City has conducted Operation Padlock to Protect, defendants and their attorneys have questioned the constitutionality of the enforcement actions.⁹⁹ Judges have raised questions about whether the summonses issued by authorities undertaking Padlock to Protect are being delivered properly, and if the City can padlock stores in

⁸⁹ Ashley Southall and Michael D. Regan, "Manhattan Cannabis Chain Raided by Police and State Agents," July 11, 2023; New York Times; <https://www.nytimes.com/2023/07/11/nyregion/unlicensed-cannabis-dispensaries-empire-nyc.html>

⁹⁰ "NYC smoke shop opens in same location as weed store recently shut down," April 28, 2023; New York Daily News; <https://www.nydailynews.com/2023/04/28/nyc-smoke-shop-opens-in-same-location-as-weed-store-recently-shut-down-but-cops-say-not-for-long/>

⁹¹ James Walsh, "The Weed Bodegas Have No Fear," New York Magazine; June 6, 2023; <https://nymag.com/intelligencer/2023/06/nyc-weed-bodegas-have-no-fear-of-the-crackdown.html>

⁹² David Lucas, "Over 13 Pounds of Crack Cocaine Seized from NYC Smoke Shop: Prosecutor," August 13, 2024; Patch; <https://patch.com/new-york/new-york-city/over-13-pounds-cocaine-seized-nyc-smoke-shop-prosecutor>

⁹³ Office of the Mayor, "Mayor Adams Initiates Operation to Shut Down Unlicensed Smoke and Cannabis Shops Across Five Boroughs," May 7, 2024; <https://www.nyc.gov/office-of-the-mayor/news/361-24/mayor-adams-initiates-operation-shut-down-unlicensed-smoke-cannabis-shops-across-five>

⁹⁴ Brian Lehrer Show, "The Crackdown on Illegal Cannabis Shops," WNYC; August 19, 2024; <https://www.wnyc.org/story/the-crackdown-on-illegal-cannabis-shops/>

⁹⁵ Dean Moses, "'Padlock to Protect' shuts down more than 750 illegal cannabis vendors citywide: Mayor Adams," *amNY*; July 31, 2024; <https://www.amny.com/lifestyle/cannabis/padlock-to-protect-illegal-cannabis-july-2024/>

⁹⁶ Office of the Mayor, "Mayor Adams Destroys Four Tons of Seized Cannabis Product as 'Operation Padlock to Protect' Shuts Down More Than 1,000 Unlicensed Shops," NYC.gov, August 28, 2024, available at <https://www.nyc.gov/office-of-the-mayor/news/662-24/mayor-adams-destroys-four-tons-seized-cannabis-product-operation-padlock-protect-shuts#0>.

⁹⁷ Ali Bauman, "NYC illegal marijuana shops facing surprise raids, big fines. Here's what we saw on a ride along," *CBS News New York*; July 7, 2024; <https://www.cbsnews.com/newyork/news/new-york-city-illegal-marijuana-shops-anthony-miranda-eric-adams/>

⁹⁸ Office of the Mayor, "Mayor Adams Destroys Four Tons of Seized Cannabis Product as 'Operation Padlock to Protect' Shuts Down More Than 1,000 Unlicensed Shops," NYC.gov, August 28, 2024, available at <https://www.nyc.gov/office-of-the-mayor/news/662-24/mayor-adams-destroys-four-tons-seized-cannabis-product-operation-padlock-protect-shuts#0>.

⁹⁹ Ashley Mastronardi, "Attorney claims NYC's 'Operation Padlock to Protect' cannabis campaign is unconstitutional," *News 12*, June 17, 2024, available at <https://bronx.news12.com/attorney-claims-nycs-operation-padlock-to-protect-cannabis-campaign-is-unconstitutional>.

those cases.¹⁰⁰ A Queens store accused of selling cannabis without a license was ordered reopened, overturning a sheriff's order overruling an earlier judgement that an original summons for illicit cannabis sales hadn't been delivered to the correct person.¹⁰¹ The judge in that case ruled that the City could not keep padlocked a store accused of selling illicit cannabis when OATH had dismissed the underlying summons.¹⁰² The attorney for the shop in question said that he represented a number of other shops that remained shuttered despite judges dismissing the underlying summons for technical reasons.¹⁰³

IV. NYC Sheriff's Office and the Fiscal 2025 Budget

On June 30, 2024, the Council passed the City's budget for Fiscal Year 2025 (Budget). As part of the Budget, the DOF budget reflected an increased headcount of 51 beginning in Fiscal Year 2024 related to the expansion of the electronic monitoring program, first added in the April Financial Plan. It is unclear how much, if any, of this personnel will be utilized in enforcement against unlicensed cannabis shops.

After the State acted to give the Sheriff's Office enforcement authority, Finance Commissioner Niblack testified before the Council in May 2024, stating that, on any given day, there were ten to fifteen teams of five or more members conducting enforcement actions, predominantly made up of NYPD personnel.¹⁰⁴ Further, Finance Commissioner Niblack stated DOF had assessed \$13.6 million in fines as of that date.¹⁰⁵

ISSUES AND CONCERNS

I. Enforcement Strategy and Rate of Closure of Unlicensed Cannabis Shops

Although the Administration has publicized its efforts to combat the problem of illicit cannabis storefronts, it has explained very little about its goals or strategy. In a May 17, 2024 letter, Oversight & Investigations Committee Chair Brewer asked the Sheriff to "provide any plans, memoranda, formal interagency communications[...], or other final documents that outline, explain, or detail your Office's strategy to use your new powers[.]"¹⁰⁶ To the date of this report, the Sheriff has not provided a single planning document or even asserted that any exist. Nevertheless, the Committees seek to understand the Operation's timeline, where the Sheriff is prioritizing inspections and why, and whether the Sheriff's new authority to seal shops is resulting in permanent closures.

Timeline: At Its Current Pace, City Will be Sealing Stores until July 2025

One of the central questions in evaluating the efficacy of Operation Padlock to Protect is determining the rate at which the Task Force is able to seal the 3,600 illicit cannabis storefronts open in the city. This report relies upon the Administration's previously published running total for sealed shops as stated over the past four months, to calculate an estimate of the Task Force's "rate of closure" of stores.¹⁰⁷

¹⁰⁰ Ashley Southall, "Judge Finds Flaws in New York City's Cannabis Enforcement Effort," *New York Times*; August 15, 2024; <https://www.nytimes.com/2024/08/15/nyregion/nyc-marijuana-enforcement.html>

¹⁰¹ Ben Stevens, "New York Shut 75 Illicit Cannabis Stores in First Week as Lawsuit Fails to Derail New Crackdown," *Business of Cannabis*, July 19, 2024, available at <https://businessofcannabis.com/new-york-shut-75-illicit-cannabis-stores-in-first-week-as-lawsuit-fails-to-derail-new-crackdown/>.

¹⁰² Short Form Order, 3512 Bell Corp. v. City of New York, 715613/2024, Aug. 14, 2024 (N.Y. Sup. Ct., Queens County), available at <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=w5rWQMydayMcuITZHTl7zg==>.

¹⁰³ Ben Stevens, "New York Shut 75 Illicit Cannabis Stores in First Week as Lawsuit Fails to Derail New Crackdown," *Business of Cannabis*, July 19, 2024, available at <https://businessofcannabis.com/new-york-shut-75-illicit-cannabis-stores-in-first-week-as-lawsuit-fails-to-derail-new-crackdown/>.

¹⁰⁴ Transcript, New York City Council Fiscal Year 2025 Executive Budget Hearings, May 22, 2024 available at <https://legistar.council.nyc.gov/View.ashx?M=F&ID=13059671&GUID=6770050E-0906-485C-8C7A-354F095D2FB6>, pp. 108-109,

¹⁰⁵ *Id.* at p. 107.

¹⁰⁶ Letter to Councilmember Gale Brewer from Sheriff Anthony Miranda Letter (May 17, 2024) (on file with N.Y. City Council).

¹⁰⁷ This figure is an estimate as some "issued" Orders may be withdrawn later, blocked in court, or defied illegally. The Council must rely on those public announcements because—despite two requests from Council Members and a biweekly reporting requirement in Section 7-

The Administration announced the start of Operation Padlock to Protect on May 7, 2024.¹⁰⁸ Over the course of the summer, the Administration continued to announce additional closures every few weeks but without the context of updated estimates of the total number of illicit shops citywide or any explanation of specific enforcement priorities. The following table outlines that timeline, adding additional data points that the Administration provided in response to Council inquiries.

Date Reported	Total Shops Closed per Admin.	Source
May 7, 2024	0	Operation Padlock to Protect Announcement
May 14, 2024	75	Press Release ¹⁰⁹
May 24, 2024	220	Sheriff's Letter to Chair Brewer ¹¹⁰
July 17, 2024	630	Press Release ¹¹¹
July 31, 2024	779	Press Release ¹¹²
August 5, 2024	840	Weekly Press Availability Transcript ¹¹³
August 13, 2024	907	Weekly Press Availability Transcript ¹¹⁴
August 28, 2024	"Over 1000"	Press Release ¹¹⁵

552(d.1.) of the City's Administrative Code—the Sheriff's Office has yet to publish any data specific to the number, locations, or current status of investigated and sealed unlicensed retailers.

¹⁰⁸ Press Release, N.Y. City Office of the Mayor, Mayor Adams Initiates Operation to Shut Down Unlicensed Smoke and Cannabis Shops Across Five Boroughs (May 7, 2024) <https://www.nyc.gov/office-of-the-mayor/news/361-24/mayor-adams-initiates-operation-shut-down-unlicensed-smoke-cannabis-shops-across-five>.

¹⁰⁹ Press Release, N.Y. City Office of the Mayor, Mayor Adams Announces 75 Illegal Smoke and Cannabis Shops Ordered Closed, Nearly \$6 Million in Penalties, and Over 3,800 Counts of Violations Issued During First Week of "Operation Padlock to Protect" (May 14, 2024), <https://www.nyc.gov/office-of-the-mayor/news/374-24/mayor-adams-75-illegal-smoke-cannabis-shops-ordered-closed-nearly-6-million-in>.

¹¹⁰ Letter to Councilmember Gale Brewer from Sheriff Anthony Miranda Letter (June 5, 2024) (on file with N.Y. City Council).

¹¹¹ Press Release, N.Y. City Office of the Mayor, Mayor Adams, Sheriff Miranda, NYPD Commissioner Caban Announce Results of Major Illegal Cannabis Bust, Estimating \$1 Million of Product Seized (July 17, 2024) <https://www.nyc.gov/office-of-the-mayor/news/551-24/mayor-adams-sheriff-miranda-nypd-commissioner-caban-results-major-illegal-cannabis#0>.

¹¹² Press Release, N.Y. City Office of the Mayor, Mayor Adams Celebrates Shut Down of More Than 750 Illegal Cannabis Shops Since Launch of "Operation Padlock to Protect" (July 31, 2024) <https://www.nyc.gov/office-of-the-mayor/news/605-24/mayor-adams-celebrates-shut-down-more-750-illegal-cannabis-shops-since-launch-operation#0>.

¹¹³ N.Y. City Office of the Mayor, Transcript: Mayor Adams Holds In-Person Media Availability (Aug. 6, 2024) <https://www.nyc.gov/office-of-the-mayor/news/618-24/transcript-mayor-adams-holds-in-person-media-availability>

¹¹⁴ N.Y. City Office of the Mayor, Transcript: Mayor Adams Holds In-Person Media Availability (Aug. 13, 2024) <https://www.nyc.gov/office-of-the-mayor/news/631-24/transcript-mayor-adams-holds-in-person-media-availability>.

¹¹⁵ Press Release, N.Y. City Office of the Mayor, Mayor Adams Destroys Four Tons of Seized Cannabis Product as "Operation Padlock to Protect" Shuts Down More Than 1,000 Unlicensed Shops (Aug 28, 2024) <https://www.nyc.gov/office-of-the-mayor/news/662-24/mayor-adams-destroys-four-tons-seized-cannabis-product-operation-padlock-protect-shuts#0>.

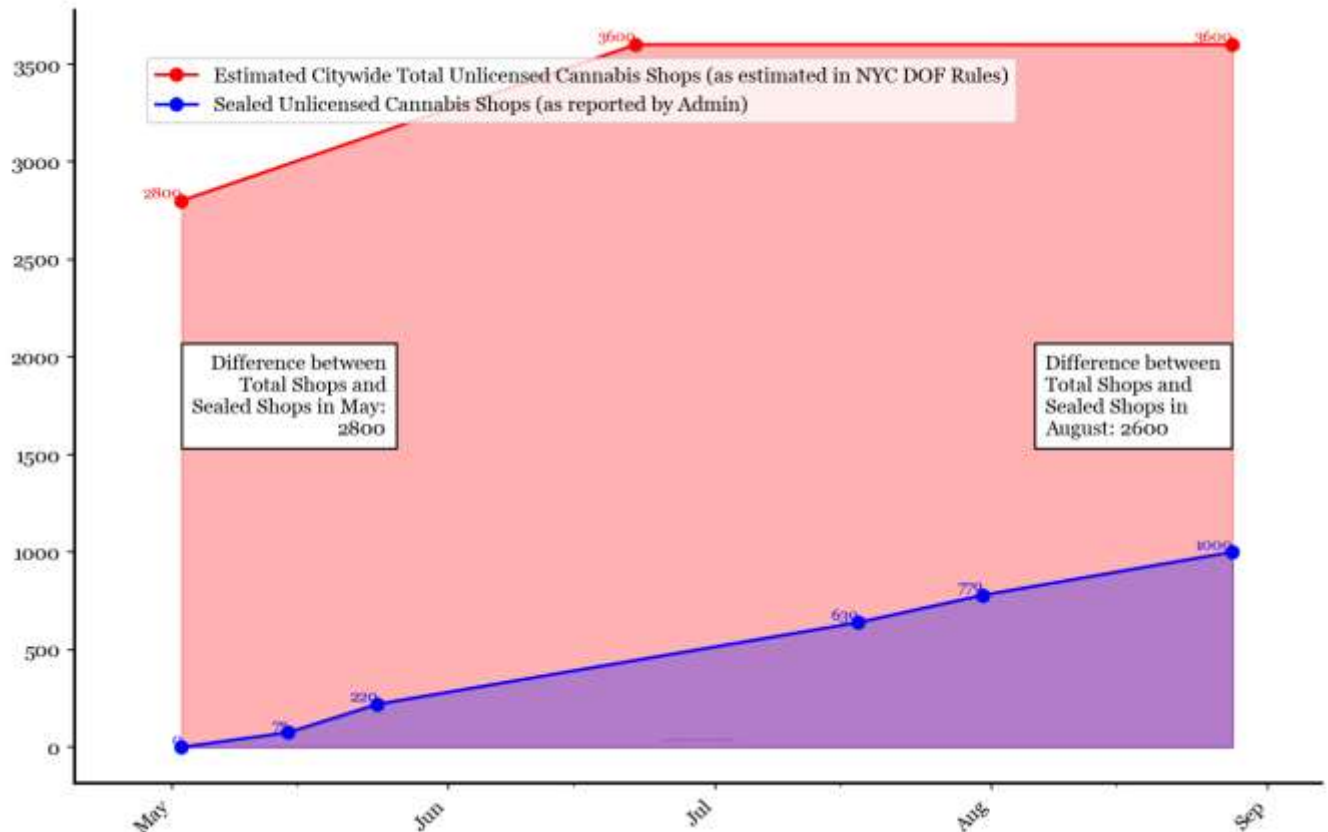


Figure 1: Stores Sealed by Operation Padlock to Protect Out of Estimated Stores Citywide¹¹⁶

Per these Administration announcements, the rate of closures has remained relatively stable since Operation Padlock to Protect began. An average of 90 stores per week have closed since May 2024. See Figure 1: Stores Sealed by Operation Padlock to Protect Out of Estimated Stores Citywide. Based on the Administration’s most recent estimated number of 3,600 unlicensed retailers citywide, and working under an assumption that no additional stores will open, if Operation Padlock to Protect continues at this pace, all unlicensed retailers in New York City would be closed by July 2025. See Figure 2: Projected Stores Sealed by

¹¹⁶ “Sealed” number is based on statements by the Administration as indicated in prior table, see fns 109-115.

For “Estimated Citywide Total” number, compare Cannabis Business Emergency Rule, 19 RCNY § 42-04, at 1, (published May 2, 2024 and estimating 2,800 stores) with Unlicensed Cannabis Businesses - Permanent Rule, 9 RCNY § 42-04, (proposed June 24, 2024, and effective August 28, 2024; stating that “[s]ince the implementation of the emergency rule, the public has submitted additional complaints regarding unlicensed retail stores, which resulted in an updated estimate of 3,600 unlicensed cannabis retail stores operating within the City’s borders”), available at <https://rules.cityofnewyork.us/rule/cannabis-businesses-emergency-rule/> and <https://rules.cityofnewyork.us/rule/unlicensed-cannabis-businesses-permanent-rule/>, respectively..

Operation Padlock to Protect Out of Estimated Stores Citywide.

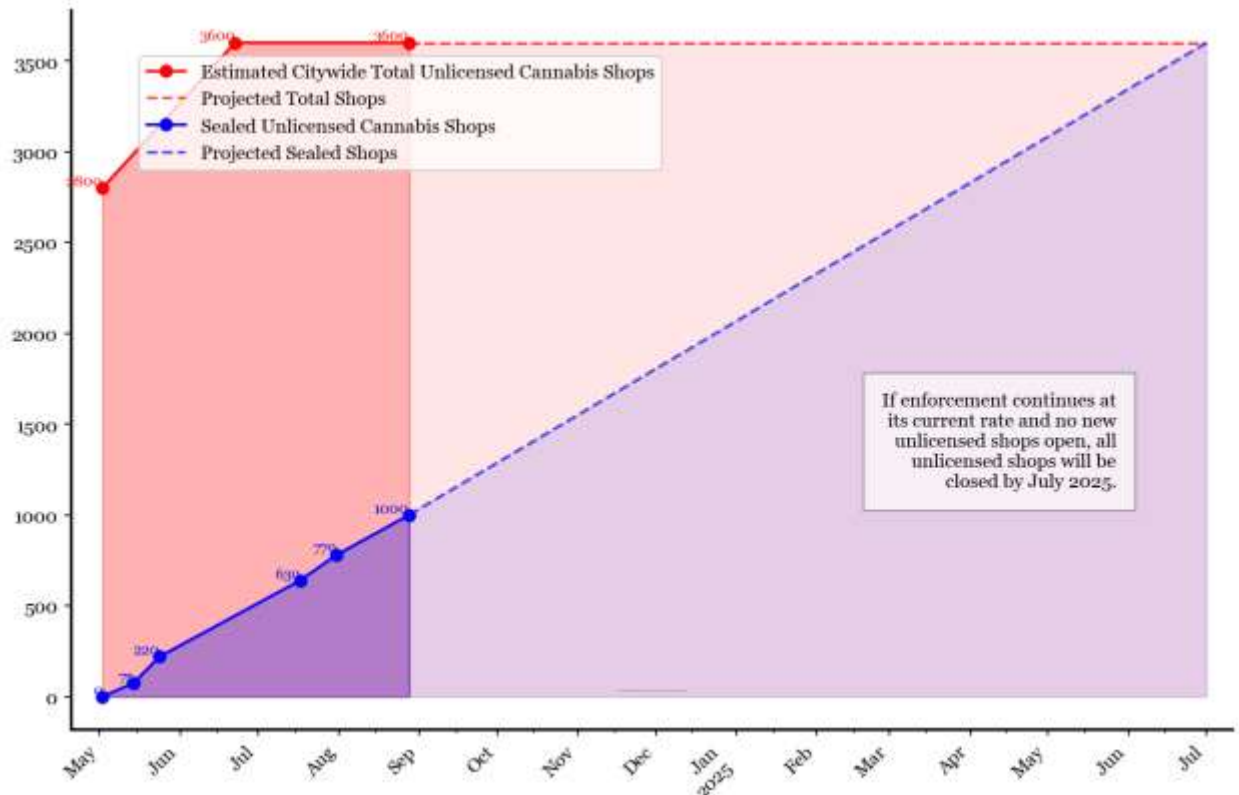


Figure 2: Stores Sealed by Operation Padlock to Protect Out of Estimated Stores Citywide¹¹⁷

An additional issue when attempting to calculate the rate of closure is the factor of sealed stores possibly reopening. As noted above, the projection for full closure of illicit cannabis stores assumes every shop the Administration claims has been sealed remains so.¹¹⁸ In its July 31, 2024 announcement, the Administration wrote in its press release that “[w]hen operators are ordered to be sealed, local NYPD precincts monitor those locations to ensure compliance and alert the Sheriff’s Office when violations of the seal order occur.”¹¹⁹ In mid-August, the Committee Chairs sent the Sheriff a joint letter asking, among other things, that he provide the “[n]umber of shops that remain sealed subject to those orders and how you arrived at that number[.]”¹²⁰ The Sheriff has not responded to that question.

Absent an answer to that question, OID staff conducted fieldwork to spot-check enforcement in certain areas. First, on August 15, 2024, OID staff revisited storefronts in the East and West Villages that they had previously visited in December 2022¹²¹—all 11 of those shops had either closed or ceased selling cannabis products. Of seven other nearby shops that investigators visited that day, only two sold cannabis, neither openly. Second, OID staff visited Jamaica Avenue in Queens and East Tremont Avenue in the Bronx on August 28 and 29, respectively, to observe areas near licensed legal cannabis dispensaries. Investigators observed no shops illicitly selling cannabis on East Tremont Avenue and only one on Jamaica Avenue—the latter near five closed shops.

¹¹⁷ *Id.*

¹¹⁸ It is unclear whether the totals the Administration touts refer to sealing orders issued by the Sheriff’s Office or final disposition after a recommendation from OATH (even the latter could still be blocked in court).

¹¹⁹ Press Release, N.Y. City Office of the Mayor, Mayor Adams Announces 75 Illegal Smoke and Cannabis Shops Ordered Closed, Nearly \$6 Million in Penalties, and Over 3,800 Counts of Violations Issued During First Week of “Operation Padlock to Protect” (May 14, 2024), <https://www.nyc.gov/office-of-the-mayor/news/374-24/mayor-adams-75-illegal-smoke-cannabis-shops-ordered-closed-nearly-6-million-in-penalties-and-over-3800-counts-of-violations-issued-during-first-week-of-operation-padlock-to-protect>.

¹²⁰ Letter from Council Member Gale Brewer and Council Member Justin Brannan to Sheriff Anthony Miranda (August 2024) (on file with N.Y. City Council).

¹²¹ N.Y. City Council, Joint Comm. Report, Oversight – The Proliferation of Smoke Shops in New York City, File Nos. T2022-2748, T2022-2749, and T2022-2750, at 26-29 (2022).

Any strategy to facilitate the closure of unlicensed cannabis shops should account for the tactics some retailers use to evade accountability. Public reporting has suggested that, as the City closes more shops selling unlicensed cannabis, some retailers will become savvier in avoiding detection and concealing their illicit products.¹²² For example, some stores close during the day and open at night to avoid an OATH summons.¹²³ In other instances, when a seller sees that a neighboring business is undergoing a raid, the seller will temporarily exit the premises to circumvent a visit from the Sheriff.¹²⁴ One store retailing unlicensed cannabis even concealed its product in a room located behind a secret trapdoor.¹²⁵

II. Geographic Areas of Focus: Unclear Priorities Around Schools and Legal Dispensaries

In the absence of additional public reporting from the Sheriff's Office regarding its illicit cannabis enforcement efforts, OID conducted an analysis of OATH data to gain insight into the Sheriff's Office's enforcement strategy and priorities.¹²⁶

The following heat maps provide a visualization of the locations of OATH cannabis summonses.¹²⁷ They illustrate that the task force has inspected shops in most of the city, but some areas have seen more enforcement than others: lower Manhattan, Harlem, the South Bronx, and Williamsburg are examples of enforcement hotspots. See *Figure 3: Count of AC 7-551A Violations by Council District since May 2024*. However, without a full list of suspected unlicensed storefronts, as requested but not received by the Council,¹²⁸ it is not clear whether these maps display the City's enforcement priorities or simply show where most illicit cannabis shops are located.

¹²² Spectrum News Staff, "Bill requires Adams administration to disclose details on cannabis enforcement," Spectrum News, NY1, July 18, 2024, available at <https://ny1.com/nyc/all-boroughs/inside-city-hall/2024/07/19/bill-requires-adams-administration-to-disclose-details-on-cannabis-enforcement>.

¹²³ *Id.*

¹²⁴ *Id.*

¹²⁵ Gus Saltonstall, "UWS Smoke Shop Shut Down Had Secret Trap Door To Move Drugs: Sheriff," West Side Rag, August 7, 2024, available at <https://www.westsiderag.com/2024/08/07/uws-smoke-shop-shut-down-had-secret-trap-door-to-move-drugs>.

¹²⁶ NYC OPENDATA, OATH HEARINGS DIVISION CASE STATUS, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024).

¹²⁷ NYC OPENDATA, OATH HEARINGS DIVISION CASE STATUS, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024).

¹²⁸ Letter to Sheriff Anthony Miranda from Councilmember Gale Brewer (May 17, 2024) (on file with N.Y. City Council). While the Council was never provided a report listing suspected storefronts, Sheriff Miranda did provide a list of stores inspected on July 12, 2024.

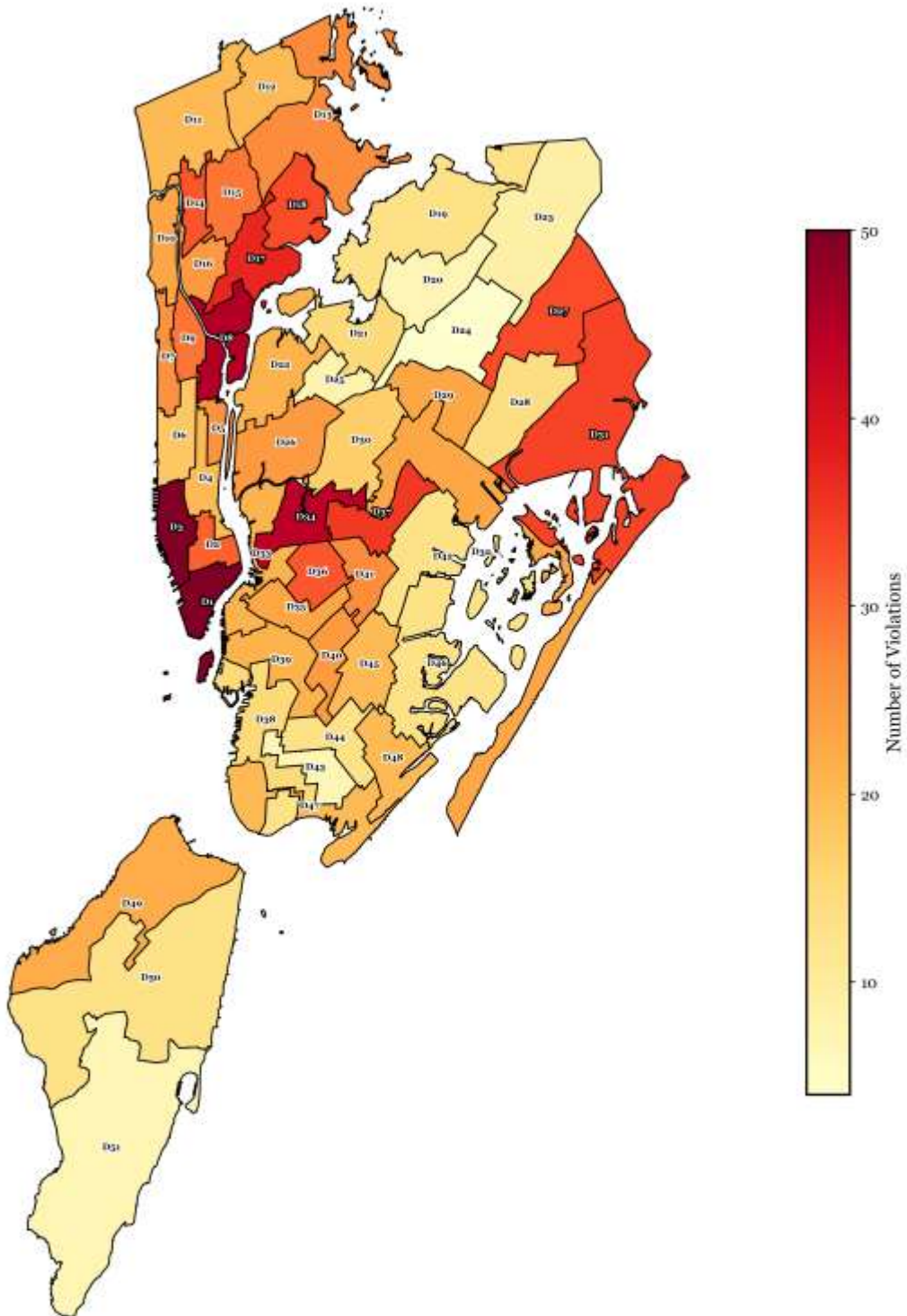


Figure 3: Count of AC 7-551A Violations by Council District since May 2024¹²⁹

DOF's cannabis enforcement rule allows the Sheriff to prioritize inspections at locations near a school or an OCM-licensed dispensary.¹³⁰ Based on publicly available data of OATH summonses¹³¹ and public school locations,¹³² around 62% of cannabis summonses were issued to locations within 1,000 feet of a school (see *Appendix*). This is consistent with a strategy that considers proximity to schools, but absent further clarity regarding the decision-making process for inspections, the precise weight applied to such a factor is uncertain. Additionally, the Administration has claimed that the establishment of a "safe and thriving legal cannabis market" is a goal of the operation.¹³³ Based on a comparison of the list of legal licensees within the city¹³⁴ and OATH cannabis summonses,¹³⁵ 76% of legal shops were within 1,000 feet of a location issued a cannabis violation (see *Appendix*).

III. Efficacy: Analyzing Dismissals of OATH Summonses and the Reopening of Stores

OID also analyzed OATH data for cannabis-related violations to look for specific trends regarding adjudication. As of September 9, 2024, there were 1,178 violations issued to 1,107 different properties alleged to have violated § 7-551 of the New York City Administrative Code.¹³⁶ Of that total, 991 violations have been adjudicated, and 187 violations were still pending. Of the 991 violations adjudicated, 188 were dismissed. *Figure 4* provides detail on how OATH cases have resolved over time, based on the date of issue of the violation.

Many OATH cases have been dismissed for improper service.¹³⁷ For example, in *3512 Bell Corp.*, the court found that a sealing order is founded upon a summons for a violation and cannot stand without it; in other words: no violation, no sealing order.¹³⁸ If other judges and ALJs begin to adopt that interpretation, more sealing orders may be vacated.

¹²⁹ NYC OpenData, Oath Hearings Division Case Status, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024)

¹³⁰ Rules of City of New York Department of Finance (19 RCNY) § 42-04 (stating in the Rule's Statement of Basis and Purpose, "The roster authorized by this rule carries over the existing roster document established under the May 2, 2024 emergency rule. The purpose of the inspection roster is to ensure that the inspections authorized under the applicable statutory framework are conducted with regularity and certainty, while still allowing the City Sheriff to promote the goals of Part G of Chapter 55 of the Laws of 2024 and prioritize searches where the City Sheriff reasonably believes a place of business poses an imminent threat to public health, safety, and welfare [which includes proximity to a school], where illegal conduct has been confirmed to be occurring, or where a store included on the roster is operating proximate to retail store listed in the New York State Office of Cannabis Management's directory as licensed or registered to sell cannabis.")

¹³¹ NYC OPENDATA, OATH HEARINGS DIVISION CASE STATUS, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024).

¹³² NEW YORK STATE OFFICE OF INFORMATION TECHNOLOGY SERVICE'S GEOSPATIAL SERVICES, "NYS SCHOOLS," available at <https://data.gis.ny.gov/maps/b6c624c740e4476689aa60fdc4aacb8f/about> (accessed August 8, 2024).

¹³³ Press Release, N.Y. City Office of the Mayor, Mayor Adams Announces 75 Illegal Smoke and Cannabis Shops Ordered Closed, Nearly \$6 Million in Penalties, and Over 3,800 Counts of Violations Issued During First Week of "Operation Padlock to Protect" (May 14, 2024), <https://www.nyc.gov/office-of-the-mayor/news/374-24/mayor-adams-75-illegal-smoke-cannabis-shops-ordered-closed-nearly-6-million-in-penalties-and-over-3800-counts-of-violations-issued-during-first-week-of-operation-padlock-to-protect>; Letter to Councilmember Gale Brewer from Sheriff Anthony Miranda Letter (June 5, 2024) ("Cannabis NYC remains an important component of our broader strategy to ensure that the legal cannabis marketplace displaces the illegal one in the City[sic].") (on file with N.Y. City Council).

¹³⁴ NEW YORK STATE OFFICE OF CANNABIS MANAGEMENT, "DISPENSARY LOCATION VERIFICATION," available at <https://cannabis.ny.gov/dispensary-location-verification> (accessed August 27, 2024).

¹³⁵ NYC OpenData, footnote 131, *supra*.

¹³⁶ NYC OPENDATA, OATH HEARINGS DIVISION CASE STATUS, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024)

¹³⁷ This is based on a limited sample of OATH decisions reviewed by OID.

¹³⁸ *In the Matter of the Application of 3512 Bell Corp.*, Sup Ct, Queens County, August 12, 2004, Kerrigan, K., index No. 715613/24.

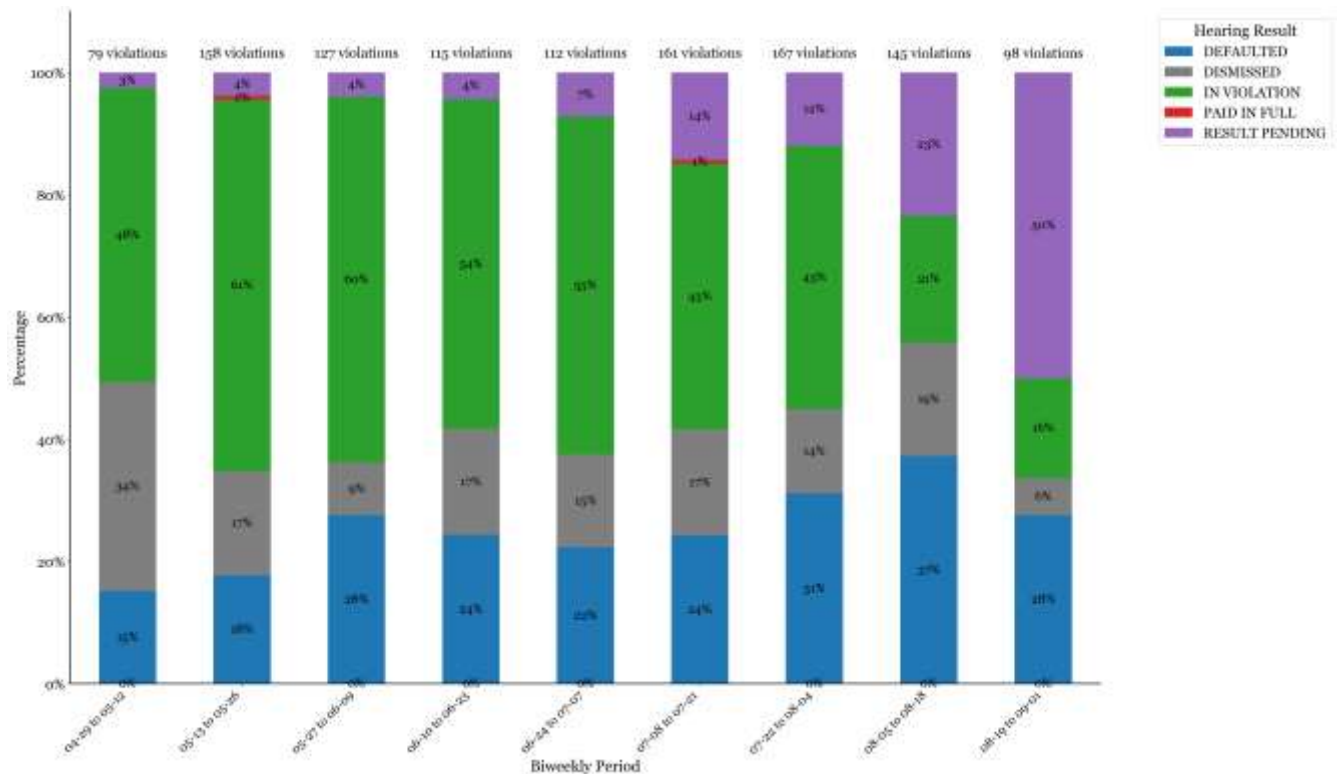


Figure 4: Cannabis Violation Hearing Outcomes by Violation Issue Date (Biweekly)¹³⁹

Dismissals were significantly more common during the first weeks of Operation Padlock to Protect and have since stabilized between 10% and 20%, potentially reflecting an early improvement in the drafting and service of summonses. Violations also appear to be moving through OATH more rapidly: adjudication time has decreased from an average of approximately 13 days in May to around 8 days in August.¹⁴⁰

It is unlikely that this change reflects changes in processing at OATH. While the cases have undoubtedly added to the agency's workload, cannabis violation-related cases (1,162) reflect less than 1% of its total case volume (543,869) this year.

¹³⁹ NYC OPENDATA, OATH HEARINGS DIVISION CASE STATUS, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024).

¹⁴⁰ This likely reflects a significant decline in outlier cases with resolution times exceeding 21 days, as the median resolution time has stayed consistent at 6 days since May. Where a sealing order is issued, NYC Admin Code Section 7-552 entitles the Respondent to a hearing within 5 business days, as the sealing of a business affects the business so acutely. Thus, a decline in such delayed cases could reflect a change in the proportion of OATH cases that include sealing orders, the number of cases in which a Respondent requests an adjournment in order to better defend its case, or both.

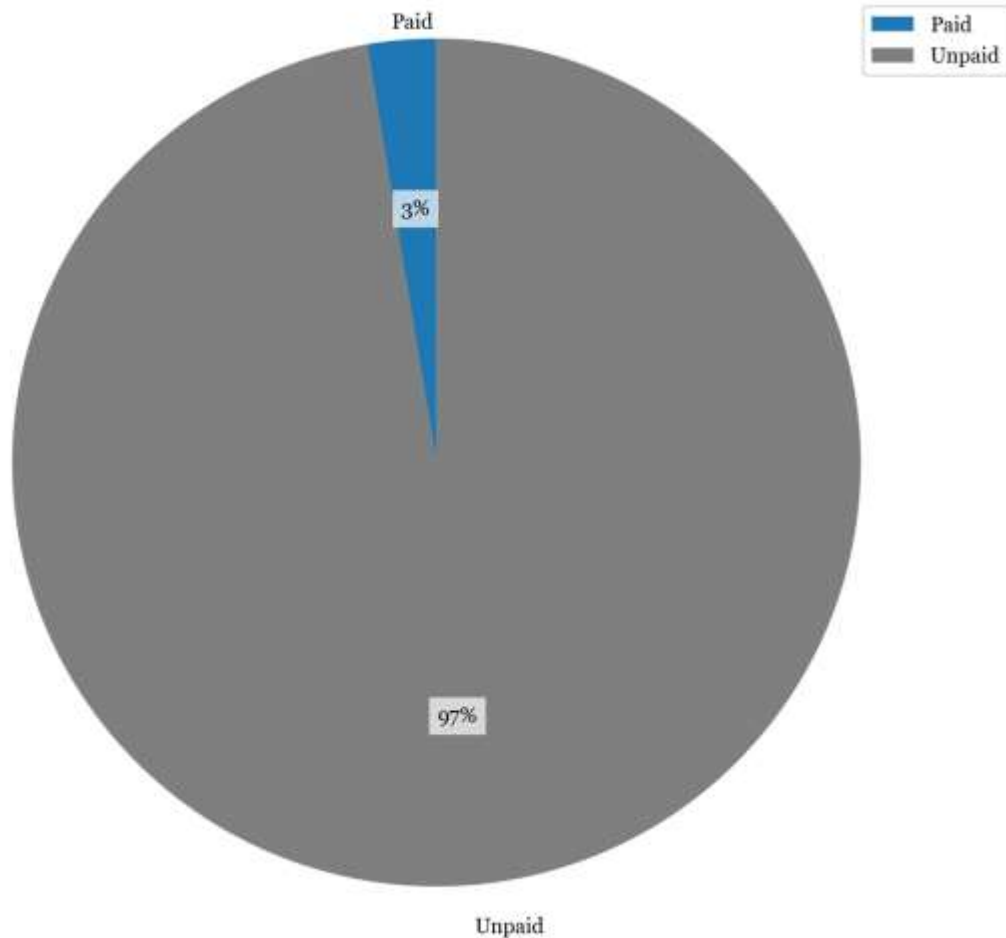


Figure 5: Pie chart of cannabis violation penalty payment status¹⁴¹

For violations of § 7-551 of the New York City Administrative Code, OATH has sustained a total of \$8,060,000 in penalties,¹⁴² of which \$5,210,000 resulted from 516 cases where OATH found that the Sheriff had proved violations, despite Respondents' defense.¹⁴³ The other \$2,850,000 was assessed in 285 cases with a default judgment.¹⁴⁴ Thus far, OATH has reported receiving only \$210,000 (approximately 3%) of all penalties (see Figure 5).¹⁴⁵ In an August 16 letter, the Committee Chairs asked the Sheriff to provide, among other things, the total amount of penalties collected to date, the total amount of penalties outstanding, and the total amount of penalties past due.¹⁴⁶ The Sheriff did not respond to this question in his response to the letter.¹⁴⁷

Dismissals and lifted sealing orders aside, some unlicensed storefronts may simply violate the sealing order and reopen. Data from OATH indicates that in 22 cases, a location was issued multiple summonses more than 24 hours apart, potentially indicating a reoffender. Absent information on re-inspections, it is unclear if this represents a lack of re-inspections or a high degree of compliance.

¹⁴¹ NYC OpenData, Oath Hearings Division Case Status, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024).

¹⁴² NYC OPENDATA, OATH HEARINGS DIVISION CASE STATUS, https://data.cityofnewyork.us/City-Government/OATH-Hearings-Division-Case-Status/jz4z-kudi/about_data (database updated Sep. 9, 2024).

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ Letter to Sheriff Anthony Miranda from Councilmember Gale Brewer (August 16, 2024) (on file with N.Y. City Council).

¹⁴⁷ Letter to Councilmember Gale Brewer from Sheriff Anthony Miranda Letter (August 27, 2024) (on file with N.Y. City Council).

IV. Potential Due Process Violations

In spring 2024, as Operation Padlock to Protect swept hundreds of shops suspected of selling unlicensed cannabis, footage of a May 18 raid on a Staten Island store captured how enlisting police to conduct regulatory inspections can result in criminal charges, raising concerns about potential due process violations.¹⁴⁸ The clip shows “seven uniformed law enforcement officers, most of them in NYPD gear, cursing, jumping over the store counter and charging at a shopkeeper after he asked them for a court order before opening the door to the back of the store.”¹⁴⁹ Before the officers found any unlicensed cannabis products, they cuffed the shopkeeper and took him to a local precinct, where he was charged with obstruction of justice.¹⁵⁰ This incident illustrates the extent of the NYPD’s involvement, under the Sheriff’s designation authority, in raids of stores suspected to be selling unlicensed cannabis products. The “involvement of police officers as part of regulatory inspections has already broadly drawn some worry from city public defenders,” concerned that an inspection can quickly “escalate from a regulatory matter into a criminal matter once NYPD are involved.”¹⁵¹ Key stakeholders focused on due process concerns hope the mayoral administration will avoid harsher tactics while continuing to shutter shops selling unlicensed cannabis products.

V. Missing or Incomplete Data

a. Statistics from the Mayoral Administration

The Council seeks additional clarity from the mayoral administration regarding statistics it has released to date on its implementation of cannabis enforcement laws. As noted above, on August 28, 2024, Mayor Adams announced that the administration had sealed over 1,000 unlicensed locations, seized an estimated \$63 million in illegal products, and inspected 100 percent of shops identified as selling illegal cannabis.¹⁵² Sheriff Miranda added that 3,600 locations retailing unlicensed cannabis had been reported, and that his office had conducted over 4,000 inspections, some of them re-inspections following cease-and-desist orders.¹⁵³ It is unclear, however, whether the administration measures the closure of a shop from the point of padlocking or from another point in the process, or whether it takes into account whether a shop reopens following a dismissed OATH summons. It is also unclear which shops the administration had identified as selling illegal cannabis before inspecting 100 percent of them, and whether that figure represents the total number of unlicensed shops in the City or a subset of them. Moreover, it is unknown how the administration is assessing the total amount of penalties collected to date. The Council seeks a clearer picture of the successes of Operation Padlock to Protect to assess the effectiveness of the program to date and identify potential areas for improvement.

b. Biweekly Enforcement Reports

A provision of the cannabis enforcement laws that passed during the FY25 state enacted budget requires the Sheriff’s Office to provide biweekly enforcement reports to OCM.¹⁵⁴ Eager to see enforcement data, Council Member Brewer contacted the Sheriff’s Office to request copies of his biweekly reports.¹⁵⁵ In June 2024, Sheriff

¹⁴⁸ Rosalind Adams, “Video of NYPD Cannabis Raid and Arrest Raises Questions About Adams’ New Enforcement Offensive,” The City, June 3, 2024, available at <https://www.thecity.nyc/2024/06/03/video-nypd-cannabis-raid-adams-hochul/>.

¹⁴⁹ *Id.*

¹⁵⁰ *Id.*

¹⁵¹ *Id.*

¹⁵² Office of the Mayor, “Mayor Adams Destroys Four Tons of Seized Cannabis Product as ‘Operation Padlock to Protect’ Shuts Down More Than 1,000 Unlicensed Shops,” NYC.gov, August 28, 2024, available at <https://www.nyc.gov/office-of-the-mayor/news/662-24/mayor-adams-destroys-four-tons-seized-cannabis-product-operation-padlock-protect-shuts#/>.

¹⁵³ *Id.*

¹⁵⁴ New York City Administrative Code § 7-552(d)(1).

¹⁵⁵ Gale A. Brewer, “Letter to OCM Regarding Enforcement Activity Reporting,” July 1, 2024, Unlicensed Cannabis, District 6, New York City Council, available at <http://council.nyc.gov/gale-brewer/wp-content/uploads/sites/90/2024/09/07.01.24-OCM-reporting.pdf>.

Miranda informed her that his office had not begun producing the reports because he was awaiting guidance from OCM.¹⁵⁶ The law provides that the biweekly reports must be sent “in the manner and format prescribed by [OCM].”¹⁵⁷ Accordingly, in July 2024, Council Member Brewer requested that OCM provide the Sheriff’s Office with reporting instructions.¹⁵⁸ To date, Council Member Brewer has not received a response to her letter, and the biweekly enforcement reports are not available on the OCM website.¹⁵⁹

LEGISLATIVE ANALYSIS

I. Proposed Introduction 557-B

Proposed Introduction 557-B would require the Department of Information Technology and Telecommunications (OTI) to create a specific 311 category for complaints related to unlicensed cannabis retailers. OTI would collect the details and documentation related to these complaints and route the complaints and documentation to the New York City Sheriff’s Office. This bill, if passed, would take effect 270 days after becoming law.

On September 17, 2024, the Committee on Finance considered Introduction 557-A and received testimony from the Sheriff’s Office, members of the Deputy Sheriffs’ Benevolent Association, the Independent Budget Office, attorneys representing business owners, and members of the public. After the hearing, Introduction 557-A was amended to require OTI to collect complaint details and documentation in addition to routing the complaint and documentation to the Sheriff’s Office. The bill was also amended to specify the types of documentation a person may submit alongside a complaint, including photographic evidence and the name, address, and hours of operation of an unlicensed cannabis retailer. Finally, the effective date was changed from 120 days to 270 days to allow the administration more time for implementation.

II. Proposed Introduction 981-A

Proposed Introduction 981-A would update existing reporting relating to the City’s inspection and enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis. Specifically, the legislation would incorporate new reporting relating to the expanded local authority to conduct inspections and enforcement of the state cannabis law, and provide increased details on the outcomes of each inspection conducted by City agencies. This bill, if passed, would take effect immediately upon becoming law.

On September 17, 2024, the Committee on Finance considered Introduction 981 and received testimony from the Sheriff’s Office, members of the Deputy Sheriffs’ Benevolent Association, the Independent Budget Office, attorneys representing business owners, and members of the public. After the hearing, Introduction 981 was amended to refine the definition of illicit cannabis and add definitions of illicit products, inspection, and reporting period. The bill was also amended to clarify when the Mayor and the Speaker of the Council will receive the quarterly report from the Sheriff’s Office. The amended bill would require the report to include information about the total number of locations where an inspection occurred; the total number of locations where an inspection occurred and revealed the sale of illicit products, and the addresses of such locations; the total number of arrests made during an inspection by a peace officer, disaggregated by top offenses charged; any agency that has been designated by the Sheriff’s Office to assist in cannabis enforcement and the duration of such designation; and the total number of sealing orders issued. The amended bill would also require the Sheriff’s Office, in consultation with the Office of Administrative Trials and Hearings (OATH), to submit a quarterly report to the Mayor and the Speaker of the Council including the following information: the total number of sealing orders issued for which OATH issued a recommendation to the Sheriff’s Office with respect to whether such order to seal was properly issued; for each location that was issued a temporary closing order, the recommendation from OATH on whether to uphold a sealing order; the total dollar amount for civil penalties issued; the total dollar amount of penalties that resulted in a default judgment or for which such office found the

¹⁵⁶ *Id.*

¹⁵⁷ New York City Administrative Code § 7-552(d)(1).

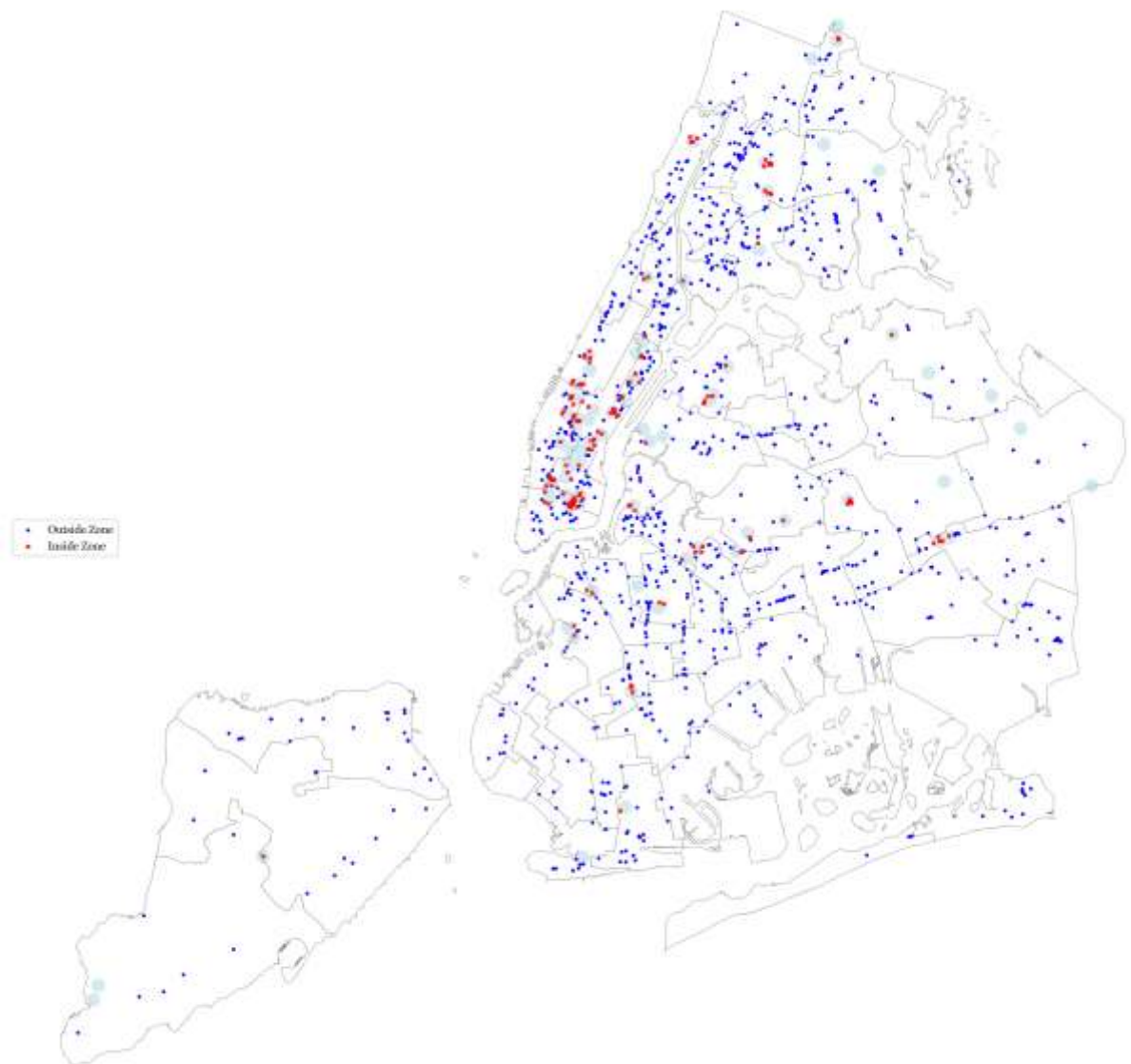
¹⁵⁸ Gale A. Brewer, “Letter to OCM Regarding Enforcement Activity Reporting,” July 1, 2024, Unlicensed Cannabis, District 6, New York City Council, available at <http://council.nyc.gov/gale-brewer/wp-content/uploads/sites/90/2024/09/07.01.24-OCM-reporting.pdf>.

¹⁵⁹ Reports, New York State Office of Cannabis Management, available at <https://cannabis.ny.gov/reports>.

respondent in violation; and, for all civil penalties issued, since January 1, 2025, the total amount of such civil penalties that have been collected. Finally, the bill was amended to add a sunset provision of January 15, 2026, and bring the effective date in line with existing cannabis law.

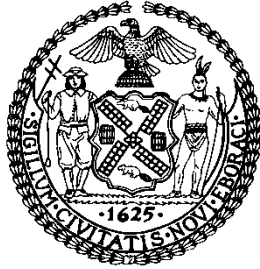
OID APPENDIX

AC 7-551A Violations Near Schools (1000 ft radius)



AC 7-551A Violations Near Legal Shops (1000 ft radius)

(The following is the text of the Fiscal Impact Statement for Int. No. 557-B:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 557-B

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to adding a 311 complaint category for unlicensed cannabis retailers.

SPONSOR(S): By Council Members Brewer, Yeger, Hanif, Bottcher, Gennaro, Ung, Hudson, Avilés, Mealy, Marte, Narcisse, Menin, Brannan, Salaam, Farías, Brooks-Powers, Lee, Krishnan, Louis, Won, Banks, Rivera, Hanks, Ayala, Dinowitz, Zhuang, Moya, Williams, Schulman, Holden, Ossé, Paladino, Ariola, Marmorato and Carr.

SUMMARY OF LEGISLATION: Proposed Int. No. 557-B would require the Department of Information Technology and Telecommunications to create a specific 311 category for complaints related to unlicensed cannabis retailers, to be routed to the New York City Sheriff's Office.

EFFECTIVE DATE: 270 days after becoming law

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2027

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as the responsible City agencies would use existing resources to fulfill its requirement.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Michael Sherman, Principal Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on March 7, 2024, as Int. No. 557 and referred to the Committee on Finance (the Committee). A hearing was held by the Committee on September 17, 2024 and the bill was laid over. The legislation has been amended and the amended version, Proposed Int. No. 557-B, will be considered by the Committee on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 557-B will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 19, 2024.

(For text of Int. No. 981-A and its Fiscal Impact Statement, please see the Report of the Committee on Finance for Int. No. 981-A printed in these Minutes; for text of Int. No. 557-B, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 557-B and 981-A.

(The following is the text of Int. No. 557-B:)

Int. No. 557-B

By Council Members Brewer, Yeger, Hanif, Bottcher, Gennaro, Ung, Hudson, Avilés, Mealy, Marte, Narcisse, Menin, Brannan, Salaam, Fariás, Brooks-Powers, Lee, Krishnan, Louis, Won, Banks, Rivera, Hanks, Ayala, Dinowitz, Zhuang, Moya, Williams, Schulman, Holden, Ossé, Feliz, Joseph, Gutiérrez, Paladino, Ariola, Marmorato, Carr and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to adding a 311 complaint category for unlicensed cannabis retailers.

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-311 to read as follows:

§ 23-311 Unlicensed cannabis retailer complaints.

a. Definitions. For the purposes of this section, the following terms have the following meanings:

Cannabis. The term “cannabis” has the same meaning as set forth in section 3 of the cannabis law.

Cannabis product. The term “cannabis product” has the same meaning as set forth in section 3 of the cannabis law.

Unlicensed cannabis retailer. The term “unlicensed cannabis retailer” means a person selling or offering for sale cannabis, cannabis products, or items marketed as cannabis or cannabis products without a license to sell such products pursuant to article 4 of the cannabis law.

b. The department of information technology and telecommunications, in consultation with the office of the sheriff, shall implement and maintain through its 311 customer service center, mobile device platform, and any other platform that the center routinely uses to accept complaints, the capability for the public to file a complaint under the category of “unlicensed cannabis retailer.” Such department of information technology and telecommunications shall collect the complaint details and documentation set forth in subdivision c of this section and send any such complaint and documentation to the office of the sheriff.

c. A person submitting a complaint under the category of “unlicensed cannabis retailer” shall have the ability to submit the following documentation with such complaint:

- 1. Photographic evidence supporting such complaint;*
- 2. Information relating to the suspected sale of cannabis, cannabis products, unlicensed tobacco, or unlicensed electronic cigarette products; and*
- 3. The name, address, and hours of operation of an unlicensed cannabis retailer.*

§ 2. This local law takes effect 270 days after it becomes law.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

Report for Int. No. 981-A

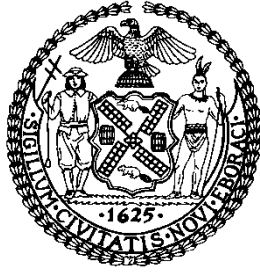
Report of the Committee on Finance x in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis.

The Committee on Finance, to which the annexed proposed amended local law was referred on July 18, 2014 (Minutes, page 2737), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Int. No. 557-B printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 981-A:



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 981-A

COMMITTEE: Finance

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis.

SPONSOR(S): By Council Members Brewer, Powers, Brooks-Powers, Restler, Ung, Hanif, Brannan, Schulman, Louis, Holden, Ossé, Narcisse, Hudson, Farías and Carr.

SUMMARY OF LEGISLATION: Proposed Int. No. 981-A would update existing reporting requirements relating to the City's inspection and enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis. Specifically, the legislation would impose new reporting requirements relating to expanded local authority to conduct inspections and enforcement under the state cannabis law, including additional details on the outcomes of each inspection conducted by City agencies.

EFFECTIVE DATE: Immediately, provided that its requirements would expire and be deemed repealed on January 15, 2026.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation, as DOF would use existing resources to fulfill its requirement.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Michael Sherman, Principal Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on July 18, 2024, as Int. No. 981 and referred to the Committee on Finance (the Committee). A hearing was held by the Committee on September 17, 2024 and the bill was laid over. The legislation has been amended and the amended version, Proposed Int. No. 981-A, will be considered by the Committee on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 981-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 19, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 981-A:)

Int. No. 981-A

By Council Members Brewer, Powers, Brooks-Powers, Restler, Ung, Hanif, Brannan, Schulman, Louis, Holden, Ossé, Narcisse, Hudson, Fariás, Feliz, Gennaro, Gutiérrez, Joseph, Dinowitz, Mealy and Carr

A Local Law to amend the administrative code of the city of New York, in relation to reporting on enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis

Be it enacted by the Council as follows:

Section 1. Section 7-517 of the administrative code of the city of New York, as amended by local law number 107 for the year 2023, is amended to read as follows:

§ 7-517 Report on enforcement against unlicensed [controlled substance and tobacco product sellers] *sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis.*

a. Definitions. For the purposes of this section the following terms have the following meanings:

Cigarette. The term “cigarette” has the same meaning as set forth in section 20-201.

Electronic cigarette. The term “electronic cigarette” has the same meaning as set forth in section 20-560.

Illicit cannabis. The term “illicit cannabis” [has the same meaning as set forth in section 136 of the cannabis law] *means cannabis or a cannabis product, as such terms are defined in section 3 of the cannabis law, or a product marketed or labeled as such, which is offered for sale by a person who does not have a registration, license, or permit to sell such cannabis or other product.*

Illicit products. The term “illicit products” means illicit cannabis or cigarettes, electronic cigarettes, or tobacco products sold or held for sale in violation of sections chapter 5-A of title 7, chapter 13 of title 11, chapter 7 of title 17, or chapter 2 of title 20 of this code.

Inspection. The term “inspection” means an inspection conducted by employees of the office of the city sheriff or the department of finance for the purposes of enforcement against the sale of illicit products.

Reporting period. The term “reporting period” means a 3-month period concluding on November 30, 2024 and each 3-month period thereafter.

Owner. The term “owner” means the owner or owners of a premises or lesser estate therein, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, corporation, or other entity directly or indirectly in control of a premises.

Tobacco product. The term “tobacco product” has the same meaning as set forth in section 20-201.

Unlicensed seller. The term “unlicensed seller” means a retailer, distributor, or other seller of [cigarettes, electronic cigarettes, tobacco products, or illicit cannabis operating without a license to sell such cigarettes, electronic cigarettes, tobacco products, or illicit cannabis] *illicit products*.

b. [An agency designated by the mayor to compile the information detailed in this subdivision,] *No later than 45 days after the end of any reporting period, the office of the city sheriff, in consultation with the police department, shall provide a [quarterly] report to the mayor and the speaker of the council, with respect to [enforcement relating to unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis in commercial locations in the previous year] inspections occurring during such reporting period.* Such report shall include information on the following items for the reporting period:

1. The total number of [inspections in each borough during the period] *locations where an inspection occurred;*

2. The [number of inspections in each borough in which cigarettes, electronic cigarettes, tobacco products, or illicit cannabis were seized from an unlicensed seller] *total number of locations where an inspection occurred and revealed the sale of illicit products, and the addresses of such locations;*

3. The total number of civil summonses issued to unlicensed sellers, *disaggregated by the specific violations cited in such summonses;*

4. The total number of criminal summonses issued to unlicensed sellers, *disaggregated by the specific violations cited in such summonses;*

5. The total number of arrests made *during an inspection by a peace officer appointed pursuant to subdivisions 2 or 5 of section 2.10 of the criminal procedure law, disaggregated by top offenses charged;*

6. *Any agency that has been designated by the office of the city sheriff pursuant to subdivision e of section 7-552, and the duration of such designation;*

7. The total number of written notices or civil summonses issued to owners of the commercial premises pursuant to section 10-186; [and

7] 8. The total number of owners found to have violated subdivision b of section 10-186 in each council district [during the period]; and

9. *The total number of sealing orders issued pursuant to section 7-552.*

c. [This section shall expire and be deemed repealed on December 31, 2024.] *No later than 45 days after the end of any reporting period, the department of finance, in consultation with the office of administrative trials and hearings and any agency that has been designated by the office of the city sheriff pursuant to subdivision e of section 7-552, shall submit a report to the mayor and the speaker of the council indicating:*

1. *the total number of sealing orders issued pursuant to section 7-552 of this title for which the office of administrative trials and hearings issued a recommendation to the office of the city sheriff with respect to whether such order to seal was properly issued in accordance with the provisions of such section;*

2. *for each location that was issued a temporary closing order, the recommendation from the office of administrative trials and hearings on whether to uphold a sealing order;*

3. *the total dollar amount for civil penalties issued pursuant to 7-551 of this title;*

4. *the total dollar amount of penalties that resulted in a default judgment or for which such office found the respondent in violation; and*

5. *for all civil penalties issued pursuant to 7-551 of this title, since January 1, 2025, the total amount of such civil penalties that have been collected.*

§ 2. Section 3 of local law number 107 for the year 2023 is amended to read as follows:

§ 3. This local law takes effect immediately *and expires and is deemed repealed on January 15, 2026.*

§ 3. This local law takes effect immediately, provided that the amendments to section 7-517 of the administrative code of the city of New York made by section one of this local law shall not affect the expiration of such section pursuant to section 3 of local law 107 for the year 2023, as amended by section two of this local law, and such amendments shall expire and be deemed repealed therewith.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

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

Report for L.U. No. 191

Report of the Committee on Finance in favor of a Resolution approving Sunset Gardens: Block 729, Lot 72, Brooklyn, Community District No. 7, Council District No. 38.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 21, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

THE COUNCIL OF THE CITY OF NEW YORK

November 21, 2024

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

FROM: Michael Twomey, Assistant Counsel, Finance Division
Nicholas Connell, Counsel, Finance Division

RE: Finance Committee Agenda of November 21, 2024 – Resolution approving tax exemptions for six Land Use items (Council Districts 38, 6, 12, 7, 9)

1. Sunset Gardens

A new partial 40-year Article XI exemption for preservation of one building in Council Member Avilés' district. The building is an affordable housing development for very-low-income elderly and disabled persons, containing 81 units – 80 one-bedrooms and a superintendent unit. The building is undergoing conversion from HUD's Project Rental Assistance Contract (PRAC) program to the Rental Assistance Demonstration (RAD) program. As part of the exemption, the building will enter a regulatory agreement with HPD capping household incomes for the units at 50% AMI, set aside 30% of units for homeless tenants, provide light-touch retention and stabilization services, and complete \$700,000 worth of identified immediate and short-term repairs within 18 months.

Summary:

- Borough – Brooklyn
- Block 729, Lot 72
- Council District – 38
- Council Member – Avilés
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 81 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Housing Preservation, Inc.
- Purpose – preservation
- Cost to the city – \$3.16 million (net present value)
- Housing Code Violations
 - Class A – 0
 - Class B – 0
 - Class C – 0

Anticipated AMI Targets: 50% AMI for all units

2. **Harbor Hill**

A new partial 40-year Article XI exemption for preservation of one building in Council Member Avilés' district. The building is an affordable housing development for very-low-income elderly and disabled persons, containing 87 units – 12 studios, 74 one-bedrooms, and a superintendent unit. The building is undergoing conversion from HUD's Project Rental Assistance Contract (PRAC) program to the Rental Assistance Demonstration (RAD) program. As part of the exemption, the building will enter a regulatory agreement with HPD capping household incomes for the units at 50% AMI, set aside 30% of units for homeless tenants, provide light-touch retention and stabilization services, and complete approximately \$1 million in identified immediate and short-term repairs within 18 months.

Summary:

- Borough – Brooklyn
- Block 837, Lot 1
- Council District – 38
- Council Member – Avilés
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 87 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Housing Preservation, Inc.
- Purpose – preservation
- Cost to the city – \$3.46 million (net present value)
- Housing Code Violations
 - Class A – 0
 - Class B – 0
 - Class C – 0

Anticipated AMI Targets: 50% AMI for all units

3. **Three Arts Club**

A new full 40-year Article XI for preservation of one rental building in Council Member Brewer's district. The building is an affordable senior housing building of 62 studios, including one superintendent unit. HPD is seeking an Article XI retroactive to July 2023 when an existing 420-a exemption was revoked. As part of receiving the Article XI, the building will enter into a regulatory agreement capping unit incomes at 50% AMI, set aside 25 units for homeless tenants and reserve the remaining units for senior households. On-site social services and aging-in-place programming will be offered.

Summary:

- Borough – Manhattan
- Block 1246, Lot 49
- Council District – 6
- Council Member – Brewer
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 62 residential
- Type of exemption – Article XI, full, 40 years
- Population – Rental
- Sponsors – West Side Federation for Senior and Supportive Housing
- Purpose – preservation
- Cost to the city – \$10.7 million (net present value)
- Housing Code Violations
 - Class A – 1
 - Class B – 0
 - Class C – 0

Anticipated AMI Targets: 50% AMI for all units

4. **Eastchester Heights**

A new full 40-year Article XI for preservation of 114 rental buildings in Council Member Riley's district. The project contains 1,416 units - 159 studios, 488 one-bedrooms, 667 two-bedrooms, and 102 three-bedrooms including two superintendent units. A J-51 exemption exists on the property, which would continue on for rent stabilization purposes. As a condition of receiving the Article XI exemption, the project will enter a 40-year regulatory agreement with HPD that will require a minimum 15% set-aside for homeless tenants (212 units), set rent restrictions, and complete identified short-term and critical needs repairs.

Summary:

- Borough – Bronx
- Block 4712, Lot 1; Block 4713, Lot 1; Block 4720, Lot 1; Block 4721, Lot 17; Block 4722, Lot 12
- Council District – 12
- Council Member – Riley
- Council Member approval –Yes
- Number of buildings – 114
- Number of units – 1416 residential
- Type of exemption – Article XI, full, 40 years
- Population – Rental
- Sponsors – Eastchester Heights Property Owner LLC

- Purpose – preservation
- Cost to the city – \$110.44 million (net present value)
- Housing Code Violations
 - Class A – 482
 - Class B – 1058
 - Class C – 771

Anticipated AMI Targets: 166 units at 45%, 425 units at 55%, 596 units at 65%, and 227 units at 75%.

5. **551 West 149th Street**

A new partial 40-year Article XI for preservation of one rental building in Council Member Abreu's district. The building contains 21 units - 1 one-bedroom, 6 two-bedrooms, and 14 three-bedrooms. As a condition of receiving the Article XI exemption, the building will complete identified short-term and critical needs repairs and enter a 40-year HPD regulatory agreement setting aside 15% of units for homeless tenants, participating in HPD's Aging-in-Place initiative, and imposing rent restrictions.

Summary:

- Borough – Manhattan
- Block 2081, Lot 10
- Council District – 7
- Council Member – Abreu
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 21 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Brooklyn Affordable Housing LLC
- Purpose – preservation
- Cost to the city – \$750,442 (net present value)
- Housing Code Violations
 - Class A – 4
 - Class B – 14
 - Class C – 13

Anticipated AMI Targets: 2 units at 35%, 9 units at 65%, 6 units at 75%, and 4 units at 85%.

6. **142 West 139th Street**

A new partial 40-year Article XI for preservation of one rental building in Council Member Salaam's district. The building contains 20 units, all one-bedrooms. As a condition of receiving the Article XI exemption, the building will complete identified short-term and critical needs repairs and enter a 40-year HPD regulatory agreement setting aside 15% of units for homeless tenants, participating in HPD's Aging-in-Place initiative, and impose rent restrictions.

Summary:

- Borough – Manhattan
- Block 2081, Lot 10

- Council District – 9
- Council Member – Salaam
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 20 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Brooklyn Affordable Housing LLC
- Purpose – preservation
- Cost to the city – \$750,442 (net present value)
- Housing Code Violations
 - Class A – 4
 - Class B – 5
 - Class C – 17

Anticipated AMI Targets: 5 units at 50%, 11 units at 60%, and 4 units at 70%.

(For text of the coupled resolutions for L.U. No. 191, please see below; for text of the remaining coupled resolutions, please see, respectively, the Report of the Committee on Finance for L.U. Nos. 192, 193, 194, 195 and 196 printed in these Minutes)

Accordingly, this Committee recommends the adoption of L.U. Nos. 191 through 196.

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

Preconsidered Res. No. 656

Resolution approving an exemption from real property taxes for property located at (Block 729, Lot 72) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 191).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 8, 2024 that the Council take the following action regarding a housing project located at (Block 729, Lot 72) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

- a. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.

- b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
- c. “Contract Rent Differential Tax” shall mean the sum of (i) \$259,315 plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from, or abatement of, real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- d. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
- e. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 729, Lot 72 on the Tax Map of the City of New York.
- f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- g. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
- h. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
- i. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to twelve percent (12.0%) of the Gross Rent in such tax year; provided, however, that the total annual real estate tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from, or abatement of, real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- j. “HDFC” shall mean NHPF-Sunset Gardens Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- l. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - m. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - n. “Partnership” shall mean RAHF IV Sunset Gardens, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - o. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on March 22, 2006 (Resolution No. 207).
 - p. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after November 1, 2024 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until June 30, 2045, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Commencing upon July 1, 2045, and during each year thereafter until the Expiration Date, the Owner shall make real property payments in the sum of the Contract Rent Differential Tax.
5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.

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

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

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

Report for L.U. No. 192

Report of the Committee on Finance in favor of a Resolution approving Harbor Hill: Block 837, Lot 1, Brooklyn, Community District No. 7, Council District No. 38.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 21, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 191 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 657

Resolution approving an exemption from real property taxes for property located at (Block 837, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 192).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated November 8, 2024 that the Council take the following action regarding a housing project located at (Block 837, Lot 1) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
 - b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of Effective Date.
 - c. “Contract Rent Differential Tax” shall mean the sum of (i) \$283,470 plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from, or abatement of, real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - d. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - e. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 837, Lot 1 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - h. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - i. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to twelve percent (12.0%) of the Gross Rent in such tax year; provided, however, that the total annual real estate

tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from, or abatement of, real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- j. “HDFC” shall mean NHPF-Harbor Hill Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - l. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - m. “Owner” shall mean, collectively, the HDFC and the Partnership.
 - n. “Partnership” shall mean RAHF IV Harbor Hill, L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - o. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on August 3, 1993 (Cal. No. 1557).
 - p. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after November 1, 2024 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
 3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 4. Commencing upon the Effective Date, and during each year thereafter until June 30, 2045, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Commencing upon July 1, 2045, and during each year thereafter until the Expiration Date, the Owner shall make real property payments in the sum of the Contract Rent Differential Tax.
 5. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD.

HPD shall deliver written notice of any such determination to the Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.

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

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

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

Report for L.U. No. 193

Report of the Committee on Finance in favor of a Resolution approving Three Arts Club: Block 1246, Lot 49, Manhattan, Community District No. 7, Council District No. 6.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 21, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 191 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 658

Resolution approving an exemption from real property taxes for property located at (Block 1246, Lot 49) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 193).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 29, 2024 that the Council take the following action regarding a housing project located at (Block 1246, Lot 49) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Company” shall mean Three Arts Club Landlord LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - c. “Effective Date” shall mean July 1, 2023.
 - d. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - e. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 1246, Lot 49 on the Tax Map of the City of New York.
 - f. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - g. “HDFC” shall mean Three Arts Club Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - h. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- i. “Owner” shall mean, collectively, the HDFC and the Company.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after October 1, 2024 establishing certain controls upon the operation of the Exemption Area during the term of the Exemption on or after the date such Regulatory Agreement is executed.
2. All of the value of the property in the Exemption Area, (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner, all mortgagees of record, and, where there has been an unauthorized conveyance or transfer of any interest in the Exemption Area, to the new owner of such interest in the Exemption Area, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 4. In consideration of the Exemption, the owner of the Exemption Area shall (a) execute and record the Regulatory Agreement, and (b) for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

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

Report for L.U. No. 194

Report of the Committee on Finance in favor of a Resolution approving Eastchester Heights: Block 4712, Lot 1; Block 4713, Lot 1; Block 4720, Lot 1; Block 4721, Lot 17; Block 4722, Lot 12, Bronx, Community District No. 12; Council District No. 12.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 21, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 191 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 659

Resolution approving an exemption from real property taxes for property located at (Block 4712, Lot 1; Block 4713, Lot 1; Block 4720, Lot 1; Block 4721, Lot 17; Block 4722, Lot 12) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 194).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 31, 2024 that the Council take the following action regarding a housing project located at (Block 4712, Lot 1; Block 4713, Lot 1; Block 4720, Lot 1; Block 4721, Lot 17; Block 4722, Lot 12) Bronx, (“Exemption Area”):

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

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

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean Eastchester Heights Property Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.

- d. “Exemption Area” shall mean the real property located in the Borough of the Bronx, City and State of New York, identified as Block 4712, Lot 1, Block 4713, Lot 1, Block 4720, Lot 1, Block 4721, Lot 17, and Block 4722, Lot 12 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “HDFC” shall mean Eastchester Heights Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - g. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. “J-51 Benefits” shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - i. “Owner” shall mean, collectively, the HDFC and the Company.
 - j. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
- a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.

- c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- 4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, (a) nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities, and (b) the J-51 Benefits shall remain in effect, but the Exemption shall be reduced by the amount of such J-51 Benefits.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

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

Report for L.U. No. 195

Report of the Committee on Finance in favor of a Resolution approving 551 West 149th Street: Block 2081, Lot 10, Manhattan, Community District No. 9, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 21, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 191 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 660

Resolution approving an exemption from real property taxes for property located at (Block 2081, Lot 10) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 195).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 31, 2024 that the Council take the following action regarding a housing project located at (Block 2081, Lot 10) Manhattan, (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean 551 West Realty LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2081, Lot 10 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to thirteen and six tenths percent (13.6%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean BAH W 149 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.

- j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- 2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 - 3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
 - 4. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - 5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

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

Report for L.U. No. 196

Report of the Committee on Finance in favor of a Resolution approving 142 West 139th Street: Block 2007, Lot 59, Manhattan, Community District No. 10, Council District No. 9.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 21, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 191 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 661

Resolution approving an exemption from real property taxes for property located at (Block 2007, Lot 59) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 196).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 31, 2024 that the Council take the following action regarding a housing project located at (Block 2007, Lot 59) Manhattan, (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Company” shall mean 142 Associates LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2007, Lot 59 on the Tax Map of the City of New York.
 - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
 - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
 - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to five percent (5.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - i. “HDFC” shall mean BAH W 139 Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - k. “Owner” shall mean, collectively, the HDFC and the Company.
 - l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after October 1, 2024 establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be

exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.

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

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, DAVID M. CARR; 14-0-0; *Absent*: Chi O. Ossé, Nantasha M. Williams, Julie Won; Committee on Finance, November 21, 2024.

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

Report of the Committee on General Welfare

Report for Int. No. 1070

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 expanding reporting on domestic violence shelter exits.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on October 10, 2024 (Minutes, page 3421), respectfully

REPORTS:

I. INTRODUCTION

On Thursday, November 21, 2024, the Committee on General Welfare, chaired by Council Member Diana Ayala, voted on the following legislation:

- **Int. No. 1070-A** (Ayala), A Local Law to amend the administrative code of the city of New York, in relation to expanding reporting on domestic violence shelter exits; and
- **Int. No. 1071-A** (Ayala), A Local Law to amend the administrative code of the city of New York, in relation to reporting on domestic violence emergency and tier II shelters.

Int. No. 1070-A and Int. No. 1071-A were previously heard by the Committee in a hearing on October 9, 2024, where witnesses invited to testify included the New York City (NYC) Department of Social Services (DSS), Human Resources Administration (HRA), the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV), service providers, advocates, and other interested stakeholders. On November 21, 2024, the Committee passed Int. No. 1070-A and Int. No. 1071-A by a vote of 7 in the affirmative, and 0 in the negative, with 0 abstentions.

II. LEGISLATIVE ANALYSIS

Int. No. 1070-A

This bill would expand the current reporting requirements on exits from domestic violence shelters to include both exits from domestic violence emergency shelters as well as exits from domestic violence tier II shelters.

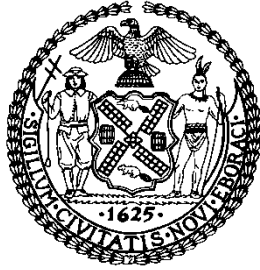
After being heard, this bill received technical edits and was amended to retain the yearly reporting frequency.

Int. No. 1071-A

This bill would expand the existing reporting requirements regarding multi-agency emergency housing assistance to include reporting on referrals to HRA domestic violence shelters disaggregated by household type and source of referral. This bill would also require reporting on transfers between city-administered facility systems and exits from HRA-administered domestic violence shelters including domestic violence emergency shelters and domestic violence tier II shelters.

After being heard, this bill received technical edits and was amended to include reporting on referrals to domestic violence shelters, monthly reporting on exits from domestic violence shelters, and reporting on transfers between city-administered facilities, including to and from domestic violence shelters.

(The following is the text of the Fiscal Impact Statement for Int. No. 1070-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1070-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding reporting on domestic violence shelter exits.

SPONSOR(S): Council Members Ayala, Rivera, Brooks-Powers, Narcisse, Farías and Louis.

SUMMARY OF LEGISLATION: Proposed Int. No. 1070-A would amend the current reporting requirements on exits from domestic violence shelters (which currently only includes information about domestic violence emergency shelter exits) to additionally require reporting on domestic violence tier II shelter exits.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DSS will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Elisabeth Childers-Garcia, Financial Analyst

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head
 Chima Obichere, Deputy Director
 Nicholas Connell, Counsel
 Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: The legislation was first considered as a Pre-considered Introduction at a joint hearing held by the Committee on General Welfare and the Committee on Women and Gender Equity on October 9, 2024, and the legislation was laid over. Subsequently, the legislation was introduced to the full Council on October 10, 2024, as Int. No. 1070 and was referred to the Committee on General Welfare (the Committee). The legislation has been amended and the amended version, Proposed Int. No. 1070-A, will be considered by the Committee on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 1070-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 19, 2024.

(For text of Int. No. 1071-A and its Fiscal Impact Statement, please see the Report of the Committee on General Welfare for Int. No. 1071-A printed in these Minutes; for text of Int. No. 1070-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1070-A and 1071-A.

(The following is the text of Int. No. 1070-A:)

Int. No. 1070-A

By Council Members Ayala, Rivera, Brooks-Powers, Narcisse, Farías, Louis, Brewer, Cabán, Gutiérrez and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to expanding reporting on domestic violence shelter exits

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-141 of the administrative code of the city of New York, as added by local law number 83 for the year 2018, is amended to read as follows:

b. Not later than March 1, [2019] 2025, and on or before March 1 annually thereafter, the department shall submit to the speaker of the council and post on its website annual reports regarding exits from domestic violence emergency shelters *and domestic violence tier II shelters for the preceding calendar year*. Such reports shall include, but not be limited to, the total number of individuals and the total number of families who exited *either* a domestic violence emergency shelter *or a domestic violence tier II shelter* during the preceding calendar year, disaggregated by the type of housing such individuals and families residing in upon their exit. Such housing types shall include, but not be limited to, the following: (i) a New York city housing authority apartment; (ii) an apartment with a rental subsidy, disaggregated by the type of such subsidy; (iii) a private apartment with no rental subsidy; (iv) supportive housing; (v) shelter operated by or under contract or similar agreement with the department of homeless services; [(viii)] [vi] shelter operated by or under contract or similar agreement with the department, disaggregated by type, where practicable; [(ix)] [vii] made own arrangements or [(iix)] [viii] unknown or unable to validate.

§ 2. This local law takes effect immediately.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY L. CABÁN, LINCOLN RESTLER, SANDRA UNG, CHRIS BANKS; 6-0-0; *Absent:* Alexa Avilés, Chi A. Ossé, and Althea V. Stevens; Committee on General Welfare, November 21, 2024.

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

Report for Int. No. 1071-A

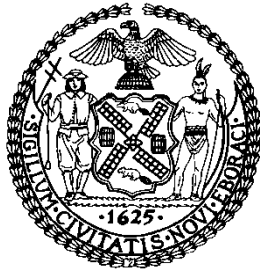
Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to reporting on domestic violence emergency and tier II shelters.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on October 10, 2024 (Minutes, page 3422), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1070-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1071-A:



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1071-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to reporting on demand for domestic violence emergency and tier II shelters.

SPONSOR(S): Council Members Ayala, Rivera, Brooks-Powers, Narcisse, Farías and Louis.

SUMMARY OF LEGISLATION: Proposed Int. No. 1071-A would amend the existing reporting requirements regarding applications for multi-agency emergency housing assistance to additionally include reporting on referrals to HRA domestic violence shelters disaggregated by household type and source of referral. This bill would also require reporting on transfers between City-administered facility systems and exits from HRA-administered domestic violence shelters including domestic violence emergency shelters and domestic violence tier II shelters.

EFFECTIVE DATE: Immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2026

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation as DSS will utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Elisabeth Childers-Garcia, Financial Analyst

ESTIMATE REVIEWED BY: Aliya Ali, Unit Head
Chima Obichere, Deputy Director
Nicholas Connell, Counsel
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: The legislation was first considered as a Pre-considered Introduction at a joint hearing held by the Committee on General Welfare and the Committee on Women and Gender Equity on October 9, 2024, and the legislation was laid over. Subsequently, the legislation was introduced to the full Council on October 10, 2024, as Int. No. 1071 and was referred to the Committee on General Welfare (the Committee). The legislation has been amended and the amended version, Proposed Int. No. 1071-A, will be considered by the Committee on November 21, 2024. Upon majority affirmative vote by the Committee, Proposed Int. No. 1071-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 19, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1071-A:)

Int. No. 1071-A

By Council Members Ayala, Rivera, Brooks-Powers, Narcisse, Farías, Louis, Brewer, Cabán, Gutiérrez and Mealy.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on domestic violence emergency and tier II shelters

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 3-119.7 of the administrative code of the city of New York, as amended by local law number 79 for the year 2022 and such section as renumbered by local law number 103 for the year 2022, is amended to read as follows:

c. Application and entrance data. Commencing on November 1, 2011, and no later than the first day of each month thereafter, the mayor's office of operations shall for each month, calendar year, and fiscal year post on the same location on its website as the data posted pursuant to subdivision b of this section, the following data for those seeking admission and entrance to DHS-administered shelter facilities, provided that any information listed in this subdivision that was not required to be included in reports commencing on November 1, 2011, shall be included in reports commencing on July 1, 2023:

1. the total number of:
 - (a) applications;
 - (b) unduplicated applicants;
 - (c) applicants found eligible for shelter;
 - (d) entrants to DHS-administered facilities; and
 - (e) unduplicated entrants to DHS-administered facilities. The data required by subparagraphs (a), (b), (c), (d) and (e) of this paragraph shall be disaggregated by families with children, adult families, total families, single men, single women, anyone of another gender, and total single adults;
2. the number of families with children found eligible for city-administered facilities;
3. the percentage of eligible families with children who submitted one application;
4. the percentage of eligible families with children who submitted two applications;
5. the percentage of eligible families with children who submitted three applications;
6. the percentage of eligible families with children who submitted four applications;
7. the percentage of eligible families with children who submitted five applications;
8. the percentage of eligible families with children who submitted six applications or more;
9. the number of adult families found eligible for city-administered facilities;
10. the percentage of eligible adult families who submitted one application;
11. the percentage of eligible adult families who submitted two applications;
12. the percentage of eligible adult families who submitted three applications;
13. the percentage of eligible adult families who submitted four applications;
14. the percentage of eligible adult families who submitted five applications; [and]
15. the percentage of eligible adult families who submitted six applications or more; and
16. *commencing with the report due April 1, 2025, the number of referrals to HRA domestic violence shelters, including domestic violence tier II or emergency shelters, disaggregated by (i) household type, including, but not limited to, families with children, adult families, and single adults and (ii) source of referral.*

§ 2. Section 3-119.7 of the administrative code of the city of New York is amended by adding a new subdivision g-1 to read as follows:

g-1. Reporting on transfers between city-administered facility systems. Commencing on April 1, 2025, and no later than the first day of each month thereafter, for each month, calendar year, and fiscal year, the mayor's office of operations shall report to the speaker of the council and post on the mayor's office of operations website, disaggregated information, if known, regarding the number of families with children, adult families, single adults, and runaway and homeless youth who have transferred between the following city-administered facility systems: DHS-administered facilities, DYCD-administered facilities, HPD-administered facilities, HRA-administered domestic violence emergency shelters, HRA-administered domestic violence tier II shelters, and other HRA-administered facilities. Such reporting shall be further disaggregated by the city-administered system from which and to which such persons transferred.

§ 3. Subdivision g of section 3-119.7 of the administrative code of the city of New York, as added by local law number 79 for the year 2022 and such section as renumbered by local law number 103 for the year 2022, is amended to read as follows:

g. Reporting on exits from city-administered facilities. Commencing on July 1, 2023, and no later than the first day of each month thereafter, the mayor's office of operations, for each month, calendar year and fiscal year, shall report to the speaker of the council and post on the mayor's office of operations website, disaggregated information, if known, regarding:

1. the number of families with children, adult families, single adults who have not returned within two monthly reporting cycles, and runaway and homeless youth from city-administered residential facilities that exited DHS-administered facilities, DYCD-administered residential facilities, HPD-administered facilities, and HRA-administered facilities and entered into the following types of housing:

- [1.](a) Supportive housing;
- [2.](b) City-financed homeless set-aside units, disaggregated by, units financed jointly by HPD and HDC under Housing New York, HDC set-aside units financed under Housing New York, and HPD set-aside units financed under Housing New York;
- [3.](c) Section 8 voucher housing, disaggregated by NYCHA, HPD and New York state homes and community renewal, and further disaggregated by project-based or tenant-based vouchers;
- [4.](d) Other affordable housing, disaggregated by 421-a affordable housing, Housing New York, mandatory inclusionary housing and other housing;
- [5.](e) A private rental market apartment with a rental subsidy, disaggregated by the type of such subsidy;
- [6.](f) Private housing that is not an entire apartment with a rental subsidy, disaggregated by a private room and an unsubsidized single-room occupancy that is not supportive housing;
- [7.](g) A private rental market apartment with no rental subsidy, including those moving out of state;
- [8.](h) Transitional housing operated by or under contract or similar agreement with DHS, DYCD, HPD, United States department of housing and urban development or HRA;
- [9.](i) Discharges to settings with higher levels of medical care, disaggregated by inpatient hospitalization, medical rehabilitation centers, medical respite care and long-term care facilities;
- [10.](j) Residential drug treatment and detoxification;
- [11.](k) Housing of friends or family;
- [12.](l) Unknown or unable to validate;
- [13.](m) Rapid re-housing funded by the United States department of housing and urban development; and
- [14.](n) Moved back to vacated building[;].

2. *The information reported pursuant to paragraph 1 of this subdivision regarding exits from HRA-administered facilities shall be disaggregated by exits from HRA-administered domestic violence shelters and further disaggregated by exits from HRA-administered domestic violence emergency shelters and exits from HRA-administered domestic violence tier II shelters.*

§ 4. This local law takes effect immediately.

DIANA I. AYALA, *Chairperson*; KEVIN C. RILEY, TIFFANY L. CABÁN, LINCOLN RESTLER, SANDRA UNG, CHRIS BANKS; 6-0-0; *Absent*: Alexa Avilés, Chi A. Ossé, and Althea V. Stevens; Committee on General Welfare, November 21, 2024.

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

Report of the Committee on Health

Report for Int. No. 1018-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 prohibiting the sale of dogs and cats in pet shops, and to repeal paragraph 5 of subdivision d of section 17-373, and sections 17-1703, 17-1704, and 17-1705 of such code, relating to required information, recordkeeping, and minimum standards in pet shops and applications for pet shop permits

The Committee on Health, to which the annexed proposed amended local law was referred on September 12, 2024 (Minutes, page 3083), respectfully

REPORTS:

I. INTRODUCTION

On November 21, 2024, the Committee on Health, chaired by Council Member Lynn Schulman, will hold a vote on Proposed Introduction No. 1018-A (Prop. Int. No. 1018-A), sponsored by Council Members Justin Brannan and Schulman, in relation to prohibiting the sale of dogs and cats in pet shops, and to repeal paragraph 5 of subdivision d of section 17-373, and sections 17-1703, 17-1704, and 17-1705 of such code, relating to required information, recordkeeping, and minimum standards in pet shops. The Committee heard this bill previously at a hearing on September 13, 2024. Witnesses who testified included representatives from the New York City Department of Health and Mental Hygiene (DOHMH), as well as advocacy groups, organizations, and other interested stakeholders.

II. BACKGROUND

In December 2022, following similar actions taken in California, Maryland, and Illinois, Governor Kathy Hochul signed into law a prohibition on the sale of dogs, cats and rabbits in retail pet shops.¹ This State law will take effect in December 2024.²

Local licensing and permitting laws permit the sale of some dogs and cats, as well as other animals that may be lawfully possessed as pets, but prohibit the sale of rabbits and guinea pigs in pet shops.³ Notably, pursuant to the Health Code, animals may not be sold or held for sale in a dwelling in which a person lives.⁴ DOHMH is charged with administering and enforcing NYC's pet shop laws and related provisions of the Health Code.⁵

¹ Governor Kathy Hochul, *Governor Hochul Signs Legislation to End the Puppy Mill Pipeline* (Dec. 15, 2022), <https://www.governor.ny.gov/news/governor-hochul-signs-legislation-end-puppy-mill-pipeline>; Associated Press, *New York bans pet stores from selling cats, dogs and rabbits* (Dec. 16, 2022, 9:10 AM), <https://www.npr.org/2022/12/16/1143365678/new-york-bans-pet-stores-cats-dogs-and-rabbits>.

² N.Y. 681 (McKinney 2022).

³ Ad. Code § 17-371 *et seq.*, 17-1701 *et seq.*

⁴ Health Code § 161.15 (a).

⁵ *Id.*; Charter § 556.

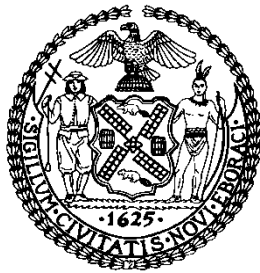
III. LEGISLATIVE ANALYSIS

a. Prop. Int. No. 1018-A

The proposed bill would amend the Administrative Code to implement the enactment of Chapter 681 of 2022 by prohibiting the sale of dogs and cats in retail pet shops.⁶ Violations of the proposed bill's prohibitions would be punishable under current penalties provided in the Administrative Code for violations of the pet shop laws.

Since its initial hearing, the proposed bill was amended to clarify that animals shall not be sold or held for sale in a dwelling in which a person lives or at any other location that is not licensed.

(The following is the text of the Fiscal Impact Statement for Int. No. 1018-A:)



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1018-A

COMMITTEE: Health

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of dogs and cats in pet shops, and to repeal paragraph 5 of subdivision d of section 17-373, and sections 17-1703, 17-1704, and 17-1705 of such code, relating to required information, recordkeeping, and minimum standards in pet shops and applications for pet shop permits.

SPONSOR(S): Brannan, Schulman, Brewer, Krishnan, Marte, Holden, Restler and Rivera.

SUMMARY OF LEGISLATION: On December 15, 2024, New York State law prohibiting the sale of dogs and cats in retail pet shops will take effect. Proposed Int. No. 1018-A would conform the City's pet shop laws to State law, amending the City's local law to prohibit the sale of dogs and cats in pet shops.

EFFECTIVE DATE: December 15, 2024

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

⁶ *Id.*

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as DOHMH would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Danielle Heifetz, Financial Analyst

ESTIMATE REVIEWED BY: Florentine Kabore, Unit Head
Chima Obichere, Deputy Director
Nicholas Connell, Assistant Counsel
Jonathan Rosenberg, Managing Deputy Director

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on September 12, 2024, as Proposed Int. No. 1018 and referred to the Committee on Health (the Committee). The legislation was considered by the Committee at a hearing held on September 13, 2024, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1018-A will be considered by the Committee on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 1018-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 14, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1018-A:)

Int. No. 1018-A

By Council Members Brannan, Schulman, Brewer, Krishnan, Marte, Holden, Restler, Rivera, Avilés, Abreu, Ossé, Ayala, Gennaro, Bottcher, Menin, Cabán, Hanif, Gutiérrez and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of dogs and cats in pet shops, and to repeal paragraph 5 of subdivision d of section 17-373, and sections 17-1703, 17-1704, and 17-1705 of such code, relating to required information, recordkeeping, and minimum standards in pet shops and applications for pet shop permits

Be it enacted by the Council as follows:

Section 1. Section 17-371 of the administrative code of the city of New York, as added by local law number 5 for the year 2015, subdivisions b, c, d, and e as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-371 Definitions. [For the purposes of] *As used in this subchapter, the following terms have the following meanings:*

[a. “Arm’s length transaction”] *Arm’s length transaction. The term “arm’s length transaction” means a sale of a business for consideration that reflects the fair market value of such business or its assets, between [two] 2 informed and willing parties, that is not made, wholly or in part, for the purpose of enabling the seller to avoid liability for violations issued by the department. A sale shall be presumed not to be an arm’s length transaction if it is:*

1. A sale to an individual, or to a corporation or other business that is owned by the spouse, domestic partner, parent, grandparent, child or stepchild of any of the sellers, or is the direct descendent of a grandparent, the spouse or domestic partner of any of the sellers;

2. A sale to an individual or entity that has a business or financial interest in the seller; or

3. A sale to an entity in which any of the sellers has a business or financial relationship.

[b. “Permit”] *Permit. The term “permit” means a written license and authorization to carry on specified activities as regulated by this subchapter or other applicable law enforced by the department.*

[c. “Permittee”] *Permittee. The term “permittee” means a natural person or other entity who holds a valid permit issued by the commissioner pursuant to this subchapter or other applicable law enforced by the department.*

[d. “Person” means any individual, corporation, partnership, association, municipality, or other legal entity.

e. “Pet shop”] *Pet shop. The term “pet shop” means a facility other than an animal shelter, as such term is defined in section 17-802, where live animals are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit. [Such definition shall not include breeders who sell or offer to sell directly to consumers fewer than twenty-five dogs or cats per year that are born and raised on the breeder’s residential premises.] Such definition shall not include duly incorporated humane societies dedicated to the care of unwanted animals that make such animals available for adoption, whether or not a fee for such adoption is charged. [A person who allows an animal shelter or animal rescue group, as such terms are defined in section 17-802 of chapter eight of this title, to use such person’s premises for the purpose of making animals available for adoption shall not be deemed a pet shop as a result of such activity so long as such person does not have an ownership interest in any of the animals being made available for adoption, and does not derive a fee for providing such adoption services.]*

§ 2. Paragraph 5 of subdivision d of section 17-373 of the administrative code of the city of New York is REPEALED and paragraph 6 of subdivision d of such section is redesignated paragraph 5.

§ 3. Section 17-1701 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-1701 Definitions. [For the purposes of] *As used in this chapter, the following terms have the following meanings:*

[a. “Animal abuse crime”] *Animal abuse crime. The term “animal abuse crime” has the same meaning as set forth in section 17-1601 [of this title].*

[b. “Animal shelter”] *Animal shelter. The term “animal shelter” has the same meaning as [such term is defined] set forth in section 17-802 [of chapter eight of this title].*

[c. “Animal rescue group”] *Animal rescue group. The term “animal rescue group” has the same meaning as [such term is defined] set forth in section 17-802 [of chapter eight of this title].*

[d. “Class A license” means a class A license issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law, and regulations promulgated thereunder.

e. “Class B dealer” means a person required to hold a class B license issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law, and regulations promulgated thereunder.

f. “Convicted” means an adjudication of guilt by any court or administrative tribunal of competent jurisdiction, whether upon a verdict, a plea of guilty, or an order of adjudication withheld by reason of a plea of nolo contendere. For the purposes of this chapter, “convicted” shall also mean a plea of guilty on a charge of any crime in satisfaction of an accusatory instrument charging a defendant with an animal abuse crime where dismissal of such charge was not on the merits.

g. “Dealer” means a person required to have a license issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law.

h. “Federal identification number” means a license or registration number issued by the United States department of agriculture pursuant to the animal welfare act, 7 U.S.C. § 2131, et seq., or successor provision of law, and regulations promulgated thereunder.

i. “Finally determined” means a determination of a federal, state or local government agency, where all rights to challenge such determination at available administrative tribunals and courts of law have been exhausted, or the time period within which such challenge may be filed has expired.

j. “Person” means any individual, corporation, partnership, association, municipality, or other legal entity.

k. “Pet shop”] *Pet shop*. The term “pet shop” has the same meaning as [such term is defined] set forth in section 17-371 [of subchapter nine of this title].

§ 4. Section 17-1702 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, subdivision a as amended by local law number 151 for the year 2023, and subdivision c as amended by local law number 54 for the year 2023, is amended to read as follows:

§ 17-1702 Sales of animals. a. [Any pet shop that displays, offers for sale, delivers, barter, auctions, gives away, transfers or sells any dog or cat shall obtain such dog or cat from a source that, as of the date such pet shop receives such animal, shall attest in a sworn affidavit that such source:

1. holds a valid and active class A license that has not been suspended at any time during the prior five years; and

2. has not received any of the following in connection with such license:

(a) a finally determined “direct” non-compliant item citation pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder at any time during the prior three years; or

(b) a finally determined citation for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. § 2.126, or successor regulations in either of the two most recent United States department of agriculture inspection reports; or

(c) three or more distinct finally determined non-compliant item citations pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder, other than citations for failure to provide inspectors access to property or records as required pursuant to 9 C.F.R. § 2.126, or successor regulations, in the most recent United States department of agriculture inspection report; or

(d) one or more finally determined repeat non-compliant item citations pursuant to 7 U.S.C. § 2131, et seq., and regulations promulgated thereunder, in the most recent United States department of agriculture inspection report; or

(e) a finally determined order to cease and desist, issued by an administrative law judge, at any time during the prior five years; or

(f) a finally determined order to pay a civil penalty, issued by an administrative law judge, at any time during the prior five years; and

3. has not been convicted of a violation of the minimum standards of animal care provided for in section four hundred one of the agriculture and markets law at any time during the prior five years; and

4. has never been convicted of an animal abuse crime prior to delivering such animal or animals into the custody of such pet shop.] *Animals shall not be sold or held for sale in a dwelling in which a person lives or at any other location that is not licensed therefor.*

b. [Notwithstanding subdivision a of this section, it shall be unlawful for any pet shop to display, offer for sale, deliver, barter, auction, give away, transfer or sell any dog or cat knowingly obtained from a class B dealer.

c.] It shall be unlawful for any pet shop to display, offer for sale, deliver, barter, auction, give away, transfer, or sell any *dog, cat, rabbit, or guinea pig*.

[d.] c. A pet shop that allows an animal shelter or animal rescue group to use such pet shop’s premises for the purpose of making animals available for adoption shall not be deemed to be engaged in any conduct otherwise prohibited pursuant to this section with respect to such animals, provided such pet shop does not have an ownership interest in such animals. A pet shop shall not be deemed to be engaged in any conduct otherwise prohibited pursuant to this section with respect to animals it surrenders to a non-profit shelter or animal rescue group, so long as such pet shop does not derive a fee therefor.

§ 5. Sections 17-1703, 17-1704, and 17-1705 of the administrative code of the city of New York are REPEALED.

§ 6. The heading of section 17-1706 of the administrative code of the city of New York, as amended by local law number 53 for the year 2015, is amended to read as follows:

§ 17-1706 Exemptions for *animal* shelters and rescue partners.

§ 7. Section 17-1707 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 17-1707 Violations and fines. [a.] Any person found in violation of any provision of this chapter[, other than subdivision c of section 17-1703 of this chapter,] or any provision of any rule promulgated thereunder, shall be subject to a civil penalty of [five hundred dollars] \$500 per day for each such violation. Each violation in connection with the sale of more than [one] 1 animal shall be deemed a separate violation with respect to each animal offered for sale. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

[b. Any person found in violation of subdivision c of section 17-1703 of this chapter or any provision of any rule promulgated thereunder shall be subject to a civil penalty of one hundred dollars per day for each such violation. A notice of violation served pursuant to this section shall be returnable at the environmental control board or any tribunal established within the office of administrative trials and hearings as designated by the commissioner.

c. Any person that violates subdivision c of section 17-1703 or any rules promulgated thereto shall not be subject to a civil penalty for a first-time violation if such person proves to the satisfaction of the department, within seven days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision c of section 17-1703 or any rules promulgated pursuant thereto. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the office of administrative trials and hearings, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.]

§ 8. This local law takes effect December 15, 2024, except that if it becomes law after such date, it is retroactive to and deemed to have been in effect as of December 15, 2024.

LYNN C. SCHULMAN, *Chairperson*; JAMES F. GENNARO, OSWALD J. FELIZ, CARMEN N. De La ROSA, JULIE MENIN, MERCEDES NARCISSE, SUSAN ZHUANG; JOANN ARIOLA; 8-1-0; *Negative*: Kristy Marmorato; *Absent*: Kalman Yeger; Committee on Health, November 21, 2024.

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

Report of the Committee on Housing and Buildings

Report for Int. No. 436-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 the electrical code and local law 55 for the year 2024, in relation to electric vehicle supply equipment in open parking lots and parking garages, and repealing chapter 3 of title 27 of the administrative code of the city of New York in relation thereto.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 888), respectfully

REPORTS:

I. INTRODUCTION

On November 21, 2024, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, held a hearing to vote on Proposed Int. No. 436-A, sponsored by Council Member Sanchez, in relation to the electrical code and local law 55 for the year 2024, in relation to electric vehicle supply equipment in open parking lots and parking garages, and repealing chapter 3 of title 27 of the administrative code of the city of New York in relation thereto. The Committee on Housing and Buildings first heard a previous version of Int. No. 436-A on June 25, 2024.

II. BACKGROUND

In New York City (“NYC” or “City”), most building and construction standards are governed by the Construction Codes. These include the Administrative provisions, along with five technical volumes: the Building Code, Plumbing Code, Mechanical Code, Fuel Gas Code, and Energy Conservation Code. Local Law 33 of 2007¹ requires that the NYC Department of Buildings (“DOB”) keep the Construction Codes up to date with the International Code Council’s (“ICC”) International Codes. Each code is required to be updated every three years.²

Historically, the New York City Electrical Code has not been part of the Construction Codes and therefore has not been updated on the same schedule. Previously in 2001, the City enacted Local Law 64 whereby the City implemented a new Electrical Code based on a model code, specifically the NFPA 70, National Electrical Code (NEC).³ In 2011 the City adopted the 2008 version of the NEC with City specific amendments.⁴

III. LEGISLATION

Int. No. 436-A would update the NYC Electrical Code by adopting the standards of the 2020 National Electrical Code (“NEC”), with certain amendments based on unique conditions within the City. It would also

¹ See Local Law 33 of 2007, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=447129&GUID=2EB62F1F-8F59-4796-A309-3F0A42B7D207&Options=ID%7CText%7C&Search=2007%2f033>

² *Id.*

³ See Local Law 64 of 2001, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=434251&GUID=7C8E9BBF-F473-4214-96CB-1AAA18186BB8&Options=Advanced&Search>

⁴ See Local Law 39 of 2011, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=652691&GUID=68F282D0-BCB0-4A31-852E-D01BE5218E93&Options=Advanced&Search>

incorporate the NYC Electrical Code into the City’s Construction Codes under Title 28 of the Administrative Code. The bill would also amend licensing, permitting, enforcement, disciplinary standards, and penalties related to the electrician trade, to be consistent with standards for other trades licensed by DOB, and it would remove the quorum requirement for the Electrician License Board. The bill’s technical provisions would, among other things, set forth exceptions for the use of arc fault circuit interrupters in residences and the use of manufactured wiring systems, create guidelines for the use of polyvinyl chloride conduit risers in buildings, and allow a “qualified person,” as defined in the NEC, to conduct low voltage work. Additionally, this bill would amend the due date of the electric vehicle charging report required by Local Law 55 of 2024 to June 30, 2026.⁵

This bill would take effect 1 year after it becomes law and applies to work performed pursuant to applications for construction document approval filed on and after such effective date, except that:

(i) at the option of an owner, the technical requirements of the New York city electrical code, added by section 25 of this local law, may apply to applications that are filed prior to such effective date for electrical work with respect to the construction of new buildings;

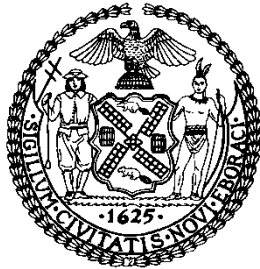
(ii) at the option of an owner, the technical requirements of the New York city electrical code, added by section 25 of this local law, may apply to applications that are filed not more than 120 days prior to such effective date for electrical work in existing buildings; and

(iii) the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

UPDATE

On Thursday, November 21, 2024, the Committee adopted Int. No. 436-A by a vote of 7 in the affirmative, 0 in the negative, and 0 abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 436-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 436-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the electrical code and local law 55 for the year 2024, in relation to electric vehicle supply equipment in open parking lots and parking garages, and repealing chapter 3 of title 27 of the administrative code of the city of New York in relation thereto.

SPONSOR(S): Council Members Sanchez, Farías, Cabán, Louis, Salaam, Marte, Restler, Powers, Gutiérrez, Hudson and Nurse (by request of the Mayor).

⁵ See Local Law 55 of 2024, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6506662&GUID=F19B1DEA-D364-48B7-B5A7-516AAFCDC9D5&Options=Advanced&Search>

SUMMARY OF LEGISLATION: Proposed Int. No. 436-A would update the New York City (“NYC”) Electrical Code by adopting the standards of the 2020 National Electrical Code, with certain amendments based on unique conditions within the City. It would also incorporate the NYC Electrical Code into NYC’s Construction Codes under Title 28 of the Administrative Code. The proposed legislation would further amend licensing, permitting, enforcement, disciplinary standards, and penalties related to the electrician trade, to be consistent with standards for other trades licensed by the Department of Buildings (“DOB”), and it would remove the quorum requirement for the Electrician License Board. The proposed legislation’s technical provisions would, among other things, set forth exceptions for the use of arc fault circuit interrupters in residences and the use of manufactured wiring systems, create guidelines for the use of PVC risers in buildings, and allow a “qualified person,” as defined in the National Electrical Code, to conduct low voltage work. Lastly, Proposed Int. No. 436-A would amend the due date of the electric vehicle charging report required by Local Law 55 of 2024 to June 30, 2026.

EFFECTIVE DATE: 1 year after becoming law. The proposed legislation would apply to work performed pursuant to applications for construction document approval filed on and after such effective date, except that:

- (i) at the option of an owner, the technical requirements of the New York city electrical code, added by section 25 of this proposed legislation, may apply to applications that are filed prior to such effective date for electrical work with respect to the construction of new buildings;
- (ii) at the option of an owner, the technical requirements of the New York city electrical code, added by section 25 of this proposed legislation, may apply to applications that are filed not more than 120 days prior to such effective date for electrical work in existing buildings; and
- (iii) the DOB commissioner may take such measures as are necessary for the implementation of this proposed legislation, including the promulgation of rules, prior to such effective date.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2027

FISCAL IMPACT STATEMENT:

	Effective FY26	FY Succeeding Effective FY27	Full Fiscal Impact FY27
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 Proposed Int. No. 436-A.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Daniel Kroop, Principal Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 28, 2024, as Int. No. 436, and was referred to the Committee on Housing and Buildings (the Committee). A hearing on the legislation was held by the Committee on June 25, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 436-A, will be considered by the Committee at a hearing on November 21, 2024. Upon majority affirmative vote by the Committee, Int. No. 436-A will be reported to the full Council for a vote on November 21, 2024.

DATE PREPARED: November 20, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 436-A:)

Int. No. 436-A

By Council Members Sanchez, Farías, Cabán, Louis, Salaam, Marte, Restler, Powers, Gutiérrez, Hudson and Nurse (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to the electrical code and local law 55 for the year 2024, in relation to electric vehicle supply equipment in open parking lots and parking garages, and repealing chapter 3 of title 27 of the administrative code of the city of New York in relation thereto

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 27 of the administrative code of the city of New York is REPEALED.

§ 2. Section 28-101.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-101.1 Title. The provisions of this chapter shall apply to the administration of the codes set forth in this title and the 1968 building code. This title shall be known and may be cited as the “New York city construction codes” and includes:

The New York city plumbing code.
 The New York city building code.
 The New York city mechanical code.
 The New York city fuel gas code.
 The New York city energy conservation code.
The New York city electrical code.

§ 3. Exception 1 of section 28-101.4.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

1. **Fuel gas, plumbing, electrical, and mechanical work.** The installation of and work on all appliances, equipment, and systems regulated by the New York city fuel gas code, the New York city plumbing code, *the New York city electrical code*, and the New York city mechanical code shall be governed by applicable provisions of those codes relating to new and existing installations.

§ 4. Section 28-101.5 of the administrative code of the city of New York is amended by adding new definitions of “LOW VOLTAGE ELECTRICAL WORK” and “MINOR ELECTRICAL WORK” in alphabetical order to read as follows:

LOW VOLTAGE ELECTRICAL WORK. *The installation, alteration, maintenance, or repair of electrical wiring that is designed to operate at less than 50 volts for signaling, communication, alarm, and data transmission circuits.*

MINOR ELECTRICAL WORK. *Electrical work that is limited in scope, falling into 1 of the following categories:*

1. *Replacement of defective circuit breakers or switches rated 30 amperes or less, excluding main service disconnects;*
2. *Replacement of parts in electrical panels where voltage does not exceed 150 volts to ground;*
3. *Replacement of minor elevator parts as defined by rule;*
4. *Replacement of defective controls rated at 30 amperes or less;*
5. *Repair of defective fixtures;*
6. *Replacement of fixtures in existing outlets, provided the number of such fixtures does not exceed 5 and does not increase existing wattage;*
7. *Replacement, repair, disconnection, or reconnection of motors not to exceed 1 horsepower, and associated devices;*
8. *Repairs to low pressure heating plants with a capacity of less than 15 pounds per square inch, except as may otherwise be required by rule of the commissioner;*
9. *Installation of any 10 or fewer units not requiring the installation of an additional branch circuit;*
10. *Installation of motors of fractional horsepower; and*
11. *Installation of transformers rated at 1000 volt amperes or less.*

§ 5. Section 28-103.17 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-103.17 Certain outside work, employment, and financial interests of department employees prohibited. It shall be unlawful for any officer or employee of the department to be engaged in conducting or carrying on business as an architect, engineer, carpenter, plumber, iron worker, mason or builder, electrician, or any other profession or business concerned with the construction, alteration, sale, rental, development, or equipment of buildings. It shall also be unlawful for such employees to be engaged in the manufacture or sale of automatic sprinklers, fire extinguishing apparatus, fire protection devices, fire prevention devices, devices relating to the means or adequacy of exit from buildings, or articles entering into the construction or alteration of buildings, or to act as agent for any person engaged in the manufacture or sale of such articles, or own stock in any corporation engaged in the manufacture or sale of such articles.

§ 6. Section 28-104.6 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-104.6 Applicant. The applicant for approval of construction documents shall be the registered design professional who prepared or supervised the preparation of the construction documents on behalf of the owner.

Exception: The applicant may be other than a registered design professional for:

1. Limited oil-burning appliance alterations, limited plumbing alterations, limited sprinkler alterations, and limited standpipe alterations (limited alteration application), where the applicant is licensed to perform such work pursuant to this code;
2. Demolition applications other than those specified in section 3306.5 of the New York city building code, where the applicant is the demolition contractor performing such demolition. In such cases, the commissioner may require structural plans designed by a registered design professional to address any critical structural, sequencing, or site safety items;
3. Elevator applications;
4. Applications for work falling within the practice of landscape architecture as defined by the New York state education law, including but not limited to landscaping and vegetation plans, tree protection plans, erosion and sedimentation plans, grading and drainage plans, curb cuts, pavement plans,

and site plans for urban plazas and parking lots, where the applicant is a landscape architect. Landscape architects shall not file plans for stormwater management and plumbing systems; [and]

5. *Applications for electrical work, as defined in chapter 4 of this title, where the applicant is licensed to perform such work pursuant to this code and such work is not subject to electrical work review requiring submission of electrical plans as provided by rule of the commissioner; and*

6. Other categories of work consistent with rules promulgated by the commissioner.

§ 7. Section 28-105.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-105.1 General. It shall be unlawful to construct, enlarge, alter, repair, move, demolish, remove, or change the use or occupancy of any building or structure in the city, to change the use or occupancy of an open lot or portion thereof, or to erect, install, alter, repair, or use or operate any sign or service equipment in or in connection therewith, or to erect, install, alter, repair, remove, convert, or replace any electrical, gas, mechanical, plumbing, fire suppression, or fire protection system in or in connection therewith or to cause any such work to be done unless and until a written permit therefor shall have been issued by the commissioner in accordance with the requirements of this code, subject to such exceptions and exemptions as may be provided in section 28-105.4.

§ 8. Section 28-105.2 of the administrative code of the city of New York is amended by adding a new item 13 to read as follows:

*13. **Electrical permits:** for electrical work other than low voltage electrical work. Such permits shall include permits for minor electrical work.*

§ 9. Section 28-105.4 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-105.4 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code, the zoning resolution, or any other law or rules enforced by the department. Such exemptions shall not relieve any owner of the obligation to comply with the requirements of or file with other city agencies. Unless otherwise indicated, permits shall not be required for the following:

1. Emergency work, as set forth in section 28-105.4.1.
2. Minor alterations and ordinary repairs, as described in section 28-105.4.2.
3. Certain work performed by a public utility company or public utility corporation, as set forth in section 28-105.4.3.
4. Ordinary plumbing work, as set forth in section 28-105.4.4.
5. Permits for the installation of certain signs, as set forth in section 28-105.4.5.
6. Geotechnical investigations, as set forth in section 28-105.4.6.
7. The installation, alteration, or removal of alternative automatic fire extinguishing systems, including but not limited to fire extinguishing systems for commercial cooking equipment, subject to the approval of the fire department in accordance with section 105 of the New York city fire code.
8. The installation, alteration, or removal of fire alarm systems, emergency alarm systems and fire department in-building auxiliary radio communication systems, subject to the approval of the fire department in accordance with the requirements of this code. Such work shall be submitted in accordance with the rules and regulations of the fire department.
9. *Low voltage electrical work.*
10. *Electrical work relating to the construction and maintenance of city streetlights and city traffic lights owned, operated, or controlled by the city or any agency thereof.*
11. Other categories of work as described in department rules, consistent with public safety.

§ 10. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.4.7 to read as follows:

§ 28-105.4.7 Low voltage electrical work. *An electrical permit shall not be required for the installation, alteration, maintenance, or repair of electrical wiring that is designed to operate at less than 50 volts for signaling, communication, alarm, and data transmission circuits, provided that such work is performed by a licensed master electrician, special electrician, or qualified person as defined in the New York city electrical code.*

Exceptions:

1. *The installation, alteration, maintenance, or repair, of any wiring that connects to, is part of, or is located within the following systems shall only be performed by a licensed master electrician or special electrician:*

1.1. *Life safety systems as defined by rule of the commissioner, including but not limited to (i) those safety systems and features listed in section 28-109.3 and (ii) alarm and extinguishing systems subject to chapter 9 of the New York city building code.*

1.2. *Class I, II, or III circuits in hazardous locations as described in the New York city electrical code, including but not limited to certain areas within commercial garages as set forth therein, aircraft hangers, gasoline dispensing and service stations, bulk fuel storage plants, and facilities that may be utilized for spray applications or for a dipping and coating process.*

1.3. *Intrinsically safe systems as described in the New York city electrical code.*

1.4. *A point of connection to or interfacing with a control circuit that activates light, heat, or power circuits.*

2. *Other systems as determined by the rules of the department.*

§ 11. Section 28-105.5.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-105.5.1 Applicant for permit. The applicant for a permit shall be the person who performs the work or who retains a subcontractor to do the work.

Exception: For permits issued for plumbing work, fire protection and suppression work, *electrical work*, and oil-burning appliance work, the applicant for such permits shall be the licensed master plumber, licensed master fire suppression piping contractor, *licensed master electrician, licensed special electrician*, or licensed oil-burning equipment installer, respectively, who performs the work.

§ 12. Section 28-112.2 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-112.2 Schedule of permit fees. Permits for new buildings, structures, mechanical, ~~and plumbing, and~~ electrical systems or alterations requiring a permit shall be accompanied by a fee for each permit in accordance with the fee schedule of Table 28-112.2 *and sections 28-112.2.1 and 28-112.2.2.* ~~[Fifty percent of the total fee for the work permit, but not less than \$100, or the total fee for the work permit where such fee is less than \$100, shall be paid and shall accompany the first application for the approval of construction documents; and the whole or remainder of the total fee shall be paid before the work permit may be issued.]~~ The commissioner may require reasonable substantiation of any statement or other form that may be required by the department.

§ 28-112.2.1 Permits for other than electrical work. *For work that will result in a new certificate of occupancy or change to the certificate of occupancy, 50 percent of the total fee for the work permit, but not less than \$130, or the total fee for the work permit where such fee is less than \$130, shall be paid and shall accompany the first application for the approval of construction documents and the whole or remainder of the total fee shall be paid before the work permit may be issued. For work that*

will not result in a new certificate of occupancy or change in the certificate of occupancy, 100 percent of the total fee for the work permit, but not less than \$130, shall be paid at the time of filing.

§ 28-112.2.2 Permits for electrical work. *Fees for electrical work requiring a permit shall be in accordance with department rules. For electrical work requiring a permit, 50 percent of the total fee for the work permit, but not less than \$130, or the total fee for the work permit where such fee is less than \$130, shall be paid at the time of filing, and the remainder of the total fee shall be paid before any department inspection.*

§ 13. Table 28-112.2 of the administrative code of the city of New York, as amended by local law number 77 for the year 2023, is amended to add a fee for “Permit for electrical work” before the fee for “Permit to install or alter service equipment except plumbing and fire suppression piping service equipment” to read as follows:

TABLE 28-112.2

PERMIT TYPE	FILING FEE	RENEWAL FEE	COMMENTS
Alterations			
<i>Permit for electrical work.</i>	<i>As provided by department rules.</i>	<i>As provided by department rules.</i>	

§ 14. Table 28-112.8 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to add the fee for certain applications for electrical work at the end of such table to read as follows:

TABLE 28-112.8

SERVICE TYPE	FILING FEE	RENEWAL FEE	COMMENTS
Other fees			
<i>Application for electrical work made after the issuance of a violation for failure to file an application for a permit for such work.</i>	<i>As provided by department rules.</i>		

§ 15. Section 28-116.2.4 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-116.2.4 Final inspection. There shall be a final inspection of all permitted work. Final inspections shall comply with sections 28-116.2.4.1 through 28-116.2.4.3.

Exception. A final inspection shall not be required for minor electrical work as defined in section 28-101.5.

§ 16. Article 119 of chapter 1 of title 28 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

ARTICLE 119 SERVICE UTILITIES

§ 28-119.1 Connection of gas service utilities. It shall be unlawful for any utility company or utility corporation to supply gas to a building, place, or premises in which new meters other than replacement are required until a certificate of approval of gas installation from the department is filed with such utility company or utility corporation. When new gas service piping has been installed, it shall be locked-off by the utility company or utility corporation either by locking the gas service line valve or by installing a locking device on the outside

gas service line valve. The lock shall not be removed until the gas meter piping (other than utility owned) and gas distribution piping have been inspected and certified as required by the department of buildings as being ready for service.

§ 28-119.1.1 Gas shut-off for alterations to gas piping systems. When alterations, extensions, or repairs to existing gas meter piping or gas distribution piping require the shut-off of gas flow to a building, the utility company shall be notified by the owner or ~~his or her~~ the owner's authorized representative.

§ 28-119.2 Temporary connection. The commissioner shall have the authority to authorize the temporary connection of the building or system to the gas service utility.

§ 28-119.3 Authority to disconnect gas utility service. The commissioner may authorize disconnection of gas service to the building, structure, or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life or property. The department shall notify the local gas utility company, and wherever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action.

§ 28-119.4 Notification of gas shut-off or non-restoration after inspection. Within 24 hours after gas service to a building is shut off by a utility company or utility corporation because of a class A or class B condition, as described in part 261 of title 16 of the New York codes, rules, and regulations, and within 24 hours after gas service is, after an inspection by such a company or corporation, not restored because of such a condition, such company or corporation and the owner of such building shall each provide notice to the department in a form and manner prescribed by the department.

§ 28-119.5 Connection of electric service utilities. *It shall be unlawful for any person, partnership, or corporation to supply, or cause to be supplied or used, electrical energy for light, heat, or power, signaling, alarm, or data transmission to any wiring or appliance in any building unless a sign-off or other authorization as set forth in the rules of the department authorizing the use of said wiring or appliance shall have been issued by the commissioner.*

§ 28-119.5.1 Authorization to energize. *An authorization to power or energize electrical wiring or appliances issued by the department shall expire 90 days after the date of issuance unless a sign-off has been issued by the department or an extension of such authorization has been granted by the department. In the event no such sign-off has been issued or extension authorization granted, the department may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 87.2 of the New York city electrical code.*

§ 28-119.5.2 Electric meter installation; restriction. *A public utility shall not supply electricity to a one-, two-, three-, or four-family dwelling, or energize more utility meters in a building than the number of distinct and separate dwelling units in such building as authorized in the certificate of occupancy applicable thereto, or if there is no certificate of occupancy, as determined by the department, without first receiving a written sign-off from the department. An owner of a one-, two-, three-, or four-family dwelling may request approval to install an additional utility meter from the department. A public utility shall not install such additional utility meter without such approval. A building with 2 or more dwelling units in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, shall have 1 meter for each dwelling unit and may have 1 additional meter for the common areas of the building, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting, and outdoor perimeter lighting, but shall not include any habitable space. In the event that a meter has been found to have been installed or to exist in violation of this section, the utility must report such findings to the department, which may take action leading to the disconnecting of such meter in accordance with the notice requirements set forth in section 87.2 of the New York city electrical code.*

§ 28-119.6 Authority to disconnect electrical energy supply. *The commissioner may authorize wires or appliances to be disconnected from the supply of electrical energy and to seal the wiring and appliances after due inspection or where in the commissioner's judgment the continued use of such electric wiring or appliances in or on any building or structure is unsafe or dangerous to persons or property.*

§ 17. Section 28-401.3 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended by adding new definitions of "ELECTRICAL WORK", "EMPLOYEE", "LICENSED MASTER ELECTRICIAN, MASTER ELECTRICIAN", "LICENSED SPECIAL ELECTRICIAN, SPECIAL ELECTRICIAN", "LOW VOLTAGE ELECTRICAL WORK", "MASTER ELECTRICIAN BUSINESS" and "RESPONSIBLE REPRESENTATIVE" in alphabetical order to read as follows:

ELECTRICAL WORK. *The installation, alteration, maintenance, repair, or demolition of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm, or data transmission (see also "Minor electrical work" as defined in section 28-101.5).*

EMPLOYEE. *An individual who is on the payroll of an employer and who under the usual common law rules applicable in determining the employee-employer relationship has the status of an employee. Such term shall not include an independent contractor.*

LICENSED MASTER ELECTRICIAN, MASTER ELECTRICIAN. *An individual who has satisfied the requirements of this chapter for the master electrician license, who has been issued a license and seal, and who is authorized under the provisions of this chapter to perform electrical work in the city of New York. A master electrician licensee shall practice their trade in association with a master electrician business.*

LICENSED SPECIAL ELECTRICIAN, SPECIAL ELECTRICIAN. *An individual who has satisfied the requirements of this chapter for the special electrician license and has been issued a license and seal. A special electrician licensee shall be an employee of an individual, a partnership or a corporation owning, leasing, or managing a building, buildings, or parts thereof who has obtained written authorization from the commissioner, pursuant to this chapter, to perform electrical work in or on specific buildings, lots, or parts thereof owned, leased, or managed by such individual, corporation, or partnership.*

LOW VOLTAGE ELECTRICAL WORK. *Refer to section 28-101.5.*

MASTER ELECTRICIAN BUSINESS. *A sole proprietorship, partnership, or corporation authorized by the commissioner to engage in or carry on, as an independent contractor and as its regular business, the business of performing electrical work in or on any building, premises, or lot in the city under a license issued to a master electrician.*

RESPONSIBLE REPRESENTATIVE. *A master electrician who has the authority to make final determinations and who has full responsibility on behalf of a master electrician business for the manner in which electrical work is done and for the selection, supervision, and control of all employees of such business who perform such work.*

§ 18. Section 28-401.10 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-401.10 Issuance of license and seal, where applicable, or certificate of competence. *The commissioner shall issue a license or certificate of competence to each applicant who shall have submitted satisfactory evidence of ~~[his or her]~~ such applicant's qualifications, and shall have satisfactorily passed all required examinations and investigations, provided that no license or certificate of competence shall be issued unless and until the applicant shall have paid the required fee and complied with such other and further requirements for the particular license or certificate of competence as may be set forth in this chapter and in rules promulgated by the department. All licenses or certificates of competence issued by the commissioner shall have ~~[his or her]~~ the commissioner's signature affixed thereto; but the commissioner may authorize any subordinate to affix such signature. For licenses that require the application of a seal, the seal shall be issued with the license except as provided otherwise in this chapter. The license and seal are the property of the department and are not transferable by the licensee. No licensee shall make or cause to be made duplicates of a department-issued license or seal. The loss or theft of a license or seal must be reported to the department within 5 calendar days.*

Before any license or seal may be reissued, the applicant shall pay a reissuance fee as prescribed by the department's rules.

§ 19. The schedule of fees in section 28-401.15 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended by adding after the line beginning "Lift director registration" fees for "Master electrician license", "Master electrician license seal", "Special electrician license", and "Special electrician license seal" to read as follows:

LICENSE TYPE	INITIAL FEE	RENEWAL FEE	ADDITIONAL FEES
<i>Master electrician license.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>
<i>Master electrician license seal.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>
<i>Special electrician license.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>
<i>Special electrician license seal.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>	<i>As provided by dept rules.</i>

§ 20. Item 5 of section 28-401.19 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended and new items 19 and 20 are added to read as follows:

- 5. *Fraudulent dealings or misrepresentation;*
- 19. *Contract work by holders of special electrician's licenses.*
- 20. *Failure to demonstrate fitness to engage in the trade for which the individual is licensed.*

§ 21. Article 417 of chapter 4 of title 28 of the administrative code of the city of New York is REPEALED and a new article 417 is added to read as follows:

ARTICLE 417 **BOARDS**

§ 28-417.1 Master electrician and special electrician license board. For each calendar year, the commissioner shall appoint a board to review the character and fitness of applicants for master electrician's licenses or special electrician's licenses and the approval of master electrician businesses, to advise the commissioner regarding allegations of illegal practices on the part of master electricians and special electricians or master electrician businesses, to investigate and report on all proposed suspensions or revocations of licenses and approvals of master electrician businesses and all proposed penalties, and to perform any other responsibilities as may be requested by the commissioner and as set forth in rules promulgated by the department.

§ 28-417.1.1 Membership. A member of the board who is an officer or employee of the department shall serve as chairperson and all members shall serve without compensation. The commissioner may, for good cause shown, remove any member thereof and shall fill any vacancy therein, which board shall consist of:

- 1. Two officers or employees of the department;
- 2. Two licensed master electricians actively engaged in the trade;
- 3. A journeyman electrician;

4. An electrical inspector in the employ of an inspection agency certified by the commissioner;
5. An electrician in the employ of a public service corporation of the city;
6. A registered architect or professional engineer having at least 5 years' experience; and
7. A real estate owner or manager.

§ 28-417.1.2 Investigations and recommendations. The license board shall investigate the character and fitness of all applicants for licenses who shall have passed the required examination and shall report to the commissioner the results of such examination. It shall investigate and hear all written complaints against holders of such licenses and master electrician businesses and report to the commissioner its findings and recommendations. It shall keep minutes of its proceedings and hearings and records of its investigations and examinations of applicants for licenses and approvals of master electrician businesses. Upon the holding of any hearing, the chairperson of the board presiding at such hearing may administer oaths, and the board may issue and cause to be served subpoenas requiring the attendance of witnesses and the production of books and papers pertinent to any hearing held by it upon written complaint. Such subpoenas shall be signed by the commissioner and the fees and mileage paid to witnesses upon the service of such subpoenas shall be those prescribed in section 539 of the civil practice law and rules. The attendance of the chairperson, who shall be entitled to vote, shall be required for the transaction of business. No recommendation for the issue, modification, suspension, or revocation of a license or of a proposed penalty shall be adopted except by a majority vote of the members present.

§ 22 Section 28-401.20.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

§ 28-401.20.1 Service of request or order. Such request or order by the commissioner or other city agency or office shall be mailed by regular mail to the person named therein to ~~his or her~~ such person's last known business or home address at least ~~ten~~ 10 days before such appearance and shall contain the name of the person, date, time, and place of such appearance and, if known or applicable, a description of any requested documents. If the appearance or information is required immediately, the request or order may be transmitted ~~via~~ to the electronic mail address provided by the person, or via facsimile or delivered to the person's last known business or home address prior to the date and time specified therein.

§ 23. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 429 to read as follows:

ARTICLE 429 **MASTER ELECTRICIAN LICENSE**

§ 28-429.1 Master electrician license required. It shall be unlawful for any person:

1. To perform electrical work unless such person is a licensed master electrician or working under the direct and continuing supervision of a licensed master electrician.
Exceptions:
 1. Low voltage electrical work may be performed by qualified persons, as defined in the New York city electrical code.
 2. Electrical work may be performed by persons licensed as special electricians or persons working under the direct and continuing supervision of such licensed special electricians pursuant to article 430 of this chapter.
2. To falsely represent that they are authorized to perform electrical work under a master electrician's or special electrician's license or use in any advertising the words "master electrician" or the words "licensed electrician" or the words "electrical contractor" or any words of similar meaning or import on any sign, card, or letterhead or in any other manner, unless such person is so authorized pursuant to this chapter and the rules of the department.

§ 28-429.2 Seal. The holder of a master electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed master electrician." All documents that are required to be filed with any department or agency of the city of New York shall bear the stamp of the seal as well as the signature of the licensee. The licensed master electrician performing the work and services shall personally sign and seal all applications and other documents required to be filed pursuant to this code. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

§ 28-429.3 Additional qualifications. Applicants for a master electrician license shall have the following additional qualifications:

§ 28-429.3.1 Experience. All applicants for a master electrician's license shall submit satisfactory proof establishing that the applicant:

1. Has at least 7 years of experience within the 10 years prior to application working with their tools on the installation, alteration, and repair of wiring and appliances for light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least 2 of such years must have been obtained in New York city;
2. Has received a bachelor's degree in electrical engineering or appropriate engineering technology from an accredited college or university, and has at least 3 years of experience within the 5 years prior to application working with their tools on the installation, alteration, and repair of wiring and appliances for electric light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least 2 of such years must have been obtained in New York city;
3. Has completed an apprenticeship program registered with the New York state department of labor, specializing in electrical wiring, installation, and design or applied electricity and who has at least 5 years within the 10 years prior to application of experience working with their tools on the installation, alteration, and repair of wiring and appliances for electric light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least 2 of such years must have been obtained in New York city; or,
4. Has experience as an employee of a government agency, private inspection agency, or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of electrical work for compliance with the New York city electrical code or other laws relating to the installation, alteration, or repair of electrical systems that shall be credited for 50 percent of the number of years that they have been satisfactorily employed in such duties within the 10 year period prior to application, which, however, in no event shall exceed 2.5 years credit of satisfactory experience. The balance of the required 7 years must have been obtained by working with their tools on the installation, alteration, and repair of wiring and appliances for electric light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, with at least 2 of such years of experience obtained in New York city, except that the above requirement that an applicant's work experience must have been within the 10 year period prior to application shall not apply to such balance of the required 7 years of experience.

§ 28-429.4 Requirement for obtaining a license and seal. An applicant who has satisfied all requirements for a master electrician's license shall obtain a license and seal issued upon establishing a master electrician business conforming to the requirements of this article and rules promulgated by the department.

§ 28-429.5 Issuance. A master electrician license and seal shall be issued only to an individual. A master electrician's license and a special electrician's license and seal shall not be held by any person at the same time. The holder of a master electrician's license, upon entering employment as a special electrician, shall

deactivate their master electrician's license and seal and change over to a special electrician's license and seal to cover the building, buildings or parts thereof, for which they will be employed.

§ 28-429.5.1 Surrender of license and seal. Upon the death or the retirement of a licensed master electrician, or upon the surrender, revocation, or suspension of their license, their license and seal shall immediately be surrendered to the commissioner. A corporation or partnership must notify the department of the death of a responsible representative within 30 days after such death. Nothing contained herein shall be construed to prevent the legal representative of a deceased licensee, with the consent of the commissioner, from retaining such seal for the purpose of completing all unfinished work of the deceased licensee for which plans have been approved and a permit issued, provided such work is performed by or under the direct and continuing supervision of a licensed master electrician and is completed within 1 year from the date of the death of the original licensee.

§ 28-429.6 Use. Nothing contained herein shall be construed to prohibit the use of a master electrician license by the holder thereof for or on behalf of a partnership, corporation, or other business association provided that such partnership, corporation, or other business is a master electrician business registered with the department pursuant to section 28-429.7. Where the department has issued a violation notice for work performed by an unlicensed person or work performed without the required permit and where such work is otherwise in compliance with the *New York city electrical code*, a responsible representative may file an application for a permit or take any other actions with respect to such work directed by the department to address the violation.

§ 28-429.7 Master electrician business. Every applicant shall be required to submit such documentation as is required to establish a place of business within the city of New York. The applicant shall indicate the name and license number of the master electrician who shall serve as the responsible representative of such business, and, if the business is a partnership or corporation, the names of all other master electricians associated with such business. The following requirements shall apply to a master electrician business:

1. A licensed master electrician business shall be a sole proprietorship, partnership, or corporation. A master electrician business shall be principally engaged in the business of performing electrical work in or on buildings, premises, or lots in the city under a license issued to a master electrician. If the business is a partnership or corporation, the name of the responsible representative and the names of all other master electricians associated with such business must be disclosed to the department.
2. The commissioner shall issue a firm number to every master electrician business. The authorization number shall be included on all applications for permits and any other documents required to be filed with the department.
3. No individual, corporation, partnership, or other business association shall conduct an electrical contracting business in the city of New York, or employ the name "electric" or "electrical" in its business name unless such business is a master electrician business registered with the department.
4. The approval of a master electrician business is valid so as long as the responsible representative actively participates in the actual operation of the business and remains an officer of such corporation, a partner of such partnership, or the proprietor of such sole proprietorship unless the department approves a change in the responsible representative.

§ 28-429.7.1 Responsible representative. A master electrician shall serve as the responsible representative of a master electrician business. A partnership or corporation shall designate only 1 master electrician who is a partner of such partnership or an officer of such corporation to be the responsible representative of such partnership or corporation. Under no circumstances shall any 1 licensee represent more than 1 business at any 1 time. The master electrician proprietor of a sole proprietorship shall be the responsible representative of such sole proprietorship. The responsible representative shall file for, supervise, direct, and be fully responsible for the work performed by the master electrician business.

Exception: Where work is done under a permit issued pursuant to an application bearing the signature

and seal of a licensed master electrician registered at the same business who is not the responsible representative, both such licensed master electrician and the responsible representative of such business shall be jointly and severally responsible for the manner in which the work is done.

§ 28-429.7.2 Identification. All business vehicles, advertising, websites, and stationery used in connection with a master electrician business shall display prominently the full name of the licensee, the words “N.Y.C. licensed electrician,” the licensee’s number, and the licensee’s business address. If the business is conducted under a trade name, or by a partnership or corporation, the trade name, partnership, or corporate name shall be listed immediately above the full name or names of the licensed master electrician or licensed master electricians registered at such business.

§ 28-429.7.3 Place of business. At such place of business, there shall at all times be prominently displayed a permanent sign stating the name of such license holder, the license number of such licensee, and the words “licensed electrician” or “licensed electrical contractor” on a plate glass window and the name of the master electrician business if different than the name of the license holder; or an outside sign of permanent construction fastened and readily visible to pedestrians; or if such place of business be an office, commercial, or industrial building, the names shall be indicated on the entrance door of the particular portion of the premises or on a bulletin board on the main floor. The office or other place where the master electrician business is to be conducted may be shared by 1 or more master electrician businesses. However, each business whether in the form of a sole proprietorship, partnership, or corporation, shall distinguish its identity from any other business sharing the same office space. Such distinctions shall be maintained in a manner satisfactory to the department.

§ 28-429.7.4 Withdrawal of license. The revocation, suspension, license deactivation, surrender, death, retirement, or non-renewal of the master electrician’s license of the responsible representative of a master electrician business automatically revokes its approval to do business and cancels any delegation of authority given by such responsible representative to another master electrician associated with such business pending the approval by the department of a new responsible representative, except as provided in section 28-429.5.1

§ 28-429.8 Change of license type. An application for a change of license from master electrician to special electrician shall involve the issuance of a new license and seal with or without examinations as the commissioner may direct.

§ 28-429.9 Joint venture. Nothing in this chapter shall be construed to prevent 2 or more master electrician businesses from entering into a joint venture of limited duration for a particular project in accordance with the rules of the department. An application for a permit involving a joint venture shall so indicate on the application and shall identify all of the master electrician businesses that are parties to such joint venture by name and authorization number and the names and license numbers of the responsible representatives of such businesses. The application shall be signed by the responsible representative of 1 of the parties to the joint venture on behalf of all such parties and all of such parties shall be jointly and severally liable for any fees due with respect to electrical work performed by such joint venture and for violations of applicable laws, rules, and regulations of the department arising out of such work.

§ 28-429.10 Fitness to perform work. As a condition of license renewal, a licensed master electrician shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

§ 24. Chapter 4 of title 28 of the administrative code of the city of New York is amended by adding a new article 430 to read as follows:

ARTICLE 430 **SPECIAL ELECTRICIAN LICENSE**

§ 28-430.1 Special electrician license required. It shall be unlawful for any person:

1. To perform electrical work unless such person is a licensed special electrician or working under the direct and continuing supervision of a licensed special electrician.

Exceptions:

1. Low voltage electrical work may be performed by qualified persons, as defined in the New York city electrical code.
2. Electrical work may be performed by persons licensed as master electricians or persons working under the direct and continuing supervision of such licensed master electricians pursuant to article 429 of this chapter.
2. To use the title licensed special electrician, special electrician, or any other title in such manner as to convey the impression that such person is a licensed special electrician, unless such person is licensed as such in accordance with the provisions of this article.

§ 28-430.2 Seal. The holder of a special electrician's license shall be issued a seal, of a design and form authorized by the commissioner, bearing the holder's full name, license number, and the legend "licensed special electrician." All documents that are required to be filed with any department or agency of the city of New York shall bear the stamp of the seal as well as the signature of the licensee. The licensed special electrician performing the work and services shall personally sign and seal all applications and other documents required to be filed pursuant to the code. For applications and other documents submitted electronically, the digital signature and imprint of the seal may be submitted in a manner authorized by the commissioner.

§ 28-430.3 Additional qualifications. Applicants for a special electrician license shall have the following additional qualifications:

§ 28-430.3.1 Experience. All applicants for a special electrician license shall submit satisfactory proof establishing that the applicant:

1. Has at least 7 years of experience within the 10 years prior to application working with their tools on the installation, alteration, and repair of wiring and appliances for light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least 2 of such years must have been obtained in New York city;
2. Has received a bachelor's degree in electrical engineering or appropriate engineering technology from an accredited college or university, and has at least 3 years of experience within the 5 years prior to application working with their tools on the installation, alteration, and repair of wiring and appliances for electric light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least 2 of such years must have been obtained in New York city;
3. Has completed an apprenticeship program registered with the New York state department of labor, specializing in electrical wiring, installation and design or applied electricity and who has at least 5 years within the 10 years prior to application of experience working with their tools on the installation, alteration, and repair of wiring and appliances for electric light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, at least 2 of such years must have been obtained in New York city; or,
4. Has experience as an employee of a government agency, private inspection agency or other entity, acceptable to the commissioner, whose duties primarily involve the inspection of electrical work for compliance with the New York city electrical code or other laws relating to the installation, alteration, or repair of electrical systems that shall be credited for 50 percent of the number of years that they have been satisfactorily employed in such duties within the 10 year period prior to application, which, however, in no event, shall exceed 3 years credit of satisfactory experience. The balance of the required 7 years must have been obtained by working with their tools on the installation, alteration, and repair of wiring and appliances for electric

light, heat, and power in or on buildings or comparable facilities under the direct and continuing supervision of a licensed master or special electrician in the United States, with at least 2 of such years of experience obtained in New York city, except that the above requirement that an applicant's work experience must have been within the 10 year period prior to application shall not apply to such balance of the required 7 years' experience.

§ 28-430.4 Requirement for obtaining a license and seal. An applicant who has satisfied all requirements for a special electrician's license shall obtain a license and seal.

§ 28-430.5 Issuance. A special electrician license and seal shall be issued only to an individual. Their license shall plainly indicate the address or addresses of the building, buildings, or parts thereof for which such license is issued. A master electrician's license and a special electrician's license and seal shall not be held by any person at the same time. The holder of a master electrician's license, upon entering employment as a special electrician, shall deactivate their master electrician's license and seal and change over to a special electrician's license and seal to cover the building, buildings, or parts thereof, for which they will be employed.

§ 28-430.5.1 Surrender of license and seal. Upon the death or the retirement of a licensed special electrician, or upon the surrender, revocation, or suspension of their license, such license and seal shall immediately be surrendered to the commissioner.

§ 28-430.6 Waiver of examinations. Where the application is on behalf of a city agency, the commissioner may waive the examination requirement if the applicant has sufficient experience qualifications of a type and duration comparable to those set forth in section 28-430.3 of this section as determined by the commissioner.

§ 28-430.7 Use. A special electrician shall be principally engaged in the business of performing electrical work in or on buildings, premises, or lots so authorized under the license.

A special electrician licensee shall determine the method of doing the work in or on such buildings and shall have sole responsibility for supervising and directing the employees of such owner, lessee or manager who perform such work. A special electrician shall not supervise the work of individuals who are not employees of the owner, lessee, or manager of the buildings on which the special electrician is authorized by such electrician's license to perform electrical work.

The commissioner may issue more than 1 special license for a building or buildings if, in the commissioner's judgment, the commissioner deems it necessary for the proper operation and maintenance of the electric wiring and equipment of the building or buildings involved.

§ 28-430.7.1 Restriction. A special electrician's license shall not authorize the holder to engage in or carry on the business of performing electrical work as an independent contractor.

§ 28-430.8 Place of business. A special electrician shall at all times have a place of business at a specified address in the city at which the licensee may be contacted by the department by mail, telephone, or other modes of communication.

§ 28-430.9 Change of license type. Subject to approval by the commissioner, an application for a change of license from special to master electrician where it is determined that the special electrician meets the qualifications of a master electrician pursuant to the applicable provisions of this chapter and the rules of the department.

§ 28-430.10 Fitness to perform work. As a condition of license renewal, a licensed special electrician shall provide evidence satisfactory to the department that such licensee is fit to perform the work.

§ 25. Title 28 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11
THE NEW YORK CITY ELECTRICAL CODE
ARTICLE 1101
ENACTMENT AND UPDATE OF
THE NEW YORK CITY ELECTRICAL CODE

§ 28-1101.1 Enactment of the New York city electrical code. The 2020 edition of the National Fire Protection Association NFPA 70 National Electrical Code is hereby adopted as the minimum requirements for the design, installation, alteration, or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm, and data transmission in the city of New York subject to the amendments adopted by local law and set forth in section 28-1101.3. Such amendments shall be known and cited as "the New York city amendments to the 2020 National Electrical Code". Such 2020 edition of the National Fire Protection Association NFPA 70 National Electrical Code with such New York city amendments shall together be known and cited as the "New York city electrical code".

§ 28-1101.2 Update. No later than the third year after the effective date of this section and every third year thereafter, the commissioner shall submit to the city council proposed amendments that they determine should be made to this code to bring it up to date with the latest edition of the National Fire Protection Association NFPA 70 National Electrical Code or otherwise modify the provisions thereof. In addition, prior to the submission of such proposal to the city council, such proposal shall be submitted to an advisory committee established by the commissioner for review and comment.

§ 28-1101.3 The New York city amendments to the 2020 National Electrical Code. The following New York city amendments to the 2020 National Electrical Code are hereby adopted to read as follows:
New York City Amendments to the 2020 National Electrical Code.
New sections EC 80 through EC 87 are added to read as follows:

SECTION EC 80
GENERAL

80.1 Title. This code shall be known and may be cited as the "*New York City Electrical Code*," "NYCEC" or "EC." All section numbers in this code shall be deemed to be preceded by the designation "EC."

80.2 Scope. The provisions of this code shall apply to the installation, alteration, maintenance, repair, or demolition of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm, or data transmission.

80.3 Intent. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property, public welfare, and the environment by regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance or use of electrical systems.

80.4 Severability. If a section, subsection, sentence, clause, or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION EC 81
APPLICABILITY

81.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction, or other requirements, the most restrictive shall govern.

81.2 Existing installations. Except as otherwise specifically provided, electrical installations lawfully in existence at the time of the adoption or a subsequent amendment of this code shall be permitted to have their

use and maintenance continued if the use, maintenance, or repair is in accordance with the original design and no hazard to life, health, or property is created by such installations.

81.2.1 Existing buildings. Additions, alterations, renovations, or repairs related to building or structural issues shall be governed by Chapter 1 of Title 28 of the *Administrative Code*, the *New York City Building Code* and the *1968 Building Code*, as applicable.

81.2.2 References to the *New York City Building Code*. For existing buildings, a reference to a section of the *New York City Building Code* in this code shall also be deemed to refer to the equivalent provision of the *1968 Building Code*, as applicable in accordance with Chapter 1 of Title 28 of the *Administrative Code*.

81.3 Maintenance. Installations, both existing and new, and parts thereof shall be maintained in proper operating condition in accordance with the original design and in a safe condition. Devices or safeguards that are required by this code shall be maintained in compliance with the applicable provisions under which they were installed.

81.3.1 Owner responsibility. The owner or the owner's designated agent shall be responsible for maintenance of electrical installations. To determine compliance with this provision, the commissioner shall have the authority to require any electrical installation to be inspected.

81.4 Design, installation, alterations, or repairs. The design, installation, alteration, or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric lights, heat, power, signaling, communication, alarm, or data transmission shall conform to the requirements of this code. Alterations or repairs shall not cause an existing installation to become unsafe, hazardous, or overloaded.

81.4.1 Special provisions for prior code buildings. In addition to the requirements of section 81.4, the provisions of sections 81.4.1.1 through 81.4.1.2 shall apply to prior code buildings.

81.4.1.1 Seismic supports. For prior code buildings, the determination as to whether seismic requirements apply to an alteration shall be made in accordance with the *1968 Building Code* and interpretations by the department relating to such determinations. Any applicable seismic loads and requirements shall be permitted to be determined in accordance with Chapter 16 of the *New York City Building Code* or the *1968 Building Code* and Reference Standard RS 9-6 of such code.

81.4.1.2 Wind resistance. For prior code buildings, equipment, appliances, and supports that are exposed to wind shall be designed and installed to resist the wind pressures determined in accordance with Chapter 16 of the *New York City Building Code*.

81.5 Change in occupancy. Refer to Chapter 1 of Title 28 of the *Administrative Code*.

81.6 Reserved.

81.7 Reserved.

81.8 Reserved.

81.8.1 Reserved.

81.9 Requirements not covered by code. Requirements necessary for the strength, stability, or proper operation of an existing or proposed electrical installation, or for the public safety, health, and general welfare, not specifically covered by this code, shall be determined by the commissioner.

81.10 Application of references. Reference to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

81.11 Federal and state buildings. Nothing in this code shall be construed to apply to any building, the electrical equipment of which is under the control of the United States of America or the state of New York or of any department, bureau, or office thereof.

81.12 City departments. The various departments, boards, and offices of the city of New York shall be subject to the provisions of this code.

SECTION EC 82
DEPARTMENT OF BUILDINGS

82.1 Enforcement agency. Refer to the *New York City Charter* and Chapter 1 of Title 28 of the *Administrative Code*.

SECTION EC 83
DUTIES AND POWERS OF THE COMMISSIONER
OF BUILDINGS

83.1 General. The commissioner shall have the authority to render interpretations of this code and to adopt rules, policies and procedures in order to clarify and implement its provisions. Such interpretations, policies, procedures, and rules shall be in compliance with the intent and purpose of this code. See the *New York City Charter* and Chapter 1 of Title 28 of the *Administrative Code* for additional provisions relating to the authority of the Commissioner of Buildings.

83.2 Scope. The commissioner is authorized to exercise all powers necessary to enforce the electrical code, including but not limited to:

1. Cause any wiring or appliances for electrical light, heat, power, signaling communication, alarm, or data transmission to be examined and inspected and the approval thereof to be certified in writing.
 - a. by an officer or employee of the department designated by the commissioner for that purpose, or
 - b. by any inspection agency certified by the commissioner in accordance with rules promulgated by the commissioner.
2. Order the remedying of any defect or deficiency that exists in the installation, alteration, or repair of electric wires and wiring apparatus and other appliances used or to be used for the transmission of electricity for electric light, heat, power, signaling, communication, alarm, or data transmission.
3. Order any person or corporation engaged in supplying electrical energy to discontinue such supply as specified in such order if the wiring or appliances for electric light, heat, power, signaling, communication, alarm, or data transmission is deemed dangerous to persons or property therein.
4. Appoint, in accordance with the rules of the department and at the commissioner's discretion, special boards or committees to provide advice or assistance in the implementation, interpretation, variation, or amendment of any provision of the electrical code or any rule promulgated by the department.

SECTION EC 84
PERMITS

84.1 General. Permits shall comply with this section, with Article 105 of Chapter 1 of Title 28 of the *Administrative Code* and with requirements found elsewhere in this code.

84.2 Required. Any owner or authorized agent who intends to construct, add to, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, add to, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application for construction document approval in accordance with Chapter 1 of Title 28 of the *Administrative Code* and this chapter and obtain the required permit.

84.3 Work exempt from permit. Exemptions from permit requirements of this code as authorized in Chapter 1 of Title 28 of the *Administrative Code* and the rules of the department shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or rules.

84.4 Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other law. Permits presuming to give

authority to violate or cancel the provisions of this code or other law shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the commissioner from requiring the correction of errors in the construction documents and other data. The commissioner is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other law.

84.5 Notice of unlicensed electrical work. Whenever a master electrician business or special electrician files an application for a permit covering electrical work installed by an unlicensed or unauthorized person, it shall be their duty to specify such fact upon the application.

84.6 Electric utility meter installation. The department shall not issue a permit or, if applicable, an electrical sign-off pursuant to an application that involves the energizing of a utility meter in a one-, two-, three-, or four-family dwelling if the department finds that such action will cause the total number of utility meters for the building to exceed the number of dwelling units specified for such building in the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, except as permitted herein. A building specified as a one-family residence in the certificate of occupancy or, if there is no certificate of occupancy, as determined by the department, shall have only 1 utility meter. A building in which there are 2 or more dwelling units in accordance with the certificate of occupancy, or if there is no certificate of occupancy, as determined by the department, shall have 1 utility meter for each dwelling unit, and 1 additional utility meter for the common areas of the building is permitted, provided that smoke detecting devices are installed in all common areas in accordance with departmental requirements. Such common areas may include boiler rooms, shared hallway lighting, shared stairway lighting, and outdoor perimeter lighting, but shall not include any habitable space. In the event that a utility meter has been found to have been installed or to exist in violation of this section, the department may take action leading to the disconnecting of such utility meter in accordance with the notice requirements set forth in section 87.2.

84.7 Statement of authorization and compliance. Any application for a permit filed with the department in relation to a request for the authorization to power or energize electrical wiring or appliances or power generating equipment or in relation to work that will result in the issuance of a new or amended certificate of occupancy must include a statement, signed and sealed by the master or special electrician, that the building owner or their authorized representative has authorized in writing the work to be performed. This signed authorization must be available upon request by the department. In addition, any electrical application filed with the department involving the energizing of a meter must include a statement, signed, and sealed by the master or special electrician, that the building owner or their authorized representative has indicated in writing the intended use or purpose of such meter and has affirmed that such meter will be maintained in compliance with the provisions of this section. This statement must be available upon request by the department.

84.8 Documentation of overcurrent protection. Any permit application filed with the department that requires the selective coordination of overcurrent protective devices must include documentation from a professional engineer demonstrating how selective coordination was achieved, including but not limited to short circuit overlay curves and calculations. Such documentation shall be submitted to the department prior to sign off.

SECTION EC 85

CONSTRUCTION DOCUMENTS

85.1 General. Construction documents shall comply with Article 104 of Chapter 1 of Title 28 of the *Administrative Code* and other applicable provisions of this code and its referenced standards as applicable. Such construction documents shall be coordinated with architectural, structural, and means of egress plans. Requirements for electrical plans and drawings shall be in accordance with department rules.

SECTION EC 86

INSPECTIONS AND TESTING

86.1 General. Electrical work for which a permit is required shall be subject to inspection by the department, except for minor electrical work as defined in section 28-101.5. It shall be the duty of the permit holder to schedule such inspection and ensure that all applicable laws and rules are followed. A satisfactory inspection by the department shall not be construed to be an approval by the department of a violation of the provisions of this code or any other provision of law. Refer to Article 116 of Chapter 1 of Title 28 of the *Administrative*

Code and applicable rules of the department relating to inspections.

86.2 Required inspections and testing. In addition to any inspections otherwise required by this code or applicable rules, the following inspections shall be required:

1. **Energy Code Compliance Inspections.** Inspections required by the *New York City Energy Conservation Code* shall be made in accordance with the rules of the department, as applicable.

2. **Final Inspection.** It shall be the duty of the permit holder to notify the department when work requiring inspection is ready to be inspected and to schedule a final inspection.

86.2.1 Access to electrical work. It shall be the duty of the permit holder to cause the work to remain accessible for inspection purposes. Neither the commissioner nor the city shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

86.3 Testing. Electrical work and installations shall be tested as required in this code and in accordance with sections 86.3.1 through 86.3.3. Tests shall be conducted by the department, as applicable.

86.3.1 New, altered, extended, or repaired installations. New installations and parts of existing installations that have been altered, extended, renovated, or repaired shall be tested as prescribed herein to ensure compliance with the electrical code and rules of the department.

86.3.2 Apparatus, instruments, material, and labor for tests. When required by the department, apparatus, instruments, material, and labor required for testing an electrical installation or part thereof shall be furnished by the permit holder.

86.3.3 Reinspection and testing. Where any work or electrical installation does not pass any initial test or inspection, the necessary corrections shall be made so as to achieve compliance with this code. The work or electrical installation shall then be resubmitted to the department for inspection and testing.

86.4 Sign-off of completed work. If, after inspection, such wiring or appliances shall be found to have been installed, altered, or repaired in conformity with the requirements of this code, and the rules of the department, and the required fees paid, the commissioner shall issue to the applicant a sign-off of the approved work completed.

86.5 Temporary connection. The commissioner shall have the authority to authorize the temporary connection of the building or system to the utility source for the purpose of inspecting or testing the electrical installation or for use under a temporary certificate of occupancy.

86.6 Connection of electrical service utilities. Refer to Title 28 of the *Administrative Code*.

SECTION EC 87 **VIOLATIONS**

87.1 General. Refer to chapters 2 and 3 of Title 28 of the *Administrative Code*.

87.2 Authority to disconnect electrical energy supply. The commissioner may authorize wires or appliances to be disconnected from the supply of electrical energy and to seal the wiring and appliances, after due inspection or where in the commissioner's judgment the continued use of such electric wiring or appliances in or on any building or structure is unsafe or dangerous to persons or property. The commissioner shall notify the serving utility, and wherever possible, the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practicable thereafter.

87.3 Connection after order to disconnect. No person shall cause or permit electrical energy to be supplied to the wiring or appliances so sealed until the same shall have been made safe and the commissioner shall have authorized the reconnection and use of such wiring or appliances. When an installation is maintained in violation of this code, and in violation of a notice issued pursuant to the provisions of this section, the commissioner shall institute appropriate action to prevent, restrain, correct or abate the violation.

ARTICLE 100 **Definitions**

PART 1. General

Part I – Add new definitions for “Coordination (Limited Level)”, “Electrical Equipment Room”, and “Public Parts (Common Areas)” to part I of article 100 in alphabetical order to read as follows:

Coordination (Limited Level). Localization of an overcurrent condition to restrict outages to the circuit or equipment affected, accomplished by the selection and installation of overcurrent protective devices and their ratings or settings having time-current ratings that do not intersect at a time of 0.1 seconds (6 cycles at 60Hz) or longer.

Electrical Equipment Room. A room designed for and dedicated to the purpose of containing electrical distribution equipment such as vertical risers, bus ducts, transformers, or panelboards.

Public Parts (Common Areas). Public parts of multifamily dwelling include a public hall and any space used in common by the occupants of 2 or more apartments or rooms, or by persons who are not tenants, or exclusively for mechanical equipment of such dwelling or for storage purposes.

ARTICLE 110

Requirements for Electrical Installations

SECTION 110.1

Section 110.1 – Revise the Informational Note in Section 110.1 to read as follows:

Informational Note: For information regarding the mounting height for the operable parts, see ICC A117.1 as referenced in the *New York City Building Code* for dwelling units and commercial occupancies.

SECTION 110.2

Section 110.2 – Revise Section 110.2 to read as follows:

110.2 Approval of Electrical Materials, Equipment and Installations.

(A) Equipment. The conductors and equipment required or permitted by this Code shall be acceptable only if approved.

(B) Special Installations. No electrical installations described in (1) through (5) below shall be constructed unless a submission for approval has been made to the commissioner and approval has been granted. For the purpose of this section, an electrical “installation” shall refer to the installation of service equipment, transformers, Uninterruptible Power Supply (UPS) systems, generators, generator paralleling equipment, or other sources, including, but not limited to, Energy Storage Systems, Fuel Cells, Photovoltaic Systems, DC or AC Micro Grids, Co-generation Plants, and Stationary Batteries.

(1) A new installation of equipment totaling 1000 kVA or larger.

(2) Any change in an installation with a rating of 1000 kVA or larger, up to and including 2nd level overcurrent protection unless it was fully described and approved as “future” on the original approved plan.

(3) Any addition to an existing installation, which would bring the total to 1000 kVA or larger.

(4) The addition of any equipment in a room, which would affect clearances around the equipment of a 1000 kVA installation or larger.

(5) A new installation or revised installation above 1000V AC or 1500V DC nominal irrespective of kVA rating.

Exception No. 1: No submission is required solely for fire alarm service taps.

Exception No. 2: No submission is required for the addition of 1 2nd level overcurrent protection device 200 amperes or less.

(C) Capacity.

(1) The capacity of a utility service, in kVA, shall be determined by summing the maximum ampere ratings of each service disconnecting means and calculating total kVA at the operating voltage. Service disconnecting means supplying fire pumps shall be included at 125 percent of the fire pump full load amps. The calculation shall include all new and existing service disconnecting means supplied from the common service entrance.

(2) The capacity of a transformer, UPS system, generator, or other source shall be its maximum kVA output rating.

Informational Note: See 90.7, Examination of Equipment for Safety, and 110.3, Examination, Identification, Installation, and Use of Equipment. See definitions of Approved, Identified, Labeled, and Listed.

SECTION 110.3

Section 110.3(D) – Add a new Section 110.3(D) to read as follows:

110.3(D) Electrical Equipment Rooms. Electrical equipment rooms shall be dedicated to electrical equipment not limited to fire alarm equipment, Building Management Systems, and lighting controls. All electrical equipment in the electrical equipment room shall be installed by a licensed electrician. Electrical equipment rooms shall be identified as such, shall be sized to provide the applicable working space requirements, and shall not be used for any other purpose including storage.

Exception: Electrical Equipment Rooms shall conform to requirements of 110.3(D) except as permitted in 800.133(C), 820.133(C) and 830.133(C).

Informational Note: Refer to Section BC 509, Table 509, and Section 903.2 of the *New York City Building Code* for additional construction requirements and Section 605.3.1 of the *New York City Fire Code* for signage requirements.

SECTION 110.4

Section 110.4 – Add a new Informational Note at the end of Section 110.4 to read as follows:

Informational Note: See Section 28-101.5 of Title 28 of the *Administrative Code* for the definition of “Low Voltage Electrical Work.”

SECTION 110.11

Section 110.11 – Revise Section 110.11 to read as follows:

110.11 Environmental Protection of Equipment

(A) Deteriorating Agents. Unless identified for use in the operating environment, no conductors or equipment shall be located in damp or wet locations; where exposed to gases, fumes, vapors, liquids, or other agents that have a deteriorating effect on the conductors or equipment; or where exposed to excessive temperatures.

Informational Note No. 1: See 300.6 for protection against corrosion.

Informational Note No. 2: Some cleaning and lubricating compounds can cause severe deterioration of many plastic materials used for insulating and structural applications in equipment.

Equipment not identified for outdoor use and equipment identified only for indoor use, such as "dry locations", "indoor use only", "damp locations", or enclosure Types 1, 2, 5, 12, 12K, or 13, shall be protected against damage from the weather during construction.

Informational Note No. 3: See Table 110.28 for appropriate enclosure-type designations.

(B) Electrical Utilities and Equipment. The metering equipment, panelboards, load centers, main disconnect switches, all service disconnecting means, and all circuit breakers shall be located at or above the design flood elevation specified in Appendix G of the *New York City Building Code*.

Exception: For buildings or structures that are nonresidential, utilities and equipment shall be permitted to be located below the design flood elevation (DFE) when dry floodproofing is provided in accordance with the *New York City Building Code* and Appendix G of such code.

Informational Note: In flood zones, electric utilities and equipment must be protected from flood damage and associated deteriorating effects of flood exposure. For further requirements for electrical installations in flood zones refer to the 2022 *New York City Building Code*, Appendix G, ‘Flood Resistant Construction’; and ASCE-24-14, ‘Flood Resistant Design and Construction’.

SECTION 110.26

Section 110.26(A)(1) – Add a new Informational Note at the end of Section 110.26(A)(1) to read as follows:

Informational Note: For Service Rooms or areas with equipment totaling 1000 kVA or larger, see 230.64 for minimum clearance requirements.

Section 110.26(G) – Add a new Section 110.26(G) to read as follows:

(G) Network Compartments. All network compartments shall have at least 2 means of access. Each door shall access an area that leads to a legal exit.

SECTION 110.33

Section 110.33(A) – Revise Section 110.33(A) to read as follows:

(A) Entrance. At least 1 entrance to enclosures for electrical installations as described in 110.31 not less than 30 in. (762 mm) wide and 6 ½ ft (2 m) high shall be provided to give access to the working space around the electrical equipment.

SECTION 110.34

Section 110.34(A) – Revise Section 110.34(A) to read as follows:

(A) Working Space. Except as elsewhere required or permitted in this Code, equipment likely to require examination, adjustment, servicing, or maintenance while energized shall have clear working space in the direction of access to live parts of the electrical equipment and shall be not less than specified in Table 110.34(A). Distances shall be measured from the live parts, if such are exposed, or from the enclosure front or opening if such are enclosed.

Exception: Working space shall not be required in back of equipment such as switchgear or control assemblies where there are no renewable or adjustable parts (such as fuses or switches) on the back and where all connections are accessible from locations other than the back. Where rear access is required to work on nonelectrical parts on the back of enclosed equipment, a minimum working space of 36 in. (900 mm) horizontally shall be provided.

Informational Note: For Service Rooms or areas with equipment totaling 1000 kVA or larger, see 230.64 for minimum clearance requirements.

ARTICLE 210 **Branch Circuits**

SECTION 210.11

Section 210.11 (C)(4) – Add a new Informational Note to Section 210.11(C)(4) to read as follows:

Informational Note: See Residential Provision of the *New York City Energy Conservation Code*, for additional Electrical Vehicle (EV) requirements.

Section 210.11(C)(5) – Add a new Section 210.11(C)(5) to read as follows:

(5) Air-Conditioning Branch Circuit. In addition to the number of branch circuits required by other parts of this section, an individual branch circuit shall be provided for each air-conditioning receptacle outlet required by 210.52(J).

SECTION 210.12(A)

Section 210.12(A) – Retitle the “Exception” in 210.12(A) “Exception No. 1” and add a new Exception, “Exception No. 2”, immediately following which reads:

Exception No. 2: AFCI protection shall not be required for the following outlets in multifamily dwellings greater than 3 stories:

- a) In kitchens, all receptacle outlets.
- b) In laundry areas, all receptacle outlets supplying laundry equipment such as washers, dryers and leak-detection equipment. This exception does not apply to convenience outlets in laundry areas that may supply irons, steamers or similar appliances.

SECTION 210.19

Section 210.19(A) – Revise Section 210.19(A) to add a new opening paragraph to read as follows:

(A) Branch Circuits Not More Than 600V. The maximum total voltage drop from the service point to the farthest outlet shall not exceed 5 percent on both feeders and branch circuits combined. Where compliance with the applicable *New York City Energy Conservation Code* is mandated, the voltage drop requirements of that code shall apply.

Section 210.19(A) – Revise Informational Note No. 3 in Section 210.19(A) to read as follows:

Informational Note No. 3: DELETED.

SECTION 210.50

Section 210.50 – Revise the Informational Note in Section 210.50 to read as follows:

Informational Note: See Informative Annex J for information regarding ADA accessibility design. See requirements in ICC A117.1 as referenced in the *New York City Building Code* for information regarding the mounting height for the operable parts for dwelling units that are classified as accessible units.

SECTION 210.52

Section 210.52(J) – Add a new Section 210.52(J) to read as follows:

(J) Outlet Requirements For Residential-Type Occupancies. In addition to the requirements set forth in (A) through (I) of this section, living rooms, bedrooms, dining rooms or similar rooms shall have at least 1 receptacle outlet installed for air conditioners. Such receptacle outlets shall be supplied by an individual branch circuit. Exception: For buildings with central air conditioning systems, a separate receptacle outlet shall not be required in any living room, bedroom, dining room, or other similar room served by such system.

ARTICLE 215

Feeders

SECTION 215.2

Section 215.2(A)(1) – Revise the opening paragraph in Section 215.2(A)(1) to read as follows:

(1) General. Feeder conductors shall have an ampacity not less than the larger of 215(A)(1)(a) or (A)(1)(b) and shall comply with 110.14(C). The maximum total voltage drop from the service point to the farthest outlet shall not exceed 5 percent on both feeders and branch circuits combined. The minimum feeder size feeding a dwelling unit shall be 3 conductors with minimum 8 AWG copper or 6 AWG aluminum or copper-clad aluminum conductors. Where compliance with the applicable *New York City Energy Conservation Code* is mandated, voltage drop requirements of that code shall apply.

Section 215.2(A)(1) – Revise Informational Note No. 2 in Section 215.2(A)(1) to read as follows:

Informational Note No. 2: DELETED.

Section 215.2(A)(1) – Revise Informational Note No. 3 in Section 215.2(A)(1) to read as follows:

Informational Note No. 3: See 210.19(A) for voltage drop for branch circuits.

ARTICLE 220

Branch-Circuit, Feeder, and Service Load Calculations

SECTION 220.14

Section 220.14 – Revise the opening paragraph of Section 220.14 to read as follows:

220.14 Other Loads – All Occupancies. In all occupancies, the minimum load for each outlet for general-use receptacles and outlets not used for general illumination shall not be less than that calculated in 220.14(A) through (N), the loads shown being based on nominal branch-circuit voltages.

Exception: The loads of outlets serving switchboards and switching frames in telephone exchanges shall be waived from the calculations.

SECTION 220.14

Section 220.14(A) – Revise Section 220.14(A) to read as follows:

(A) Specific Appliances or Loads. An outlet for a specific appliance or other load not covered in 220.14(B) through (N) shall be calculated based on the ampere rating of the appliance or load served.

Section 220.14(N) – Add a new Section 220.14(N) to read as follows:

(N) Air Conditioning Circuits. A load of not less than 1500VA shall be calculated for each required branch circuit specified in 210.52(J). It shall be permitted to be included with the appliance load specified in 220.53.

SECTION 220.87

Section 220.87 – Revise Section 220.87 to read as follows:

220.87 Determining Existing Loads. The calculation of a feeder or service load for existing installations shall be permitted to use actual maximum demand to determine the existing load under all of the following conditions:

(1) The maximum demand data is available for a 1-year period.

Exception: If the maximum demand data for a 1-year period is not available, the calculated load shall be permitted to be based on the maximum demand (the highest average kilowatts reached and maintained for a 15-minute interval) continuously recorded over a minimum 30-day period using a recording ammeter or power meter connected to the highest loaded phase of the feeder or service, based on the initial loading at the start of the recording. The recording shall reflect the maximum demand of the feeder or service by being taken when the building or space is occupied and shall include by measurement or calculation the larger of the heating or cooling equipment load, and other loads that might be periodic in nature due to seasonal or similar conditions. This exception shall not apply if the feeder or service has a renewable energy system (i.e., solar photovoltaic or wind electric) or employs any form of peak load shaving.

(2) The maximum demand at 125 percent plus the new load does not exceed the ampacity of the feeder or rating of the service.

(3) The feeder has overcurrent protection in accordance with 240.4, and the service has overload protection in accordance with 230.90.

ARTICLE 225

Outside Branch Circuits and Feeders

SECTION 225.11

Section 225.11 – Revise Section 225.11 to read as follows:

225.11 Overhead Branch Circuits Attached to Buildings or Structures. Overhead branch circuits and feeders attached to buildings or structures shall be installed in accordance with the requirements of 230.54.

Informational Note: Refer to Part II of Article 225 for underground installation.

SECTION 225.30

Section 225.30 – Revise the opening paragraph in Section 225.30 to read as follows:

225.30 Number of Supplies. Where more than 1 building or other structure is on the same property and under single management, each additional building or other structure that is served by a branch circuit or feeder on the load side of a service disconnecting means shall be supplied by only 1 feeder or branch circuit unless permitted in 225.30(A) through (F). For the purpose of this section, a multiwire branch circuit shall be considered a single circuit.

SECTION 225.31

Section 225.31 – Revise Section 225.31 to read as follows:

225.31 Disconnecting Means. Means shall be provided for disconnecting all ungrounded conductors that supply or pass through the building or structure. Disconnecting means required by this section shall comply with 230.64.

SECTION 225.34

Section 225.34(A) – Add a new Informational Note at the end of Section 225.34(A) to read as follows:

Informational Note: In existing buildings, if 1 or more of the 2 to 6 disconnects are not able to be grouped due to space constraints, they may be located in a remote location, if special permission is granted by the AHJ, provided signage is installed in accordance with 225.37. Proof of hardship may be required.

SECTION 225.37

Section 225.37 – Add a new Informational Note at the end of Section 225.37 to read as follows:

Informational Note: Where additional approved disconnects are installed in accordance with 225.34, a permanent plaque or directory installed at the entrances of both disconnect locations may be required.

SECTION 225.52

Section 225.52(B) – Revise Section 225.52(B) to read as follows:

(B) Type. Each building or structure disconnect shall simultaneously disconnect all ungrounded supply conductors it controls and shall have a fault-closing rating not less than the fault current at its supply terminals. The disconnecting means shall comply with 230.64.

Exception: Where the individual disconnecting means consists of fused cutouts, the simultaneous disconnection of all ungrounded supply conductors shall not be required if there is a means to disconnect the load before opening the cutouts. A permanent legible sign shall be installed adjacent to the fused cutouts and shall read DISCONNECT LOAD BEFORE OPENING CUTOUTS.

Where fused switches or separately mounted fuses are installed, the fuse characteristics shall be permitted to contribute to the fault-closing rating of the disconnecting means.

SECTION 225.60

Section 225.60 – Retitle the Informational Note in Section 225.60 “Informational Note No. 1” and add a new Informational Note at the end of Section 225.60 to read as follows:

Informational Note No. 2: The utility company’s requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

SECTION 225.61

Section 225.61 – Retitle the Informational Note in Section 225.61 “Informational Note No. 1” and add a new Informational Note at the end of Section 225.61 to read as follows:

Informational Note No. 2: The utility company’s requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

ARTICLE 230

Services

SECTION 230.6

Section 230.6 – Add a new Item (6) to the list of items in Section 230.6 to read as follows:

(6) Where installed in electric service rooms

SECTION 230.9

Section 230.9 – Add a new Informational Note at the end of Section 230.9 to read as follows:

Informational Note: The utility company’s requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

SECTION 230.24

Section 230.24(B)(5) – Add a new Informational Note at the end of Section 230.24 (B)(5) to read as follows:

Informational Note: The utility company’s requirements for vertical and horizontal clearance for overhead service conductors may be more stringent.

SECTION 230.28

Section 230.28 – Add a new Informational Note at the end of Section 230.28 to read as follows:

Informational Note: The utility company may have more stringent requirements for service mast and service drop installations.

SECTION 230.30

Section 230.30(A) – Revise the Exception in Section 230.30(A) to read as follows:

Exception: DELETED.

Section 230.30(B) – Add a new Informational Note at the end of Section 230.30(B) to read as follows:

Informational Note: The utility company may have more stringent requirements regarding the use of PVC conduits.

Section 230.30(B)(7) – Revise Item (7) in the list of items in Section 230.30(B) to read as follows:

(7) DELETED.

SECTION 230.33

Section 230.33 – Revise Section 230.33 to read as follows:

230.33 Spliced Conductors. Service conductors shall be permitted to be spliced or tapped in accordance with 300.5(E), 300.13, and 300.15. For underground service conductors, the requirements of 230.46(C) shall apply.

SECTION 230.41

Section 230.41 - Revise the Exception after the opening paragraph in Section 230.41 to read as follows:

Exception: A grounded conductor shall be permitted to be uninsulated bare copper, aluminum, or copper-clad aluminum when used as part of a jacketed cable assembly.

SECTION 230.42

Section 230.42(D) – Add a new Section 230.42(D) to read as follows:

(D) Service Busway. Service busway shall be constructed as required by 368.119.

Section 230.42(E) – Add a new Section 230.42(E) to read as follows:

(E) Services 1000kVA and over. Ampacity of the service-entrance conductors for services 1000 kVA and larger shall not be less than the sum of the maximum ampere ratings of the service disconnecting means. When including fire pump disconnects in the calculation, 125 percent of the fire pump full load amperes shall be added. Exception: The ampacity of service-entrance conductors need not exceed the maximum demand calculated in accordance with Article 220 for up to a maximum of 4000-ampere per service. For services under 4000-ampere, calculations shall be available upon request by the AHJ.

Informational Note: See 110.2(B)(1) for determining service capacity.

SECTION 230.43

Section 230.43 – Revise Section 230.43 to read as follows:

230.43 Wiring Methods for 1000 Volts, Nominal, or Less. Service-entrance conductors shall be installed in accordance with the applicable requirements of this Code covering the type of wiring method used and shall be limited to the following methods:

- (1) Rigid metal conduit (RMC)
- (2) Intermediate metal conduit (IMC)
- (3) Electrical metallic tubing (EMT)
- (4) Metallic wireways
- (5) Busways
- (6) Metallic auxiliary gutters
- (7) Rigid polyvinyl chloride conduit (PVC) when installed in accordance with 230.6(1), (2) or (4).
- Exception: Exposed PVC service masts on the exterior of residential buildings are permitted within 3,000 feet (914.4 m) of a body of salt water.
- (8) Cable bus.
- (9) Mineral-insulated, metal-sheathed cable, Type MI
- (10) Flexible metal conduit (FMC) not over 6 ft (1.83 m) long or liquidtight flexible metal conduit (LFMC) not over 6 ft (1.83 m) long between a raceway, or between a raceway and service equipment, with a supply-side bonding jumper routed with the flexible metal conduit (FMC) or the liquidtight flexible metal conduit (LFMC) according to the provisions of 250.102(A), (B), (C), and (E).
- (11) High density polyethylene conduit (HDPE), underground
- (12) Nonmetallic underground conduit with conductors (NUCC)
- (13) Reinforced thermosetting resin conduit (RTRC)

Service entrance conductors shall not run within the hollow spaces of frame buildings.

Informational Note: The utility company may have additional or more stringent requirements.

SECTION 230.44

Section 230.44 – Revise Section 230.44 to read as follows:

230.44 Cable trays. Cable tray systems shall be permitted to support service-entrance conductors. Cable trays used to support service-entrance conductors shall contain only service-entrance conductors listed for use in cable trays and shall be limited to Type MI Cable.

Such cable trays shall be identified with permanently affixed labels with the wording “Service-Entrance Conductors.” The labels shall be located so as to be visible after installation with a spacing not to exceed 10 ft

(3 m) so that the service-entrance conductors are able to be readily traced through the entire length of the cable tray.

SECTION 230.46

Section 230.46 - Revise Section 230.46 to read as follows:

230.46 Spliced and Tapped Conductors. Service entrance conductors shall be permitted to be spliced or tapped in accordance with 300.5(E), 300.13, 300.15, and 230.46(A) through 230.46(C). Power distribution blocks, pressure connectors, and devices for splices and taps shall be listed. Power distribution blocks installed on service conductors shall be marked “suitable for use on the line side of the service equipment” or equivalent.

Pressure connectors and devices for splices and taps installed on service conductors shall be marked “suitable for use on the line side of the service equipment” or equivalent.

(A) Spliced or tapped service-entrance conductors in the form of multi-section service busway, fabricated and installed in accordance with 368.119, shall be permitted.

(B) Service-entrance conductors shall be permitted to be spliced or tapped at the following locations when using listed terminals and are installed in accordance with applicable equipment standards and 110.2 within a:

- (1) Service end box.
- (2) Copper detail tap box.
- (3) Utility metering enclosure.
- (4) Service disconnect enclosure.
- (5) Service panelboard.
- (6) Service switchboard or service switchgear.
- (7) Service busway fabricated and installed in accordance with 368.119.
- (8) Power Distribution Block

(C) Spliced or tapped service conductors not installed in accordance with A or B shall utilize listed irreversible compression connectors. All splices and taps shall be located within an identified enclosure and be located outside of the building in accordance with 230.6.

Informational Note: The utility company may have more stringent requirements.

SECTION 230.52

Section 230.52 – Revise Section 230.52 to read as follows:

230.52. DELETED.

SECTION 230.54

Section 230.54(C) – Add a new Informational Note at the end of Section 230.54 (C) to read as follows:

Informational Note: Confirm location and requirements of service heads with the electric utility having jurisdiction over the electrical service installation.

Section 230.54(E) – Revise the Exception in Section 230.54(E) to read as follows:

Exception: DELETED.

SECTION 230.64

Section 230.64 – Add a new Section 230.64 to Part V to read as follows:

230.64 Special Requirements. Where service equipment capacity is 1000kVA or larger, 230.64(A) through (F) shall apply.

Informational Note: See 110.2(B) to determine service equipment kVA capacity.

(A) Service rooms shall have a 2-hour fire rating and be constructed of non-combustible materials.

(B) Minimum working space in front of all service disconnecting means shall be 5 ft (1.52 m). When disconnecting means are located face-to-face, the minimum working space shall be 7 ft (2.13 m).

Exception: This requirement shall not apply to service disconnecting means rated 100 amperes or less.

(C) Minimum distance from the floor to uninsulated live parts within the equipment shall be 12 in. (300 mm).

(D) Service equipment requiring rear access shall have a minimum of 3 ft (914 mm) clearance on each side in addition to complying with 110.26(A) or 110.34(A) for rear working space.

(E) If the equipment does not require rear access and the distance from the rear of the equipment to the opposite wall is less than 3 ft (914 mm), then physical barriers shall be installed to prevent access behind the equipment.

Exception: Barriers shall not be required if the rear clearance is 12 in. (300 mm) or less.

(F) There shall be 2 means of egress from the required working space for electrical equipment. A means of egress shall be accessible from each end of the working space. A single means of egress from the working space shall be permitted where either of the conditions in 230.64(F)(1) or 230.64(F)(2) is met.

(1) Unobstructed Egress. Where the location permits a continuous and unobstructed way of egress travel, a single entrance to the working space shall be permitted.

(2) Extra Working Space. Where double the working space specified in Table 110.26(A)(1) or Table 110.34(A) is provided, a single means of egress shall be permitted. The single means of egress shall be located such that the distance from the equipment to the nearest edge of the egress doorway is not less than the minimum clear distance specified in Table 110.26(A)(1) or Table 110.34(A) for equipment operating at that voltage and in that condition. Working space in front of service disconnecting means shall not be less than that required in 230.64 (B).

SECTION 230.70

Section 230.70(B) – Revise Section 230.70(B) to read as follows:

(B) Marking. Each service disconnect shall be permanently marked to identify it as a service disconnect. Legally required labels shall be visible and unobstructed.

Section 230.70(D) – Add a new Section 230.70(D) to read as follows:

(D) Signage. Signage shall be provided when a service is located above street level at the following locations. Such signage shall indicate the specific location of the main electric service room. Signage shall be clearly visible and unobstructed.

(1) All Building Entrances.

(2) Fire Alarm Control Panel location.

SECTION 230.71

Section 230.71 - Revise Section 230.71 as follows:

230.71 Maximum Number of Disconnects. Each service shall have only 1 disconnecting means unless the requirements of 230.71(B) are met.

(A) General. For the purpose of this section, disconnecting means installed as part of listed equipment and used solely for the following shall not be considered a service disconnecting means:

- (1) Power monitoring equipment
- (2) Surge-protective device(s)
- (3) Control circuit of the ground-fault protection system
- (4) Power-operable service disconnecting means

(B) Two to Six Service Disconnecting Means. Two to six service disconnects shall be permitted for each service permitted by 230.2 or for each set of service-entrance conductors permitted by 230.40, Exception No. 1, 3, 4, or 5.

(C) Equipment Arrangement. For all new and existing one- and two-family dwellings and other than one- or two-family dwellings for which an application for construction document approval is filed after the effective date of the local law that enacted this code, the 2 to 6 service disconnecting means shall consist of a combination of any of the following:

- (1) Separate enclosures with a main service disconnecting means in each enclosure
- (2) Panelboards with a main service disconnecting means in each panelboard enclosure
- (3) Switchboard(s) where there is only 1 service disconnect in each separate vertical section where there are barriers separating each vertical section
- (4) Service disconnects in switchgear or metering centers where each disconnect is located in a separate compartment

Informational Note No. 1: Metering centers are addressed in UL 67, Standard for Panelboards.

Informational Note No. 2: Examples of separate enclosures with a main service disconnecting means in each enclosure include but are not limited to motor control centers, fused disconnects, circuit breaker enclosures, and transfer switches that are suitable for use as service equipment.

SECTION 230.72

Section 230.72(A) – Add Informational Note at the end of Section 230.72(A) to read as follows:

Informational Note: In existing buildings, if 1 or more of the 2 to 6 disconnects are not able to be grouped due to space constraints, they may be located in a remote location, if special permission is granted by the AHJ, provided signage is installed in accordance with 225.37. Proof of hardship may be required. Where additional approved disconnects are installed, a permanent plaque or directory installed at the entrances of both disconnect locations may be required.

SECTION 230.85

Section 230.85 – Add an Exception at the end of Section 230.85 to read as follows:

Exception: If the emergency disconnecting means cannot be located in a readily accessible outdoor location, or if the utility metering equipment is located indoors, 1 of the following disconnecting means shall be permitted:

1. A remote disconnecting means provided by the utility
2. An indoor shunt-trip disconnecting means with the control device located in a readily accessible outdoor location and marked, “Remote Emergency Disconnect”
3. An approved equivalent means.

SECTION 230.96

Section 230.96 – Add a new Section 230.96 to Part VII to read as follows:

230.96 Electrical System Coordination. For systems 1000 volts and below where the service overcurrent protective device (OCPD) rating or setting is 1200 amperes and above, limited level coordination at 0.1 seconds and above on the time-current curve shall be required between the service OCPD and the next downstream OCPD. For systems exceeding 1000 volts, full selective coordination shall be required.

Informational Note: See definitions for Coordination, Selective and Coordination, Limited Level.

Exception No. 1: Coordination shall not be required between 2 OCPDs in series with 1 another when no loads are connected in parallel with the downstream device.

Exception No. 2: When the second level OCPD is a single main device having the same ampere rating or setting as the service OCPD, coordination shall be required between the third level devices and the 2 upstream devices.

Exception No. 3: When only 1 OCPD is provided on the transformer secondary, limited level coordination shall be required between the transformer primary and secondary OCPD’s and the third level devices.

ARTICLE 250**Grounding and Bonding****SECTION 250.35**

Section 250.35(B) – Revise Section 250.35(B) to read as follows:

(B) Nonseparately Derived System. If the generator is installed as a nonseparately derived system, and overcurrent protection is not integral with the generator assembly, a supply-side bonding jumper shall be installed between the generator equipment grounding terminal and the equipment grounding terminal, bar, or bus of the disconnecting mean(s). The supply-side bonding jumper shall be sized in accordance with 250.102(C) based on the size of the conductors supplied by the generator. Generators that supply 3 wire loads with no grounded conductor, or 4 wire loads with grounded conductor and supply conductors smaller than what is required in 250.102(C) and 445.13 shall be installed as a separately derived system in accordance with 250.35(A).

SECTION 250.68

Section 250.68(C)(1) – Revise the Exception in Section 250.68(C)(1) to read as follows:

Exception: DELETED.

SECTION 250.119

Section 250.119 - Revise the Exception No. 1 in Section 250.119 to read as follows:

Exception No. 1: Power-limited Class 2 or Class 3 cables, or communications cables containing only circuits operating at less than 50 volts ac or 60 volts dc where connected to equipment not required to be grounded shall

be permitted to use a conductor with green insulation or green with 1 or more yellow stripes for other than equipment grounding purposes.

ARTICLE 300

General Requirements for Wiring Methods and Materials

SECTION 300.3

Section 300.3(C)(1)(a) – Add a new third paragraph to Section 300.3(C)(1) to read as follows:

Barriers shall be provided to isolate conductors energized from different sources when the system voltage exceeds 250 volts nominal and conductors are protected by first or second level overcurrent protective devices. Sources include service entrance points, secondaries of different transformers, generators, and UPS systems.

SECTION 300.6

Section 300.6(B) – Revise Section 300.6(B) to read as follows:

(B) Aluminum Metal Equipment. Aluminum raceways, cable trays, cable bus, auxiliary gutters, cable armor, boxes, cable sheathing, cabinets, elbows, couplings, nipples, fittings, supports, and support hardware shall not be embedded in concrete or come in direct contact with the earth unless provided with a protective coating by the manufacturer that is listed for use in direct burial and concrete encasement applications.

SECTION 300.25

Section 300.25 – Revise the Informational Note in Section 300.25 to read as follows:

Informational Note: For more information, refer to Section 1023.5 of the *New York City Building Code*.

ARTICLE 310

Conductors for General Wiring

SECTION 310.16

Table 310.16 – Modify Table 310.16 as follows:

Delete Type XHWN from the 90 degree columns for copper and aluminum or copper-clad aluminum conductors.

SECTION 310.17

Table 310.17 – Modify Table 310.17 as follows:

Delete Type XHWN from the 90 degree columns for copper and aluminum or copper-clad aluminum conductors.

SECTION 310.20

Table 310.20 – Modify Table 310.20 as follows:

Delete Type XHWN from the 90 degree columns for copper and aluminum or copper-clad aluminum conductors.

ARTICLE 326

Integrated Gas Spacer Cable: Type IGS

SECTION 326.10

Section 326.10 – Revise Section 326.10 to read as follows:

326.10 Uses Permitted. Type IGS cable shall be permitted for use underground, including direct burial in the earth as feeder or branch-circuit conductors.

ARTICLE 330

Metal-Clad Cable: Type MC

SECTION 330.10

Section 330.10(A)(1) – Revise Item 1 in the list of items in Section 330.10(A) to read as follows:

(1) For feeders and branch circuits.

Section 330.10(B)(3) – Revise Section 330.10(B)(3) to read as follows:

(3) DELETED.

SECTION 330.12

Section 330.12 – Add new Sections 330.12(3) and 330.12(4) to read as follows:

(3) Where used as service conductors.

(4) In any building exceeding 3 floors above grade, where the cable has an outer jacket of PVC, unless the PVC jacketed cable is concealed within non-plenum walls, floors, or ceilings constructed with materials providing a listed 1-hour fire rated assembly.

ARTICLE 334**Nonmetallic-Sheathed Cable: Types NM and NMC****SECTION 334.10**

Section 334.10 – Revise Items (2), (3), (4), and (5) in Section 334.10 to read as follows:

(2) Multifamily dwellings.

(3) DELETED.

(4) DELETED.

(5) DELETED.

Section 334.10(A) – Revise Item (1) in the list of items in Section 334.10(A) to read as follows:

(1) For both exposed and concealed work in normally dry locations.

Section 334.10(B)(1) – Revise Item (1) in the list of items in Section 334.10(B) to read as follows:

(1) For both exposed and concealed work in dry, moist, damp, or corrosive locations.

SECTION 334.12

Section 334.12(A)(1) – Revise Item (1) in the list of items in Section 334.12(A) to read as follows:

(1) In any one- or two-family dwelling or multifamily dwelling and any attached or detached garages and storage buildings exceeding 3 floors above grade.

Section 334.12(A)(11) – Add a new Item (11) to Section 334.12(A) to read as follows:

(11) In non-residential buildings.

ARTICLE 336**Power and Control Tray Cable: Type TC****SECTION 336.10**

Section 336.10 – Revise Item (6) in the list of items in Section 336.10 to read as follows:

(6) DELETED.

SECTION 336.12

Section 336.12 – Add a new Item (4) to the list of items in Section 336.12 to read as follows:

(4) As fire alarm circuit wiring.

SECTION 336.104

Section 336.104(A) – Revise Section 336.104(A) to read as follows:

(A) DELETED.

ARTICLE 344**Rigid Metal Conduit: Type RMC**

SECTION 344.10

Section 344.10(A)(2) – Revise Section 344.10(A)(2) to read as follows:

(2) Aluminum RMC. Aluminum RMC shall be permitted to be installed where judged suitable for the environment. Rigid aluminum conduit encased in concrete or in direct contact with the earth shall be provided with listed supplementary corrosion protection.

Section 344.10(B)(2) – Revise Section 344.10(B)(2) to read as follows:

(2) Supplementary Protection of Aluminum RMC. Aluminum RMC shall be provided with listed supplementary corrosion protection where encased in concrete or in direct contact with the earth.

ARTICLE 350**Liquidtight Flexible Metal Conduit: Type LFMC****SECTION 350.12**

Section 350.12 – Revise Section 350.12 to read as follows:

350.12 Uses Not Permitted. LFMC shall not be used as follows:

- (1) Where subject to physical damage.
- (2) In lengths exceeding 6 ft (1.8 m).

SECTION 352.10

Section 352.10 – Add new Sections 352.10(J) and 352.10(K) to read as follows:

(J) Buildings Not Exceeding 3 Stories. In any building or dwelling unit not exceeding 3 stories above grade.

(K) Buildings Exceeding 3 Stories. Unless prohibited elsewhere by other articles of this code; in any building exceeding 3 stories above grade where the PVC conduit is concealed within non-plenum walls, floors, or ceilings constructed with materials providing a listed 1-hour fire rated assembly or PVC conduit encased in concrete, minimum 2 inches (50.8 mm) thick.

ARTICLE 355**Reinforced Thermosetting Resin Conduit: Type RTRC****SECTION 355.10**

Section 355.10(J) – Add a new Section 355.10(J) to read as follows:

(J) Buildings Exceeding 3 Stories. In any building exceeding 3 stories above grade, only Phenolic type RTRC is permitted.

ARTICLE 356**Liquidtight Flexible Nonmetallic Conduit Type LFNC****SECTION 356.12**

Section 356.12 – Add a new Item (5) to the list of items in Section 356.12 to read as follows:

(5) In any building exceeding 3 stories above grade, unless encased in at least 2 in. (50 mm) of concrete or limited to 6 ft (1.8 m) of length exposed.

ARTICLE 362**Electrical Nonmetallic Tubing: Type ENT****SECTION 362.10**

Section 362.10(2) – Revise the opening paragraph of Item (2) in the list of items in Section 362.10 to read as follows:

(2) In any building exceeding 3 floors above grade, ENT shall be concealed within walls, floors, and ceilings where the walls, floors, and ceilings provide a thermal barrier of material that has at least a 1-hour finish rating

as identified in listings of fire-rated assemblies. The 1-hour-finish-rated thermal barrier shall be permitted to be used for combustible or noncombustible walls, floors, and ceilings.

Section 362.10(2) – Revise the Exception in Section 362.10(2) to read as follows:

Exception to (2): DELETED.

Section 362.10(5) – Revise Item (5) in the list of items in Section 362.10 to read as follows:

(5) Above suspended ceilings where the suspended ceilings provide a thermal barrier of material that has at least a 1-hour finish rating as identified in listings of fire-rated assemblies, except as permitted in 362.10(1)(a).

Section 362.10(5) – Revise the Exception at the end of Section 362.10(5) to read as follows:

Exception to (5): DELETED.

SECTION 362.12

Section 362.12 – Add New Items (9) and (10) to the list of items in Section 362.12 to read as follows:

(9) In ducts, plenums and other air handling spaces.

(10) For use as risers in any structure exceeding 3 floors above grade.

ARTICLE 366

Auxiliary Gutters

SECTION 366.12

Section 366.12 – Add a new Item (3) to the list of items in Section 366.12 to read as follows:

(3) In any building exceeding 3 stories above grade non-metallic auxiliary gutters are prohibited.

ARTICLE 368

Busways

SECTION 368.2

Section 368.2 – Revise the opening Section of Section 368.2 to read as follows:

368.2 Definitions. The definitions in this section shall apply within this article and throughout the Code.

Section 368.2 – Revise Section 368.2 to add a new definition for “Service Busway” in alphabetical order to read as follows:

Service Busway. Busway used to connect from the service point to the line terminals of the service equipment.

SECTION 368

Section 368.119 – Add a new Section 368.119 to Part III to read as follows:

368.119 Service Busway. Service busway shall conform to the specifications in (A) through (I) below or be a listed busway suitable for services.

(A) Ampacity and Ratings of Busbars. Ampacity and ratings of busbars shall be in accordance with 230.42(A).

(B) Length. Service busway shall be limited to a maximum of 10 ft (3.0 m) in length, unless otherwise approved by special permission.

(C) Insulation. Busbars and busbar joints shall be insulated with a material listed for the purpose and rated for use at a minimum of 600 volts.

(D) Enclosure. Enclosure shall be fabricated from aluminum, minimum 1/8 in. (3.2 mm) thick, or other non-magnetic material approved by the commissioner.

(E) Enclosure Vents. Ventilating openings shall be permitted in the sides and bottom of the enclosure. The top of the enclosure must be solid.

(F) Mounting. Busbars shall be mounted on insulating supports, properly spaced and braced to withstand the maximum available short circuit current.

(G) Clearance. A minimum clearance of 4 in. (102 mm) shall be provided from the phase bars to the enclosure.

(H) Plating. All busbar joints and connections shall be plated with silver, tin or nickel.

(I) Accessibility. All busbar joints and connections shall be accessible.

ARTICLE 382

Nonmetallic Extensions

Section 382 Part II – After subheading “Part II. Installation” of the Article, add a sentence to read as follows and delete remainder of the Article:

Part II. Installation

382.12 Uses Not Permitted. Installation of non-metallic extensions shall not be permitted.

382.10 DELETED.

382.15 DELETED.

382.26 DELETED.

382.30 DELETED.

382.40 DELETED.

382.42 DELETED.

382.56 DELETED.

382.100 DELETED.

382.104 DELETED.

382.112 DELETED.

382.120 DELETED.

ARTICLE 388

Surface Nonmetallic Raceways

SECTION 388.12

Section 388.12 – Add a new Item (8) to the list of items in Section 388.12 to read as follows:

(8) In any building exceeding 3 stories above grade.

ARTICLE 392

Cable Trays

SECTION 392.10

Section 392.10(D) - Revise Section 392.10(D) to read as follows:

(D) Nonmetallic Cable Tray. Nonmetallic cable tray shall be listed and its use shall be limited to corrosive areas and areas requiring voltage isolation.

ARTICLE 394

Concealed Knob-and-Tube Wiring

SECTION 394.12

Article 394 Part II – After subheading “Part II. Installation” of the Article, add a sentence to read as follows and delete remainder of the Article.

II. Installation

394.12 Uses Not Permitted. Installation of Concealed Knob-and-Tube Wiring shall not be permitted.

394.10 DELETED.

394.17 DELETED.

394.19 DELETED.

394.23 DELETED.

394.30 DELETED.

394.42 DELETED.

394.56 DELETED.

394.104 DELETED.

ARTICLE 404

Switches

SECTION 404.10

Section 404.10(A) – Revise Section 404.10(A) to read as follows:

(A) DELETED.

ARTICLE 406**Receptacles, Cord Connectors, and Attachment Plugs (Caps)****SECTION 406.2**

Section 406.2. Revise the opening paragraph in Section 406.2 to read as follows:

406.2 Definitions. The definitions in this section shall apply only within this article.

Section 406.2. Revise the definition of “Child Care Facility” in Section 406.2 to read as follows:

Child Care Facility. A building or structure, or portion thereof, for educational, supervisory, or personal care services for more than 2 children 7 years old or less.

ARTICLE 408**Switchboards, Switchgear, and Panelboards****SECTION 408.10**

Section 408.10 – Add a new Section 408.10 to Part I to read as follows:

408.10 Listing Requirements. Switchboards, Switchgear, and Panelboards shall be listed.

Informational Note: For further information on listing standards, see UL 891 for Switchboards, UL 1558 for Switchgear, and UL 67 for Panelboards.

SECTION 408.11

Section 408.11 – Add new Section 408.11 to Part I read as follows:

408.11 Modification of Equipment. For the purpose of this section, the modification of equipment shall be considered equipment that is changed in rating, dimension, configuration, or altered from the original manufacturer's design.

The modification of equipment shall use design qualified parts verified under applicable standards and shall be performed by an approved qualified person in accordance with any instructions provided by the manufacturer.

The modified equipment shall be marked with the name, trademark, or other descriptive marking by which the organization responsible for modification of the electrical equipment can be identified, along with the date and description of the modification.

SECTION 408.60

Section 408.60 – Add a new Section 408.60 to Part IV to read as follows:

408.60 Freestanding Switchboards and Switchgear. Freestanding switchboards and switchgear, which require rear access, shall have hinged rear doors fastened by captive screws or suitable latches. Freestanding switchboards and switchgear, which do not require rear access, shall have non-removable rear covers.

SECTION 408.61

Section 408.61 – Add a new Section 408.61 to Part IV to read as follows:

408.61 Barriers in Switchboards and Switchgear Rated Over 150 Volts to Ground. Barriers fabricated from materials identified for the use shall be placed between adjacent sections of the switchboard and between the switchboard and its pull box, whether located at the top or bottom of the equipment. All openings in the barriers for busbars and cables shall be as small as practicable.

ARTICLE 410**Luminaires, Lampholders, and Lamps****SECTION 410.151**

Section 410.151(B) – Add an Informational Note to Section 410.151(B) to read as follows:

Informational Note: For energy code compliance, see the applicable provisions of the *New York City Energy Conservation Code*.

ARTICLE 422

Appliances

SECTION 422.12

Section 422.12 – Add an Informational Note at the end of “Exception No. 2” in Section 422.12 to read as follows:
Informational Note: For Safety, Controls, and Electrical requirement for Low-Pressure Steam-Heating Boiler and Low-Pressure Hot-Water Heating Boiler, see *New York City Mechanical Code*, Chapter 10, “Safety and Pressure Relief Valves and Controls”. For definition of Low-Pressure Hot Water Heating Boiler and Low-Pressure Steam-Heating Boiler refer to the *New York City Mechanical Code*.

ARTICLE 430

Motors, Motor Circuits, and Controllers

SECTION 430.5

Table 430.5 – Revise Table 430.5 to add 2 new lines after the line beginning “Resistors and reactors” to read as follows:

<u>Equipment/Occupancy</u>	<u>Article</u>	<u>Section</u>
<u>Services</u>	<u>230</u>	
<u>Switchboards, Switchgears, and Panelboards</u>	<u>408</u>	

ARTICLE 445

Generators

SECTION 445.10

Section 445.10 – Revise the Informational Note in Section 445.10 to read as follows:

Informational Note: See NFPA 37, *Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines*, for information on the location of generator exhaust. Also see *New York City Mechanical Code* Chapter 8, Section MC 811.

ARTICLE 450

Transformers and Transformer Vaults (Including Secondary Ties)

SECTION 450.14

Section 450.14 – Revise Section 450.14 to read as follows:

450.14 Disconnecting Means

(A) Location. Transformers, other than Class 2 or Class 3 transformers, shall have a disconnecting means located either in sight of the transformer or in a remote location. Where located in a remote location, the disconnecting means shall be lockable open in accordance with 110.25, and its location shall be field marked on the transformer.

(B) Rating. For all step-up transformer applications over 225kVA, the selection of the Primary Disconnect and Step-Up Transformer shall be considered as an engineered system and shall be installed in accordance with 110.3(B) and in compliance with 110.9 and 110.10. The Primary Disconnect device shall be capable of handling the maximum inrush current of the specific transformer being installed. The selection shall be made by a registered design professional engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

SECTION 450.25

Section 450.25 – Revise Section 450.25 to read as follows:

450.25 Askarel-Insulated Transformers. New installation of Askarel-insulated transformers shall not be permitted.

SECTION 450.42

Section 450.42 – Revise Section 450.42 to read as follows:

450.42 Walls, Roofs, and Floors. The vault shall be of such dimension as to permit the installation of all electrical equipment in accordance with 110.26 or 110.34 as applicable. The vault shall be of fireproof construction with a minimum fire resistance rating of 3 hours with floors, walls, and ceilings 6 in. (152 mm) thick if made of concrete, or 8 in. (203 mm) thick if made of brick, or 8 in. (203 mm) thick if made of filled cement block. All building steel forming part of the vault construction shall have a comparable fire resistance rating. Each compartment within a vault shall be built to the same specifications in respect to the thickness of walls and fireproof door, as the vault. The floors shall have approved structural strength for the load imposed thereon to be installed in the vault. The floors and walls, to the height of the sill, shall be given a hard impervious finish and painted to prevent the absorption of oil.

Exception: Where transformers are protected with automatic sprinkler, carbon dioxide, water spray, or approved gas suppression system, construction of 1-hour rating shall be permitted.

Informational Note No. 1: For additional information, see ANSI/ASTM E119-18a, Method for Fire Tests of Building Construction and Materials.

Informational Note No. 2: A typical 3-hour construction is 6 in. (150 mm) thick reinforced concrete.

SECTION 450.43

Section 450.43(A) – Revise Section 450.43(A) to read as follows:

(A) Type of Door. Each doorway leading into a vault from the building interior shall be provided with a tight-fitting door that has a minimum rating of 3 hours. Where practicable, basement vaults or vaults with an opening on a roof shall be provided with an outside entrance so that no entrance directly into the vault from the interior of the building will be necessary. Where entrance into the vault is from the interior of the building, the vault shall open into a vestibule, passage hall, or switchboard room not commonly in public use.

Exception: Where transformers are protected with an automatic sprinkler, water spray, carbon dioxide, or approved gas suppression system, construction of 1-hour rating shall be permitted.

Informational Note: For additional information, see NFPA 80-2016, Standard for Fire Doors and Other Opening Protectives.

SECTION 450.46

Section 450.46 – Revise Section 450.46 to read as follows:

450.46 Drainage. Where practicable, vaults containing more than 100 kVA transformer capacity shall be provided with a drain or other means that will carry off any accumulation of oil or water in the vault unless local conditions make this impracticable. Such drain or other means shall be permitted to discharge only water accumulation and prevent discharge of transformer oil or coolant into a public or private sewer and shall comply with the New York City Construction Codes and other authorities having applicable regulations. The floor shall be pitched to the drain where provided.

ARTICLE 480

Storage Batteries

SECTION 480.1

Section 480.1 – Retitle the Informational Note in Section 480.1 “Informational Note No. 1” and add a new Informational Note to read as follows:

Informational Note No. 2: Refer to Article 706, Energy Storage Systems, for additional requirements when Storage Batteries are used in such a system.

SECTION 480.10

Section 480.10(A) – Revise “Informational Note No. 1” in Section 480.10(A) to read as follows:

Informational Note No. 1: Refer to the *New York City Mechanical Code* and the *New York City Fire Code* for mechanical ventilation requirements, including ventilation rates. Refer to the *New York City Fire Code* for supervision and monitoring of mechanical ventilation system requirements.

ARTICLE 500

Hazardous (Classified) Locations, Classes I, II, & III, Divisions 1 & 2

SECTION 500.8

Section 500.8(A)(3) – Revise Item (3) in the list of items in Section 500.8(A) to read as follows:

(3) Evidence acceptable to the authority having jurisdiction.

ARTICLE 502

Class II Locations

SECTION 502.100

Section 502.100(B)(2) – Revise Section 502.100(B)(2) to read as follows:

(2) **Containing Askarel.** The use of transformers containing askarel is prohibited.

(1) DELETED.

(2) DELETED.

(3) DELETED.

ARTICLE 503

Class III Locations

SECTION 503.160

Section 503.160 – Add a new Informational Note at the end of Section 503.160 to read as follows:

Informational Note: Refer to *New York City Fire Code* and the Rules of the City of New York for additional requirements.

ARTICLE 506

Zone 20, 21, & 22 Locations for Combustible Dusts or Ignitable Fibers/Flyings

SECTION 506.9

Section 506.9(A)(3) – Revise Item (3) in the list of Items in Section 506.9(A) to read as follows:

(3) Evidence acceptable to the authority having jurisdiction.

ARTICLE 517

Health Care Facilities

SECTION 517.17

Section 517.17(D) – Add a new Informational Note at the end of Section 517.17(D) to read as follows:

Informational Note: Where manufacturer’s instructions are not available for existing equipment with ground fault protection, a qualified person may perform testing and calibration to determine the tripping ground fault current and time delay setting for such equipment.

SECTION 517.26

Section 517.26(2) – Revise Section 517.26(2) to read as follows:

(2) DELETED.

SECTION 517.30

Section 517.30(B)(2) – Revise Section 517.30(B)(2) as follows:

(2) DELETED.

SECTION 517.31

Section 517.31(C)(3)(1) – Revise Item (1) in the list of items in Section 517.31(C)(3) to read as follows:

(1) Nonflexible metal raceways, Type MI cable, or Type RTRC marked with the suffix –XW. Nonmetallic raceways shall not be used for branch circuits that supply patient care areas.

Section 517.31(C)(4) – Add a new Section 517.31(C)(4) to read as follows:

(4) **Generator Control Wiring.** Control conductors installed between the transfer equipment and the emergency generator shall be kept entirely independent of all other wiring and shall meet the conditions of 700.10(D)(1).

SECTION 517.32

Section 517.32 – Revise Section 517.32 to read as follows:

517.32 Branches Requiring Automatic Connection.

(A) Those functions of patient care depending on lighting or appliances that are connected to the essential electrical system shall be divided into the life safety branch and the critical branch, as described in 517.33 and 517.34.

(B) The life safety and critical branches shall be installed and connected to the alternate power source specified in 517.30(A) and (B) so that all functions specified herein for the life safety and critical branches are automatically restored to operation within 10 seconds after interruption of the normal source. {99:6.7.5.3.1}

SECTION 517.43

Section 517.43 – Revise the title and first paragraph of Section 517.43 to read as follows:

517.43 Automatic Connection to Life Safety Branch. The life safety branch shall be installed and connected to the alternate source of power specified in 517.41 so that all functions specified herein for the life safety branch are automatically restored to operation within 10 seconds after interruption of the normal source.

SECTION 517.44

Section 517.44 – Revise the opening paragraph in Section 517.44 to read as follows:

517.44 Connection to Equipment Branch. The equipment branch shall be installed and connected to the alternate power source such that equipment described in 517.44(A) is automatically restored to operation at appropriate time-lag intervals following the energizing of the life safety branch. {99:6.7.5.1.4.2(A)}

Section 517.44(B) – Revise Item (3) in the list of items in Section 517.44(B) to read as follows:

(3) Optional Connections to the Equipment Branch. Additional illumination, receptacles, and equipment shall be permitted to be connected only to the equipment branch.

ARTICLE 518

Assembly Occupancies

SECTION 518.1

Section 518.1 – Revise Section 518.1 to read as follows:

518.1 Scope. This article covers all buildings or portions of buildings or structures classified as Assembly Occupancies in the New York City Construction Codes.

SECTION 518.2

Section 518.2(A) – Revise the opening paragraph in Section 518.2(A) to read as follows:

(A) General. Assembly Occupancies shall be classified as places of assembly in accordance with *New York City Construction Codes* and the *New York City Fire Code* and shall include, but not limited to, the following:

<u>Armories</u>	<u>Exhibition halls</u>
<u>Assembly halls</u>	<u>Gymnasiums</u>
<u>Auditoriums</u>	<u>Mortuary chapels</u>
<u>Bowling lanes</u>	<u>Multipurpose rooms</u>
<u>Club rooms</u>	<u>Museums</u>
<u>Conference rooms</u>	<u>Places of awaiting transportation</u>

<u>Courtrooms</u>	<u>Places of religious worship</u>
<u>Dance halls</u>	<u>Pool rooms</u>
<u>Dining and drinking facilities</u>	<u>Restaurants</u>
<u>Skating rinks</u>	

Section 518.2(B) – Revise Section 518.2(B) to read as follows:

- (B) **Multiple Occupancies.** Where an assembly occupancy forms a portion of a building containing other occupancies, Article 518 applies only to that portion of the building considered an assembly occupancy. Occupancy of any room or space for assembly purposes by less than 75 persons in a building of other occupancy, and incidental to such other occupancy, shall be classified as part of the other occupancy and subject to the provisions applicable thereto.

SECTION 518.4

Section 518.4(B) – Revise Section 518.4(B) to read as follows:

(B) DELETED.

SECTION 518.4

Section 518.4(C) – Revise Section 518.4(C) to read as follows:

(C) DELETED.

ARTICLE 520

Theaters, Motion Picture & Television Studios & Similar Locations

SECTION 520.5

Section 520.5(C) – Revise Section 520.5(C) to read as follows:

(D) DELETED.

ARTICLE 525

Carnivals, Circuses, Fairs, and Similar Events

SECTION 525.20

Subsection 525.20(G) – Revise Section 525.20(G) to read as follows:

(G) Protection. Flexible cords or cables accessible to the public shall be arranged to minimize the tripping hazard and shall be covered with nonconductive matting secured to the walkway surface or protected with another approved cable protection method, provided that the matting or other protection method does not constitute a greater tripping hazard than the uncovered cables. Burying cables shall be permitted. Buried cables shall be identified at the surface. The requirements of 300.5 shall not apply.

ARTICLE 545

Manufactured Buildings and Relocatable Structures

SECTION 545.1

Section 545.1 – Revise Section 545.1 to read as follows:

545.1 Scope. Part I of this article covers requirements for department-approved manufactured building and building components as herein defined. Part II covers relocatable structures and the conductors that connect relocatable structures to a supply of electricity.

Exception: Factory manufactured one- and two-family homes or multiple dwellings of not more than 2 stories or less in height, provided such multiple dwellings are not intended for use as hotels or motels, are not subject to the requirement of this code. Such dwellings shall comply with NY State Uniform Fire Prevention, Building

Codes, and governing laws for Manufactured Buildings, as stipulated in New York State executive law section 383 as amended.

Informational Note: As per Title 19 of the Rules of the City of New York Part 1209.5, an Insignia of Approval will be attached to manufactured homes installed in the State of New York.

SECTION 545.6

Section 545.6 – Revise the Exception in Section 545.6 to read as follows:

Exception: DELETED.

ARTICLE 550

Mobile Homes, Manufactured Homes, and Mobile Home Parks

SECTION 550.15

Section 550.15 – Revise Section 550.15 to read as follows:

550.15 Wiring Methods and Materials. Except as specifically limited in this section, the wiring methods and materials included in this Code shall be used in mobile homes. Where conductors are terminated, they shall be used with equipment listed and identified for the conductor materials.

ARTICLE 551

Recreational Vehicles and Recreational Vehicle Parks

SECTION 551.47

Section 551.47(L) – Revise Section 551.47(L) to read as follows:

(L) Receptacle Faceplates. Metal faceplates shall comply with 406.6(A). Nonmetallic faceplates shall comply with 406.6(C).

ARTICLE 552

Park Trailers

SECTION 552.48

Section 552.48(K) – Revise Section 552.48(K) to read as follows:

(K) Receptacle Faceplates. Metal faceplates shall comply with 406.6(A). Nonmetallic faceplates shall comply with 406.6(C).

ARTICLE 590

Temporary Installations

SECTION 590.1

Section 590.1 – Add new Informational Notes Nos. 1 and 2 at the end of Section 590.1 to read as follows:

Informational Note No. 1: See Chapter 1 of Title 28 of the *Administrative Code* for retroactive requirements of Section 28-315.8.2 as it pertains to “Connections for Temporary External Generators.”

Informational Note No. 2: See Section G304.5 of Appendix G of the *New York City Building Code* for additional construction standards with respect to temporary external generator connections in areas of special flood hazard.

SECTION 590.9

Section 590.9 – Add a new Section 590.9 to read as follows:

590.9 Sidewalk Shed Lighting. All sidewalk shed lighting installations shall comply with the following conditions in addition to all other relevant provisions of this code:

- (1) All lighting shall be installed in a metal raceway approved for outdoor use. Branch circuits installed within such metal raceway shall comply with the additional equipment grounding requirement of 250.118(1).
- (2) All junction boxes shall be suitable for damp or wet locations.
- (3) A minimum wire size of 14 AWG shall be used for the installation.
- (4) All luminaires shall be high-efficacy type and suitable for wet locations.

Informational Note: High-Efficacy lamps are those lamps with 60 lumens/ watt for lamps over 40 watts, 50 lumens/ watt for lamps over 15 watts to 40 watts, and 40 lumens/ watt for lamps 15 watts or less.

(5) Ground-Fault Circuit Interrupter (GFCI) protection is required on receptacles and lighting.

(6) The panel supplying power to the sidewalk shed lighting shall have a directory that clearly indicates which circuit is being used to supply power.

ARTICLE 600

Electric Signs and Outline Lighting

SECTION 600.1

Section 600.1 – Retitle the Informational Note in Section 600.1 “Informational Note No. 1” and add a new Informational Note No. 2 at the end of Section 600.1 to read as follows:

Informational Note No. 2: All plastic materials to be used in the manufacturing of electric signs shall be in accordance with the Chapter 26 of the *New York City Building Code*. Outdoor signs shall comply with Appendix H of the *New York City Building Code*.

SECTION 600.3

Section 600.3 – Add new Subsections (C), (D), and (E) to Section 600.3 to read as follows:

(C) Inspection. Electric signs manufactured for installation in the city shall be inspected by the department and approved prior to installation. The department may direct that such inspection take place at the factory before final assembly or at the place of installation.

(D) Relocated Signs. The relocation of an approved sign from 1 location to another may be permitted without inspection provided that no alterations in or additions to the existing sign are made, and the application to connect at the new location shows the previous location, lettering, and the connected electrical load of the sign.

(E) Receptacles. Only receptacles for sign maintenance shall be installed in or on sign enclosures.

SECTION 604.12:

Section 604.12 revise to read as follows:

604.12 Uses Not Permitted. Manufactured wiring system types shall not be permitted where limited by the applicable article in Chapter 3 for the wiring method used in its construction. Manufactured wiring systems shall not be used for emergency exit signs or emergency lighting.

ARTICLE 605

Office Furnishings

SECTION 605.1

Section 605.1(A) – Revise Section 605.1(A) to read as follows:

605.1(A) Covered. This article covers electrical equipment, lighting accessories, and wiring systems used to connect, contained within, or installed on office furnishings. All such office furnishings shall be listed and labeled. Furniture systems that are not listed shall be installed using wiring methods in accordance with Chapter 3.

Informational Note: Refer to Annex A, Product Safety Standards, for applicable standards.

SECTION 605.5

Section 605.5 – Revise Section 605.5 to read as follows:

605.5 Office Furnishing Interconnections. The electrical connection between office furnishings shall be flexible assemblies listed and approved for the intended use with office furnishings.

ARTICLE 620**Elevators, Dumbwaiters, Escalators, Moving Walks, Platform Lifts, and Stairway Chairlifts****SECTION 620.13**

Subsection 620.13(E) – Add a new Subsection 620.13(E) and an Informational Note to read as follows:

(E) Fire Protection. Where the following elevator types are provided, the feeder and branch-circuit conductors that provide normal or legally required standby power, control signals, communication with the car, lighting, heating, air conditioning, ventilation, and fire detecting systems shall be protected by construction having a fire-resistance rating of not less than 2 hours, or shall be circuit integrity cable having a fire-resistance rating of not less than 2 hours, or shall be protected by a listed electrical circuit protective system having a fire-resistance rating of not less than 2 hours.

(1) Fire Service Access Elevator, where such conductors are located outside the elevator hoistway and machine room.

(2) Occupant Evacuation Elevator, where such conductors are located outside the elevator hoistway, machine room, control room, and control space.

Exception: Where encased in concrete, which provides a 2-hour fire-resistance rating.

Informational Note: For additional information on Fire Service Access Elevator and Occupant Evacuation Elevator, refer to Chapter 30 of the *New York City Building Code* and applicable rules.

SECTION 620.21

Section 620.21– Revise the opening paragraph of Section 620.21 to read as follows:

620.21 Wiring Methods. Conductors, cables, and optical fiber cables located in hoistways, escalator and moving walk wellways, platform lifts, stairway chairlift runways, machinery spaces, control spaces, in or on cars, machine rooms, and control rooms, not including the traveling cables connecting the car or counterweight and hoistway wiring, shall be installed in rigid metal conduit, intermediate metal conduit, electrical metallic tubing, or wireways, or shall be Type MC, MI, or AC cable unless otherwise permitted in 620.21(A) through (C). Unused conductors in an enclosure shall be insulated or protected from accidental contact with exposed live parts.

Exception: Cords and cables of listed cord-and-plug-connected equipment shall not be required to be installed in a raceway.

Informational Note: When an elevator is classified as a Fire Service Access Elevator or occupant evacuation operation elevator, some building codes require additional protection for conductors that are located outside of the elevator hoistway and machine room.

SECTION 620.24

Section 620.24(C) – Revise Informational Note No.1 in Section 620.24(C) to read as follows:

Informational Note No. 1: For additional power requirements and the current reference standard for “Safety Code for Elevators and Escalators”, see Appendix K of Chapter 30 of the *New York City Building Code*.

SECTION 620.42

Section 620.42 – Revise Section 620.42 to read as follows:

620.42 Hazardous (Classified) Locations. In hazardous (classified) locations, traveling cables shall be of a type approved for hazardous (classified) locations as permitted in 501.10(B)(2)(7), 502.10(A)(2)(6), 503.10(A)(3)(6), 505.15(C)(2), and 506.15(A)(6).

SECTION 620.62

Section 620.62 – Revise Section 620.62 to read as follows:

620.62 Coordination of Overcurrent Protective Devices. Where more than 1 driving machine disconnecting means is supplied by the same source, the overcurrent protective devices in each disconnecting means shall be coordinated in accordance with either (A) or (B).

Selective coordination shall be selected by a licensed professional engineer or other qualified person engaged primarily in the design, installation, or maintenance of electrical systems. The selection and device setting shall

be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

(A) New Elevator Systems. Elevator system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

(B) Modifications to Previously Approved Elevator Systems. Elevator system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.

Exception No. 1: Selective coordination shall not be required between transformer primary and secondary overcurrent protective devices where only 1 overcurrent device or set of overcurrent devices exists on the transformer secondary.

Exception No. 2: Selective coordination shall not be required between overcurrent protective devices of the same rating located in series where no loads are connected in parallel with the downstream device.

ARTICLE 625

Electric Vehicle Power Transfer System

SECTION 625.1

Section 625.1 – Add Informational Note No. 3 at the end of Section 625.1 to read as follows:

Informational Note No.3: See Section 406 of the *New York City Building Code* for additional requirements to support Electric Vehicle Charging Stations for open and enclosed public parking garages and open parking lots. Refer to the *New York City Energy Conservation Code*, and Section 28-315 of the *Administrative Code* for additional requirements regarding electrical vehicle charging stations.

ARTICLE 640

Audio Signal Processing, Amplification, and Reproduction Equipment

SECTION 640.3

Section 640.3(J) – Revise Section 640.3(J) to read as follows:

(J) DELETED.

ARTICLE 645

Information Technology Equipment

SECTION 645.3

Section 645.3(B) – Revise Item (3) in the list of items in Section 645.3(B) to read as follows:

(3) Fire alarm systems: 760.135(C) and Table 760.154

SECTION 645.11

Section 645.11 – Retitle the Informational Note in Section 645.11 “Informational Note No. 1” and add a new Informational Note No. 2 at the end of Section 645.11 to read as follows:

Informational Note No. 2: In addition to the requirements of this Article, UPS shall be installed in accordance with Chapter 5 of the *New York City Building Code* and the *New York City Fire Code*.

SECTION 645.27

Section 645.27 – Revise Section 645.27 to read as follows:

645.27 Coordination of Overcurrent Protective Devices. Critical operations data system(s) overcurrent protective devices shall be coordinated in accordance with either (A) or (B).

Selective coordination shall be selected by a licensed professional engineer or other qualified persons engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

(A) New Systems. Critical operations data system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

(B) Modifications to Previously Approved Systems. Critical operations data system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.

ARTICLE 646
Modular Data Center

SECTION 646.3

Section 646.3(D) – Revise Section 646.3(D) to read as follows:

646.3(D) Electrical Classification of Data Circuits. Section 725.121(A)(4) shall apply to the electrical classification of listed information technology equipment signaling circuits. Sections 725.139(D)(1) and 805.133(A)(1)(b) shall apply to the electrical classification of Class 2 and Class 3 circuits in the same cable with communications circuits.

ARTICLE 668
Electrolytic Cells

SECTION 668.1

Section 668.1 – Revise Section 668.1 to read as follows:

668.1 Scope. This article applies to the installation of the electrical components and accessory equipment of electrolytic cells, electrolytic cell lines, and process power supply for the production of aluminum, cadmium, chlorine, copper, fluorine, hydrogen peroxide, magnesium, sodium, sodium chlorate, and zinc.

Not covered by this article are cells used as a source of electric energy and for electroplating processes and cells used for the production of hydrogen.

No new electrolytic cell line shall be installed, nor any existing cell line modified, without approval from the department.

Informational Note No. 1: In general, any cell line or group of cell lines operated as a unit for the production of a particular metal, gas, or chemical compound may differ from any other cell lines producing the same product because of variations in the particular raw materials used, output capacity, use of proprietary methods or process practices, or other modifying factors to the extent that detailed Code requirements become overly restrictive and do not accomplish the stated purpose of this Code.

Informational Note No. 2: For further information, see IEEE 463-2013, Standard for Electrical Safety Practices in Electrolytic Cell Line Working Zones.

ARTICLE 680
Swimming Pools, Fountains, and Similar Installations

SECTION 680.1

Section 680.1 – Add an Informational Note to Section 680.1 to read as follows:

Informational Note: Refer to Section 47 of Article 165 of the New York City Health Code, for illumination level, lighting, emergency lighting illumination, wiring for public and commercial use.

SECTION 680.10

Section 680.10 – Revise Section 680.10 to read as follows:

680.10 Electric Pool Water Heaters. All electric pool water heaters shall have the heating elements subdivided into loads not exceeding 48 amperes and protected at not over 60 amperes. The ampacity of the branch-circuit conductors and the rating or setting of overcurrent protective devices shall not be less than 125 percent of the total nameplate-rated load. All such circuits shall be provided with GFPE. Electric water heaters of the immersion or submersible type shall not be permitted.

SECTION 680.41

Section 680.41 – Revise Section 680.41 to read as follows:

680.41 Emergency Switch for Spas and Hot Tubs. A clearly labeled emergency shutoff or control switch for the purpose of stopping the motor(s) that provide power to the recirculation system and jet system shall be installed at a point readily accessible to the users and not less than 5 ft (1.5 m) away, adjacent to, and within sight of the spa or hot tub. This requirement shall not apply to one-family dwellings where the spa or the hot tub is provided with an integral shutoff or control switch.

ARTICLE 690
Solar Photovoltaic (PV) Systems

SECTION 690.1

Section 690.1 – Add the following sentence to the end of Section 690.1 and add 2 additional Informational Notes Nos. 3 and 4 to read as follows:

A detailed diagram of the photovoltaic system must be made available upon request of the department.

Informational Note No. 3: Photovoltaic systems adhered or attached to the roof covering shall be labeled to identify the fire classification in accordance with Chapter 15 of the *New York City Building Code*.

Informational Note No. 4: Rooftop installations of photovoltaic systems shall comply with the rooftop area access requirements of the *New York City Fire Code*.

SECTION 690.4

Section 690.4(C) – Revise Section 690.4(C) to read as follows:

(C) Equipment Installation. The installation of equipment referenced in 690.4(B) and all associated wiring and interconnections shall be performed only by qualified persons who are licensed master electricians or licensed special electricians.

SECTION 690.12

Section 690.12 – Add new Informational Note to Section 690.12 to read as follows:

Informational Note: Where rapid shutdown function is provided, the location of the rapid shutdown initiation equipment shall be coordinated with the fire department as required.

ARTICLE 691
Large-Scale Photovoltaic (PV) Electric Supply Stations

SECTION 691.6

Section 691.6 – Revise Section 691.6 to read as follows:

691.6 Engineered Design. Comply with the requirements in 110.2.

SECTION 691.7

Section 691.7 – Revise Section 691.7 to read as follows:

691.7. DELETED.

SECTION 691.10

Section 691.10 – Revise Section 691.10 to read as follows:

691.10 Arc-Fault Mitigation. PV systems that do not comply with the requirements of 690.11, shall be noted in the documentation required in 691.6, and special permission is required.

ARTICLE 695
Fire Pumps

SECTION 695.2

Section 695.2 – Revise Section 695.2 to add new definitions for “Fire pump”, “Fire pump, automatic standpipe”, “Fire pump, foam”, “Fire pump, limited service”, “Fire pump, special service”, “Fire pump, sprinkler booster pump”, and “Fire pump, water mist system” in alphabetical order to read as follows:

Fire pump. A pump exclusively used to boost water supply pressures in a fire protection system.

Fire pump, automatic standpipe. A fire pump located at or below street level or as required, at the design flood elevation, that supplies the lower 300 feet (91.4 m) of an automatic standpipe system or a combined standpipe and sprinkler system. This does not apply to Manual Wet Standpipe systems which are combined with sprinkler systems.

Fire pump, foam. A fire pump used to boost water supply pressures in a fire protection system where such system uses firefighting foam as an additive.

Fire pump, limited service. A fire pump with a motor rating not exceeding 30 hp and utilizing a limited service fire pump controller.

Informational Note: Limited service fire pumps include sprinkler booster, water mist, sprinkler mist, foam, or special service fire pumps that employs a listed limited service fire pump controller.

Fire pump, special service. A fire pump that is located above street level and above flood level, and that receives its water supply from a gravity tank or suction tank.

Fire pump, sprinkler booster pump. A fire pump that supplies sprinkler systems only.

Fire pump, water mist system. A fire pump used to boost water supply pressures in a fire protection system where such system utilizes water misting technology.

SECTION 695.3

Section 695.3 – Revise the Informational Note to read as follows:

Informational Note: For occupancy and equipment to be provided with emergency power, transfer equipment location, fuel and additional requirements, see Chapter 27 of the *New York City Building Code*.

Section 695.3(A)(1) – Revise Section 695.3(A)(1) to read as follows:

(1) Electric Utility Service Connection. A fire pump shall be permitted to be supplied by a separate service, or from a connection located ahead of and not within the same cabinet, enclosure, vertical switchgear section, or vertical switchboard section as the service disconnecting means. The connection shall be located and arranged so as to minimize the possibility of damage by fire from within the premises and from exposing hazards. A tap ahead of the service disconnecting means shall comply with 230.82(5). The service equipment shall comply with the labeling requirements in 230.2 and the location requirements in 230.72(B). {20:9.2.2(1)}. Metering of fire pumps shall be current transformer driven or bypass type such that meter removal will not interrupt service to the fire pump. Metering may be dedicated to the fire pump or coincident with other building power use.

Section 695.3(B) – Revise Section 695.3(B) to read as follows:

(B) Multiple Sources. Where required by the New York City Construction Codes, power shall be supplied from an approved combination of 1 or more of the sources in 695.3(A) and an on-site standby generator complying with 695.3(D).

(1) Individual Sources. An approved combination of 2 or more of the sources from 695.3(A).

(2) Individual Source and On-site Standby Generator. An approved combination of 1 or more of the sources in 695.3(A) and an on-site standby generator complying with 695.3(D). {20:9.3.4}

Exception to 695.3(B)(1) and (B)(2): An alternate source of power shall not be required where a back-up engine-driven fire pump, back-up steam turbine-driven fire pump, or back-up electric motor-driven fire pump with an independent power source in accordance with 695.3(A) or (C) is installed.

Section 695.3(D)(2) – Revise Section 695.3(D)(2) to read as follows:

(2) Connection. A connection on the load side of a generator disconnecting means shall not be permitted.

SECTION 695.4

Section 695.4(B)(2)(a)(1) – Revise Section 695.4(B)(2)(a)(1) to read as follows:

(1) Overcurrent protective device(s) shall be rated to carry indefinitely the sum of the locked-rotor current of the largest fire pump motor and the pressure maintenance pump motor(s) and the full-load current of all of the other pump motors and associated fire pump accessory equipment when connected to this power supply. Where the locked-rotor current value does not correspond to a standard overcurrent device size, the next standard overcurrent device size shall be used in accordance with 240.6. The requirement to carry the locked-rotor currents indefinitely shall not apply to conductors or devices other than overcurrent devices in the fire pump motor circuit(s). {20:9.2.3.4}

The provisions of this section shall be used for sizing overcurrent protective devices for a Limited Service Fire Pump.

Section 695.4(B)(2)(b) – Revise Section 695.4(B)(2)(b) to read as follows:

(b) On-Site Standby Generators. Overcurrent protective devices between an on-site standby generator and a fire pump controller shall be selected and sized to allow for instantaneous pickup of the full pump room load but

shall not be larger than the value selected to comply with 430.62 to provide short-circuit protection only.
{20:9.6.1.1}

Informational Note: The provisions of this section shall be permitted to be used for sizing overcurrent protective devices for a Limited Service Fire Pump.

Section 695.4(B)(3) – Revise Section 695.4 (B)(3) to read as follows:

(3) Disconnecting Means. All disconnecting devices that are unique to the fire pump loads shall be red in color and comply with items 695.4(B)(3)(a) through 695.4(B)(3)(e).

Section 695.4(B)(3)(e)– Revise Section 695.4 (B)(3)(e) to read as follows:

(e) Supervision. The power continuity shall be supervised by 1 of the following:

- (1) Central station signals confirming power source availability and pump running where central station connection is provided as required by building occupancy or use.
- (2) Local signaling device, audible and visual, for power source availability and pump running that is activated at a continuously attended location where central station connection is not otherwise required.

SECTION 695.6

Section 695.6(A)(2)(4) – Retitle Exception at the end of Section 695.6(A)(2)(4) as Exception No.1 and add Exception No. 2 to read as follows:

Exception No. 2 to (A)(2)(4): Limited Service Fire Pumps Controller. Limited service fire pump controller feeder conductors shall be installed in rigid metal conduit (steel RMC) or intermediate metal conduit (steel IMC) and shall not be required to be installed in accordance with this subsection. Where connected to multiple sources of supply in accordance with subsection 695.3(B) and provided with means of automatic transfer, the limited service fire pump controller feeder conductors shall be permitted to be installed in electrical metallic tubing (EMT) and shall not be required to be installed in accordance with this subsection.

Section 695.6(A)(2)(5) – Add new Section 695.6(A)(2)(5) to read as follows:

(5) Outside the building. The conductors shall be protected from potential damage by fire, structural failure, or operational accident. When installed on exterior of building, it shall be located 30 ft (9.0 m) away from adjacent buildings or combustible materials or installed in accordance with 1 of the methods specified in 695.6(A)(2)(4).

Section 695.6(D) – Revise Section 695.6(D) to read as follows:

(D) Pump Wiring. All wiring from the controllers to the pump motors shall be in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing with watertight fittings. Liquidtight flexible metal conduit (maximum of 36 in. (915 mm)) is permitted for the final connection to motor terminal housing. Electrical connections at motor terminal boxes shall be made with a listed means of connection. Twist-on, insulation-piercing-type, and soldered wire connectors shall not be permitted for this purpose.

Section 695.6(I)(1) – Revise Section 695.6(I)(1) to read as follows:

(1) The junction box shall be securely mounted at an elevation of at least 12 in. (300 mm) above the floor level.

SECTION 695.14

Section 695.14(E)– Revise Section 695.14(E) to read as follows:

(E) Electric Fire Pump Control Wiring Methods. All electric motor-driven fire pump control wiring shall be in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing with watertight fittings.

Section 695.14(F) – Add exception at the end of Section 695.14(F) to read as follows:

Exception to 695.14(F)(1) and (F)(2): The control conductors located in the electrical equipment room where they originate and in the fire pump room shall not be required to have the minimum 2-hour fire separation or fire resistance rating.

ARTICLE 700

Emergency Systems

SECTION 700.1

Section 700.1 – Add a new Informational Note No. 5 at the end of Section 700.1 to read as follows:

Informational Note No. 5: For the occupancy groups and equipment for which emergency power must be provided, transfer equipment locations, power source enclosure fire rating and other applicable requirements, see Chapter 27 of the *New York City Building Code*.

SECTION 700.3

Section 700.3 - Revise Section 700.3(A) to read as follows:

(A) Conduct or Witness Test. Inspection and testing requirements shall be performed in accordance with Chapter 17 of the *New York City Building Code*.

Section 700.3 - Revise Section 700.3(B) to read as follows:

(B) Tested Periodically. Systems shall be periodically tested in accordance with the schedule and requirements set forth in the *New York City Fire Code* to ensure the systems are maintained in proper operating condition.

Section 700.3 - Revise Section 700.3(D) to read as follows:

(D) Written Record. A written record shall be kept on premises of such tests and maintenance.

Section 700.3 - Revise Section 700.3(E) to read as follows:

(E) Testing Under Load. Means for testing all emergency lighting and power systems during maximum anticipated load conditions shall be provided.

Informational Note: For information on testing and maintenance of emergency power supply systems (EPSSs), see the *New York City Fire Code* and its amended referenced standard NFPA 110, Standard for Emergency and Standby Power Systems.

Section 700.3 – Revise the opening paragraph in Section 700.3(F) to read as follows:

(F) Temporary Source of Power for Maintenance or Repair of the Alternate Source of Power. If the emergency system relies on a single alternate source of power, the emergency system shall include permanent switching means to connect a portable or temporary alternate source of power, which shall be available for the duration of the maintenance or repair. The permanent switching means to connect a portable or temporary alternate source of power shall comply with the following:

SECTION 700.5

Section 700.5 – Add new Sections 700.5(F) and 700.5(G) to read as follows:

(F) Manual Operation. Means shall be provided to manually operate the switch without hazard to personnel.

(G) Permanent Connections for Portable Generators. Where a permanent connection is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of installation for the portable generator. Capacity of the permanent connection shall not exceed the capacity of the permanent installation.

SECTION 700.6

Section 700.6 – Revise the opening paragraph of Section 700.6 to read as follows:

700.6 Signals. Where required by the *New York City Building Code*, audible and visual signal devices shall be provided, for the purposes described in 700.6(A) through (D) and shall announce at a constantly attended location.

SECTION 700.10

Section 700.10 – Revise Section 700.10(A)(2) to read as follows:

(2) An acceptable means of marking shall include, but is not limited to, a permanently affixed identification nameplate, yellow in color with black lettering. Accessible cable or raceway systems shall be marked at intervals not to exceed 10 ft (3 m) or identified by a continuous yellow outer finish along raceways entire length.

SECTION 700.11

Section 700.11 – Add a new Section 700.11 to read as follows:

700.11 Generator Supply Conductors without Overcurrent Protection.

(A) Conductors Ampacity. See 445.13 of this code.

(B) Installation of Generator Conductors. Conductors from the generator output terminal to the first overcurrent device shall be installed in accordance with 230.6.

(C) Overcurrent Devices. The number of overcurrent devices supplied by the generator shall not be limited.

SECTION 700.12

Section 700.12(B) – Revise Section 700.12(B) to read as follows:

(B) Equipment Design and Location. Equipment shall be designed and located so as to minimize the hazards that might cause complete failure due to flooding, fires, icing, and vandalism.

In areas of special flood hazard, as defined in G201.2 of Appendix G of the *New York City Building Code*, installation of equipment shall comply with the additional requirements of Appendix G of the *New York City Building Code*.

Equipment for sources of power as described in 700.12(C) thorough (H) shall be installed either in spaces fully protected by approved automatic fire protection systems or in spaces with a 2-hour fire rating where located within the following:

(1) Assembly occupancies for more than 1000 persons

(2) Buildings above 75 ft (23 m) in height in occupancy groups - assembly, educational, residential, detention and correctional, business, and mercantile

(3) Educational occupancies with more than 300 occupants

Informational Note No. 1: For the definition of Use and Occupancy Classification, see Chapter 3 of the *New York City Building Code*.

Informational Note No. 2: For information regarding power system reliability, see IEEE 3006.5-2014, Recommended Practice for the Use of Probability Methods for Conducting a Reliability Analysis of Industrial and Commercial Power Systems.

Informational Note No. 3: For the occupancy groups and equipment for which emergency power must be provided, transfer equipment locations, power source enclosure fire rating and other applicable requirements, see Chapter 27 of the *New York City Building Code*.

Section 700.12(C) – Add an Informational Note at the end of Section 700.12(C) to read as follows:

Informational Note: See Chapter 27 of *New York City Building Code*, *New York City Fire Code*, and Articles 480 and 706 for additional requirements for storage batteries.

Section 700.12 – Revise Section 700.12(D)(2)(a) to read as follows:

(a) On-Site Fuel Supply. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 6 hours' operation of the system.

Section 700.12 – Revise the exception in Section 700.12(D)(2)(c) to read as follows:

Exception: Emergency generators relying on natural gas as a fuel supply, where allowed by the *New York City Building Code*, shall not be required to maintain an on-site fuel supply.

Section 700.12 - Add an Informational Note after Section 700.12(D)(2)(d) to read as follows:

Informational Note: Operational requirements in other codes and regulations may specify fuel supplies that support longer durations of operation for certain occupancies. See Articles 517 and 708.

Section 700.12 – Add a new Section 700.12(D)(6) to read as follows:

(6) Grounding of Temporary Generators Connected to Building Wiring System. Temporary generators used to supply building wiring systems shall comply with 250.35(A) for separately derived systems or 250.35(B) for non-separately derived systems.

Section 700.12 – Revise Section 700.12(F) to read as follows:

(F) DELETED.

Section 700.12 – Revise Section 700.12(G) to read as follows:

(G) Fuel Cell System. Fuel cell systems shall be permitted to be used as a source of power for emergency systems in Group R-2 occupancies and shall be of suitable rating and capacity to supply and maintain the load for not less than 6 hours of full-demand operation. Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692. Where a single fuel cell system serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the emergency standby system.

Section 700.12 - Revise Section 700.12(H) to read as follows:

(H) DC Microgrid Systems. DC Microgrid systems shall not be permitted unless approved by the AHJ. The system shall be capable of being isolated from all non-emergency sources.

DC microgrid systems used as a source of power for emergency systems shall be of sufficient rating and capacity to supply and maintain the total emergency load for not less than 6 hours of full demand operation.

Where a DC microgrid system source serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the emergency standby system.

SECTION 700.31

Section 700.31 – Revise Section 700.31 to read as follows:

700.31 Ground Fault Protection of Equipment. The alternate source for emergency systems shall not be permitted to have ground fault protection for equipment with automatic disconnecting means. Ground fault indication of the emergency source shall be provided pursuant to 700.6(D).

SECTION 700.32

Section 700.32 – Revise the first 2 paragraphs in Section 700.32 to read as follows:

700.32 Coordination of Overcurrent Protective Devices. Overcurrent protective devices shall be coordinated in accordance with (A) or (B). Selective coordination shall be selected by a licensed professional engineer or other qualified person engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

(A) New Emergency Systems. Emergency system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

(B) Modifications to Previously Approved Emergency Systems. Emergency system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.

Exception to (A) and (B): Selective coordination shall not be required between 2 overcurrent devices located in series if no loads are connected in parallel with the downstream device.

ARTICLE 701

Legally Required Standby Systems

SECTION 701.1

Section 701.1 – Add a new Informational Note No. 4 at the end of Section 701.1 to read as follows:

Informational Note No. 4: See *New York City Building Code* Chapter 27, Electrical, for additional requirements including load type, transfer equipment location, power source enclosure fire rating, fuel types, and additional requirements.

SECTION 701.3

Section 701.3 – Revise Section 701.3 to read as follows:

(A) Conduct or Witness Test. Inspection and testing requirements shall be performed in accordance with *New York City Building Code* Chapter 17.

(B) Tested Periodically. Systems shall be periodically tested in accordance with the schedule and requirements set forth in the *New York City Fire Code* to ensure the systems are maintained in proper operating condition.

(C) Maintenance. Legally required standby system equipment shall be maintained in accordance with manufacturer instructions and industry standards.

(D) Written Record. A written record of such tests and maintenance shall be kept on premises.

(E) Testing Under Load. Means for testing legally required standby systems under load shall be provided.

Informational Note: For information on testing and maintenance of legally required standby systems, see *New York City Fire Code* and its amended referenced standard NFPA 110, Standard for Emergency and Standby Power Systems.

SECTION 701.5

Section 701.5 – Add new Sections 701.5(E) and 701.5(F) to read as follows:

(E) Manual Operation. Means shall be provided to manually operate the switch without hazard to personnel.

(F) Permanent Connections for Portable Generators. Where a permanent connection is made for a portable generator, a disconnecting means and overcurrent protection shall be provided at the point of connection for the portable generator. Capacity shall not exceed the capacity of the permanent installation.

SECTION 701.6

Section 701.6 - Revise the opening paragraph in Section 701.6 to read as follows:

701.6 Signals. Where required by the *New York City Building Code*, audible and visual signal devices shall be provided for the purposes described in 701.6(A) through (D), and shall announce at a constantly attended location.

SECTION 701.11

Section 701.11 – Add a new Section 701.11 to read as follows:

701.11 Generator Supply Conductors without Overcurrent Protection.

(A) Conductors Ampacity. See 445.13 of this code.

(B) Installation of Generator Conductors. Conductors from the generator output terminal to the first overcurrent device shall be installed in accordance with 230.6.

(C) Overcurrent Devices. The number of overcurrent devices supplied by the generator shall not be limited.

SECTION 701.12

Section 701.12 – Add an Informational Note at the end of Section 701.12(C) to read as follows:

Informational Note: See Chapter 27 of the *New York City Building Code*, *New York City Fire Code*, and Articles 480 and 706 for additional requirements for storage batteries.

Section 701.12 - Revise Section 701.12(D)(2) to read as follows:

(2) Internal Combustion Engines as Prime Mover. Where internal combustion engines are used as the prime mover, an on-site fuel supply shall be provided with an on-premises fuel supply sufficient for not less than 6 hours of full-demand operation of the system. Where power is needed for the operation of the fuel transfer pumps to deliver fuel to a generator set day tank, the pumps shall be connected to the legally required standby power system.

Informational Note: Operational requirements in other codes and regulations may specify fuel supplies that support longer durations of operation for some occupancies. See Articles 517 and 708.

Section 701.12 - Revise Exception in Section 701.12(D)(3) to read as follows:

Exception: Legally required standby generators relying on natural gas as a fuel supply where allowed by the *New York City Building Code* shall not be required to maintain an on-site fuel supply.

Section 701.12 - Add a new Section 701.12(D)(6) to read as follows:

(6) Grounding of Temporary Generators Connected to Building Wiring System. Temporary generators used to supply building wiring systems shall comply with 250.35 (A) for separately derived systems or 250.35(B) for non-separately derived systems.

Section 701.12 – Revise Section 701.12(F) to read as follows:

(F) DELETED.

Section 701.12 – Revise Section 701.12(G) to read as follows:

(G) DELETED.

Section 701.12 – Revise Section 701.12(H) to read as follows:

(H) Fuel Cell System. Fuel cell systems used as a source of power for legally required standby systems shall be of suitable rating and capacity to supply and maintain the total load for not less than 6 hours of full-demand operation. Installation of a fuel cell system shall meet the requirements of Parts II through VIII of Article 692. Where a single fuel cell system serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.

Section 701.12 – Revise Section 701.12(I) to read as follows:

(I) DC Microgrid Systems. Microgrid systems shall not be permitted unless approved by the AHJ. Sources connected to a DC microgrid system shall be permitted where the system is capable of being isolated from all sources that are not legally required.

A DC microgrid system used as a source of power for legally required systems shall be of suitable rating and capacity to supply and maintain the total legally required load for not less than 6 hours of full-demand operation. Where a DC microgrid system source serves as the normal supply for the building or group of buildings concerned, it shall not serve as the sole source of power for the legally required standby system.

SECTION 701.31

Section 701.31 – Revise Section 701.31 to read as follows:

701.31 Ground Fault Protection of Equipment. The alternate source for legally required standby systems shall not be permitted to have ground fault protection for equipment with automatic disconnecting means. Ground fault indication of the legally required standby source shall be provided pursuant to 701.6(D).

SECTION 701.32

Section 701.32 – Revise Section 701.32 to read as follows:

701.32 Coordination of Overcurrent Protective Devices. Overcurrent protective devices shall be coordinated in accordance with (A) or (B). Selective coordination shall be selected by a licensed professional engineer or other qualified person engaged primarily in the design, installation, or maintenance of electrical systems. The selection shall be documented and made available to those authorized to design, install, inspect, maintain, and operate the system.

(A) New Legally Required Standby Systems. Legally required standby system(s) overcurrent devices shall be selectively coordinated with all supply-side overcurrent protective devices.

(B) Modifications to Previously Approved Legally Required Standby Systems. Legally required standby system(s) overcurrent devices shall have limited level coordination with all supply-side overcurrent protective devices.

Exception to (A) and (B): Selective coordination shall not be required between 2 overcurrent devices located in series if no loads are connected in parallel with the downstream device.

ARTICLE 702**Optional Standby Systems****SECTION 702.1**

Section 702.1 – Add a new Informational Note at the end of Section 702.1 to read as follows:

Informational Note: For optional standby power system classification, power source enclosure fire rating, and additional requirements see Chapter 27 of the *New York City Building Code*.

ARTICLE 705**Interconnected Electric Power Production Sources****SECTION 705.11**

Section 705.11 - Revise Section 705.11(C)(2) to read as follows:

(2) In other than dwelling units, supply side source connection conductors shall be installed in accordance with the requirements of Article 230.

SECTION 705.30

Section 705.30 - Revise Section 705.30(C) to read as follow:

(C) Transformers. The following apply to the installation of transformers:

(1) For the purpose of overcurrent protection, the primary side of transformers with sources on each side shall be the side connected to the largest source of available fault current.

(2) Transformer secondary conductors shall be protected in accordance with 240.21 (C).

SECTION 705.40

Section 705.40 – Add a new Informational Note No. 3 at the end of Section 705.40 to read as follows:

Informational Note No. 3: Utility companies may have additional requirements for interconnecting such power production sources.

ARTICLE 706**Energy Storage Systems**

SECTION 706.1

Section 706.1 – Add a paragraph after the opening paragraph in Section 706.1 to read as follows:

An Energy Storage System (“ESS”) shall be of a chemistry that is recognized by the New York City Construction Codes, the *New York City Fire Code*, and other applicable New York City laws, rules and regulations, unless otherwise approved by the department. In addition to an electrical permit, the equipment shall be filed and approved by the department in accordance with Article 113 of the *Administrative Code*.

Section 706.1 – Add a new Informational Note No. 4 to read as follows:

Informational Note No. 4: Contact the Office of Technical Certification and Research (“OTCR”) for evaluation requirements of ESS battery chemistry not addressed or recognized by the New York City Construction Codes.

SECTION 706.20

Section 706.20 – Revise Informational Notes Nos. 1-4 in Section 706.20(A) to read as follows:

Informational Note No. 1: See Chapter 6 of the *New York City Fire Code* and rules promulgated by the fire department for ventilation considerations for specific battery chemistries.

Informational Note No. 2: Some storage technologies do not require ventilation.

Informational Note No. 3: A source for design of ventilation of battery systems is IEEE 1635-2018/ASHRAE Guideline 21-2018 Guide for the Ventilation and Thermal Management of Batteries for Stationary Applications.

Informational Note No. 4: Fire protection considerations are addressed in the *New York City Fire Code* and rules promulgated by the fire department.

ARTICLE 725**Class 1, 2, & 3 Remote-Control, Signaling, & Power-Limited Circuits****SECTION 725.24**

Section 725.24 – Revise Section 725.24 to read as follows:

725.24 Mechanical Execution of Work. Class 1, Class 2, and Class 3 circuits shall be installed in a neat and workmanlike manner. Cables and conductors installed exposed on the surface of ceilings and sidewalls shall be supported by the building structure in such a manner that the cable will not be damaged by normal building use. Such cables shall be supported and secured by approved non-combustible straps, staples, cable ties, hangers, or similar fittings and related installation accessories designed and installed so as not to damage the cables. The installation shall also comply with 300.4(D).

Informational Note No.1: Paint, plaster, cleaners, abrasives, corrosive residues, or other contaminants can result in an undetermined alteration of Class 1, Class 2, Class 3, and Power Limited Tray Cable (PLTC) properties.

Informational Note No.2: Exposed wiring is intended to be securely held in place to avoid entanglement of fire response personnel during fire conditions.

SECTION 725.25

Section 725.25 – Revise Section 725.25 to read as follows:

725.25 Abandoned Cables, Power Sources and Other Associated Equipment. The accessible portion of abandoned Class 2, Class 3, and PLTC cables shall be removed. Where cables are identified for future use with a tag, the tag shall be of sufficient durability to withstand the environment involved. Abandoned cables, power sources, and other associated equipment shall be removed. Power sources and other associated equipment tagged for future use shall be de-energized.

SECTION 725.48

Section 725.48(B)(1) – Revise Section 725.48(B)(1) to read as follows:

- (1) **In a Cable, Enclosure, or Raceway.** Class 1 circuits and power-supply circuits shall be permitted to occupy the same cable, enclosure, or raceway without a barrier only where the equipment powered is functionally associated. Class I circuits shall be permitted to be installed together with the conductors of electric light, power, and medium power network-powered broadband communications circuits where separated by a barrier.

SECTION 725.136

Section 725.136 – Revise Section 725.136 to read as follows:

725.136 Separation from Electric Light, Power, Class 1, and Medium-Power Network-Powered Broadband Communications Cables.

(A) General. Cables and conductors of Class 2 and Class 3 circuits shall not be placed in any cable, cable tray, compartment, enclosure, manhole, outlet box, device box, raceway, or similar fitting with conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits unless permitted by 725.136(B) through (I).

(B) Separated by Barriers. Class 2 and Class 3 circuits shall be permitted to be installed together with the conductors of electric light, power, Class 1, and medium power network-powered broadband communications circuits where they are separated by a barrier.

(C) Raceways Within Enclosures. In enclosures, Class 2 and Class 3 circuits shall be permitted to be installed in a raceway to separate them from Class 1 and medium-power network-powered broadband communications circuits.

(D) Associated Systems Within Enclosures. Class 2 and Class 3 circuit conductors in compartments, enclosures, device boxes, outlet boxes, or similar fittings shall be permitted to be installed with electric light, power, Class 1, and medium-power network-powered broadband communications circuits where they are introduced solely to connect the equipment connected to Class 2 and Class 3 circuits, and where (1) or (2) applies:

(1) The electric light, power, Class 1 and medium-power network-powered broadband communications circuit conductors are routed to maintain a minimum of 0.25 in. (6 mm) separation from the conductors and cables of Class 2 and Class 3 circuits.

(2) The circuit conductors operate at 150 volts or less to ground and also comply with 1 of the following:

a. The Class 2 and Class 3 circuits are installed using Type CL3, CL3R, or CL3P or permitted substitute cables, provided these Class 3 cable conductors extending beyond the jacket are separated by a minimum of 0.25 in. (6 mm) or by a nonconductive sleeve or nonconductive barrier from all other conductors.

b. The Class 2 and Class 3 circuit conductors are installed as a Class 1 circuit in accordance with 725.41.

(E) Enclosures with Single Opening. Class 2 and Class 3 circuit conductors entering compartments, enclosures, device boxes, outlet boxes, or similar fittings shall be permitted to be installed with Class 1 and medium-power network-powered broadband communications circuits where they are introduced solely to connect the equipment connected to Class 2 and Class 3 circuits. Where Class 2 and Class 3 circuit conductors must enter an enclosure that is provided with a single opening, they shall be permitted to enter through a single fitting (such as a tee), provided the conductors are separated from the conductors of the other circuits by a continuous and firmly fixed nonconductor, such as flexible tubing.

(F) Manholes. Underground Class 2 and Class 3 circuit conductors in a manhole shall be permitted to be installed with Class 1 and medium power network-powered broadband communications circuits where 1 of the following conditions is met:

(1) The electric light, power, Class 1, and medium-power network-powered broadband communications circuit conductors are in a metal enclosed cable or Type UF cable.

(2) The Class 2 and Class 3 circuit conductors are permanently and effectively separated from the conductors of other circuits by a continuous and firmly fixed nonconductor, such as flexible tubing, in addition to the insulation or covering on the wire.

(3) The Class 2 and Class 3 circuit conductors are permanently and effectively separated from conductors of the other circuits and securely fastened to racks, insulators, or other approved supports.

(G) Cable Trays. Class 2 and Class 3 circuit conductors shall be permitted to be installed in cable trays, where the conductors of the electric light and Class 1 circuits are separated by a solid fixed barrier of a material compatible with the cable tray or where the Class 2 or Class 3 circuits are installed in Type MC cable.

(H) In Hoistways. In hoistways, Class 2, or Class 3 circuit conductors shall be installed in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing. For elevators or similar equipment, these conductors shall be permitted to be installed as provided in 620.21.

(I) Other Applications. For other applications, conductors of Class 2 and Class 3 circuits shall be separated by at least 2 in. (50 mm) from conductors of any electric light, power or medium-power network-powered broadband communications circuits unless 1 of the following conditions is met:

- (1) Either all of the electric light, power, Class 1 and medium-power network-powered broadband communications circuit conductors or all of the Class 2 and Class 3 circuit conductors are in a raceway or in metal-sheathed, metal-clad, non-metallic-sheathed, Type TC, or Type UF cables; or
(2) All of the electric light, power, and medium-power network-powered broadband communications circuit conductors are permanently separated from all of the Class 2 and Class 3 circuit conductors by a continuous and firmly fixed nonconductor, such as porcelain tubes or flexible tubing, in addition to the insulation on the conductors.

SECTION 725.139

Section 725.139(E)(1) – Revise Item (1) in the list of items in Section 725.139(E)(1) to read as follows:

- (1) DELETED.

SECTION 725.144

Section 725.144 – Revise the first sentence in Section 725.144 to read as follows:

725.144 Transmission of Power and Data. Sections 725.144(A), (B), and (C) shall apply to Class 2 and Class 3 circuits that transmit power and data to a powered device.

Section 725.144(C) - Add a new Section 725.144(C) to read as follows:

(C) Use of Class 2-LP or Class 3-LP Cables to Transmit Power and Data for Emergency and Egress Lighting Systems.

- (1) System design shall be permitted by qualified persons under engineering supervision.
(2) System Design shall be in accordance with requirements as listed In Article 700 Emergency Systems.

ARTICLE 760

Fire Alarm Systems

SECTION 760.1

Section 760.1 – Revise Section 760.1 to read as follows:

760.1 Scope. This article covers the installation of wiring and equipment of fire alarm systems including all circuits controlled and powered by the fire alarm system.

Informational Note No. 1: Fire alarm systems include fire detection and alarm notification, sprinkler waterflow, and sprinkler supervisory systems. Circuits controlled and powered by the fire alarm system include circuits for the control of building systems safety functions, elevator capture, elevator shutdown, door release, smoke doors and damper control, fire doors and damper control and fan shutdown, but only where these circuits are powered by and controlled by the fire alarm system. For further information on the installation and monitoring of integrity requirements for fire alarm systems, refer to NFPA 72, National Fire Alarm Code, as amended by Appendix Q of the *New York City Building Code*.

Informational Note No. 2: Class 1, 2, and 3 circuits are defined in Article 725.

Informational Note No. 3: See Section 907 of the *New York City Building Code* for components description and use.

SECTION 760.2

Section 760.2 – Revise Section 760.2 to add new definitions for “Dedicated Function Fire Alarm System (DFS)”, “Dedicated Function Fire Alarm Control Unit (DFCU)”, and “Releasing Fire Alarm System (RFAS)” in alphabetical order to read as follows:

Dedicated Function Fire Alarm System (DFS). A protected premises fire alarm system installed specifically to perform emergency control function(s) where a building fire alarm system is not required. (NFPA 72 - 3.3.103.4.2 as amended by Appendix Q of *New York City Building Code*.)

Dedicated Function Fire Alarm Control Unit (DFCU). A protected premises fire alarm control unit that is intended to operate specifically identified emergency control function(s). {NFPA 72 – 3.3.100.2.1 as amended by Appendix Q of the *New York City Building Code*.}

Informational Note: Examples of a dedicated function fire alarm control unit include a supervisory control unit and either an automatic sprinkler alarm or an elevator recall control.

Releasing Fire Alarm System (RFAS). A protected premises fire alarm system that is part of a fire suppression system or that provides control inputs to a fire suppression system related to the fire suppression system's sequence of operations and outputs for other signaling and notification. {NFPA 72 - 3.3.103.4.3 as amended by Appendix Q of the *New York City Building Code*.}

Informational Note: Examples of a releasing service fire alarm system include pre-action and clean air agent systems.

SECTION 760.3

Section 760.3 – Revise Section 760.3(F) to read as follows:

(F) Optical Fiber Cables. Where optical fiber cables are utilized for fire alarm circuits, the cables shall be supervised and installed in EMT, IMC or RMC and terminated in equipment listed for fire alarm use. Where installed underground between buildings, optical fiber cables shall be permitted to be installed in non-metallic conduit buried or concrete encased.

Section 760.3 – Revise Section 760.3(L) to read as follows:

(L) DELETED.

Section 760.3 – Revise Section 760.3(M) to read as follows:

(M) DELETED.

Section 760.3 – Revise the Exception to Section 760.3(O) to read as follows:

Exception: DELETED.

SECTION 760.24

Section 760.24 – Revise Section 760.24(B) to read as follows:

(B) Circuit Integrity (CI) Cable. Where permitted to be exposed, Circuit Integrity (CI) cable shall be supported at a distance not exceeding 24 in. (610 mm) Cable supports and fasteners shall be steel.

Informational Note: For additional information, refer to Sections 760.52(A), 760.130(B)(1), and 760.131(A), as applicable.

SECTION 760.32

Section 760.32 – Revise the Informational Note in Section 760.32 to read as follows:

Informational Note: An example of a protective device suitable to provide protection is a device tested to the requirements of ANSI/UL 497B, Standard for Protectors for Data Communications and Fire Alarm Circuits.

SECTION 760.33

Section 760.33 -Add a new Section 760.33 to read as follows:

760.33 Fire Alarm System and Equipment Grounding. Fire alarm system and equipment grounding shall be installed in accordance with the following:

(A) Grounding Electrode Conductor. Each service or separately derived system supplying a fire alarm system shall be provided with a separate grounding electrode conductor originating at any point on the building grounding electrode system and sized and installed in accordance with Part III of Article 250.

(B) Equipment Grounding Conductor. Where there are conduits supplying 120V to the fire command center, control unit, or distributed control cabinets, a separate green insulated equipment grounding conductor shall be sized and installed in accordance with Article 250, Table 250.122.

SECTION 760.41

Section 760.41- Revise Section 760.41 to read as follows:

760.41 NPLFA Circuit Power Source Requirements. The power source for fire alarm circuits shall comply with (A) through (E).

(A) Primary Power Source. All fire alarm circuits shall be provided with a primary power source not exceeding 600 volts nominal supplied by utility company power or isolated plant. The primary power supply to the fire alarm system shall comply with the following:

(1) Primary Power Supply for the Fire Alarm System(s). Where a fire alarm system is installed as required by the *New York City Building Code*, primary power supply shall be connected to the primary power source

ahead of all building service disconnecting means so that the building service disconnecting means can be opened without de-energizing the fire alarm supply.

(2) Primary Power Supply for Dedicated Function Fire Alarm System. Primary power supply for Dedicated Function Fire Alarm System shall be permitted to be connected to the power supply through the protected area of such system by means of a connection ahead of the disconnecting means for the power supply to the protected area.

(3) Primary Power Supply for Releasing Fire Alarm System(s). Where the building is not equipped with an automatic or manual fire alarm system power riser, primary power supply for Releasing Fire Alarm System shall be permitted to be connected to the power supply through the protected area of such system by means of a connection ahead of the disconnecting means for the power supply to the protected area.

(4) For Nonrequired (Voluntary) Fire Alarm Systems Primary Power Supply. Primary power supply for nonrequired (voluntary) fire alarm system shall be permitted to be connected to the power supply through the protected area of such system by means of a connection ahead of the disconnecting means for the power supply to the protected area.

Informational Note: Dedicated Function Fire Alarm System (required and voluntary) and Releasing Fire Alarm System may also use the connected means defined in paragraph (1) where available.

(B) Secondary Power Source. Where an emergency power system is provided or required to be provided for emergency system loads, the fire alarm circuits shall be connected to the emergency power system. The secondary power supply shall be connected such that all other disconnecting means serving other building emergency loads can be opened without de-energizing the facility fire alarm secondary power supply.

All building fire alarm systems connected to an emergency generator shall be provided with a dedicated transfer switch and be connected ahead of the emergency generator overcurrent protective devices as follows:

(1) 208Y/120 volts systems-by a dedicated fused disconnecting means.

(2) 480Y/277 volts systems-by a dedicated fused disconnecting means on the secondary of the associated transformer.

(C) Battery. Regardless of whether a secondary power source is also provided, each fire alarm system shall be equipped with a storage battery power supply sized to meet the operating power requirements of the system in accordance with (1), (2) or (3) below and shall automatically connect to and operate the fire alarm system upon failure of the primary or secondary power supply or sources.

(1) With Voice Communications Capability. Supervisory operation for 24 hours followed by full load operation for 6 hours for systems with voice communications capability.

Informational Note: A 45-minute period of voice and alarm operation at the maximum connected load shall be considered equivalent to 6 hours of total system operation.

(2) Without Voice Communications Capability. Supervisory operation for 24 hours followed by full load operation for 15 minutes for systems without voice communications capability.

(3) DFS and RFAS. Supervisory operation for 24 hours followed by full load operation for 15 minutes.

(D) Arrangement of Power Sources. 1 source of power shall be connected to the fire alarm system at all times. The primary and secondary power sources shall be arranged and controlled by an automatic transfer switch dedicated to the fire alarm system such that the secondary source will be automatically connected to the fire alarm system should the primary power source fail. The following conditions shall be met where applicable:

(1) Intermediary devices between the fire alarm system power supply and the power source, other than fused disconnect switches, transformers and automatic transfer switches are prohibited. Such disconnect switches, transformers, and automatic transfer switches shall supply only the fire alarm system and other systems specifically permitted by applicable New York City rules and regulations.

(2) The primary and secondary power source shall each be provided with a means of disconnecting from the fire alarm system. Each disconnecting means shall consist of a fused disconnect switch, locked in the ON position. The key shall be kept on premises and made accessible only to authorized personnel. Such disconnect shall be painted red and permanently identified as a fire alarm circuit and labeled as to system/location served.

(3) The fire alarm system fused disconnect switch on the transformer secondary side shall comply with the requirements of the primary and secondary power source fused disconnect switches pursuant to Article 240.

(4) For buildings served at up to 300 volts to ground, the service voltage shall be transformed to 208/120 volts and a fire alarm fused disconnect, provided within a circuit length of 10 feet (3 m), shall be connected at the transformer secondary on the 208/120 volt side.

(5) Approved disconnecting means assembly, such as fusible panel boards with compact branch fused disconnects or fusible switches, with selectively coordinated overcurrent protection device shall be provided where multiple circuits are required to support the fire alarm system and related auxiliaries.

(E) Branch Circuit. An individual branch circuit shall be required for the supply of the power source. The location of the branch circuit overcurrent protective device shall be permanently identified. The circuit disconnecting means shall have red identification, shall be accessible only to qualified personnel, shall not contain any splices, and shall be identified as “FIRE ALARM CIRCUIT”. This branch circuit shall not be supplied through ground-fault circuit interrupter or arc-fault circuit interrupters. Where splicing is necessary, a listed method utilizing irreversible mechanical wire termination shall be permitted. The fire alarm branch-circuit disconnecting means shall be permitted to be secured in the ON position.

SECTION 760.43

Section 760.43 – Revise Section 760.43 to read as follows:

760.43 NPLFA Circuit Overcurrent Protection. Overcurrent protection for conductors 14 AWG and larger shall be provided in accordance with the conductor ampacity without applying the ampacity adjustment and correction factors of 310.15 to the ampacity calculation.

Exception: This section does not apply to other articles of this Code that permit or require other overcurrent protection.

SECTION 760.46

Section 760.46 – Revise Section 760.46 to read as follows:

760.46 NPLFA Circuit Wiring. Installation of non-power limited fire alarm feeders and branch circuits shall be in accordance with applicable portions of 110.3(B), 300.7, 300.11, 300.15, 300.17, 300.19(B) and other appropriate articles of Chapter 3 using raceway methods described in Articles 342, 344, and 358, or use Type MI Cable in accordance with Article 332. For the last 3 ft (914 mm) of NPLFA branch circuit, a Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted.

Exception No. 1: As provided in 760.48 through 760.52.

Exception No. 2: This section does not apply where other articles of this Code require other methods.

Exception No. 3: Where other articles of this code require other wiring to be used, a listed electrical protective system with minimum 2-hour fire rating shall be permitted.

SECTION 760.48

Section 760.48 – Revise Section 760.48(A) to read as follows:

760.48 Conductors of Different Circuits in Same Cable, Enclosure, or Raceway.

(A) NPLFA Circuits. Non-power limited fire alarm circuit conductors shall not be permitted to occupy the same cable, enclosure, or raceway with circuit conductors of other systems.

Section 760.48 – Revise Section 760.48(B) to read as follows:

(B) Fire Alarm with Power-Supply Circuits. Power supply and fire alarm circuit conductors shall be permitted in the same enclosure only where connected to the same equipment.

SECTION 760.49

Section 760.49 – Revise Section 760.49 to read as follows:

(A) Sizes and Use. Only copper conductors size 14 AWG and larger shall be permitted to be used as NPLFA circuit conductors.

(B) Insulation. Insulation on conductors shall be suitable for 600 volts, 90 C, and shall comply with Article 310. Conductors shall be Type THHN, THWN/THHN, TFFN, TFN, FEP, RHH, RHW2, XHH, XHHW, MI, or listed electrical protective systems. Application of conductor ampacity shall be in accordance with 110.14 for terminal device ratings.

(C) Conductor Materials. Conductors shall be solid copper up to size 10 AWG. Stranded copper conductors shall be used for sizes 8 AWG and larger.

SECTION 760.51

Section 760.51 – Revise Section 760.51 to read as follows:

(A) NPLFA Circuits. Where only non-power-limited fire alarm circuit conductors are in a raceway, the number of conductors shall be determined in accordance with 300.17. The ampacity adjustment factors given in 310.15(C)(1) shall apply if such conductors carry continuous load in excess of 10 percent of the ampacity of each conductor.

(B) DELETED.

(C) DELETED.

SECTION 760.52

Section 760.52 – Add a new Section 760.52 to read as follows:

760.52 NPLFA Mechanical Execution of Work. Installation shall comply with the following:

(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks. All wiring installed up to 3 ft (2.4 m) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344. All wiring installed over 8 ft (2.4 m) above the finished floor shall meet the installation requirements of Articles 332, 342, 344, or 358. Where flexibility is required after installation, Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted up to 36” at the last termination.

Exception No. 1: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet (83.6 square meters), installation pursuant to Articles 332, 342, 344, or 358 is permitted without height limitation.

Exception No. 2: Where pathway survivability is required, a listed electrical protective system with minimum 2-hour fire rating shall be permitted.

(B) Installation. Installation of raceways, boxes, enclosures, cabinets, and wiring shall conform to the following requirements:

(1) Covers of boxes, enclosures, and cabinets shall be painted red and permanently identified as to use.

(2) Penetrations through rated walls, ceilings, and floors shall be fire stopped.

(3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.

(4) Raceways shall not be installed in stairs enclosures unless they are serving the stairways.

Informational Note: Refer to Chapter 10 of the *New York City Building Code* for raceway requirements allowed in stairs enclosures.

SECTION 760.53

Section 760.53 – Revise Section 760.53 to read as follows:

760.53 DELETED.

SECTION 760.121

Section 760.121 - Revise Section 760.121(B) to read as follows:

(B) Branch Circuit. For power source requirements, refer to 760.41.

SECTION 760.124

Section 760.124 – Revise the Informational Note in Section 760.124 to read as follows:

Informational Note: DELETED.

SECTION 760.127

Section 760.127 – Revise the Exception in Section 760.127 to read as follows:

Exception: DELETED.

SECTION 760.130

Section 760.130 – Revise Section 760.130 to read as follows:

(A) NPLFA Wiring Methods and Materials. Installation shall be in accordance with 760.46, and conductors shall be solid or stranded copper.

Exception: The ampacity adjustment factors given in 310.15(B)(3)(a) shall not apply.

(B) PLFA Wiring Methods and Materials. Power-limited fire alarm conductors and cables described in 760.179 shall be installed as detailed in 760.130(B)(1), (B)(2), or (B)(3) of this section and 300.7. Devices shall

be installed in accordance with 110.3(B), 300.11(A) and 300.15 with all wiring supported from the building structure independently.

(1) In Raceways, Exposed on Ceilings or Sidewalls, or Fished in Concealed Spaces. In raceways or exposed above 8 ft (2.4 m) on the surface of ceiling and sidewalls, or fished in concealed spaces, cable splices or terminations shall be made in listed fittings, boxes, enclosures, fire alarm devices, or utilization equipment. Where installed exposed, cables shall be supported at a maximum of 5 ft (1.5 m) spacing and installed in such a way that maximum protection against physical damage is afforded by building construction. Where located within 8 ft (2.4 m) of the floor, cables shall be installed in raceway as per Article 342, 344, 358 or 386. Where flexibility is required after installation, Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted up to 36 inches (915 mm) at the last termination.

(2) Passing Through a Floor or Wall. Cables shall be installed in metal raceways where passing through a floor or wall to a height of 8 ft (2.4 m) above the floor, unless adequate protection can be afforded by building construction such as detailed in 760.130(B)(1) or unless an equivalent solid guard is provided.

Informational Note: Protection by building construction includes, but is not limited to, raised floors, shafts, telephone and communications equipment rooms and closets, and rooms used exclusively for fire alarm equipment.

(3) In Hoistways. Cables shall be installed in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing, where installed in hoistways.

Exception: As provided for in 620.21 for elevators and similar equipment.

(4) Terminations and Splices. Terminations and splices shall be made in listed fittings, boxes, enclosures, fire alarm devices, or utilization equipment. Splices shall be limited to locations where the conditions of installation require the use of splices. Splices and terminations in riser cables are prohibited except where made in fire alarm equipment terminal cabinets. Mechanical connections shall be listed in accordance with UL 486A - 486C or if soldered, conductors shall first be joined so as to be mechanically and electrically secure prior to soldering. Temperature rating of completed splices shall be equal to or exceed the temperature rating of the highest rated conductor.

(5) Physical Protection. Where a Smoke Control System is provided, all wiring, regardless of voltage, shall be installed in raceways.

Informational Note: For additional information on Smoke Control System wiring requirements, refer to Chapter 9 of the *New York City Building Code*.

SECTION 760.131

Section 760.131 – Add a new Section 760.131 to read as follows:

760.131 PLFA Mechanical Execution of Work. Installation shall conform to the following requirements:

(A) Mechanical Rooms, Elevator Rooms, Garages and Loading Docks. All wiring installed up to 8 ft (2.4 m) above the finished floor in garages, loading docks, mechanical rooms, and elevator rooms shall meet the installation requirements of Article 344. Wiring installed above 8 ft (2.4 m) above finished floor shall meet the installation requirement of Articles 342, 344, and 358, or use Type MI Cable in accordance with Article 332. Where flexibility is required after installation, Flexible Metallic Conduit (FMC) or Liquidtight Flexible Metallic Conduit (LFMC) shall be permitted up to 36 inches (915 mm) at the last termination.

Exception: For mechanical rooms and elevator rooms having a floor area of less than 900 square feet (83.6 square meters), installation pursuant to Articles 332, 342, 344, or 358 is permitted without height limitation.

(B) Releasing Fire Alarm Systems. Suppression systems activated by automatic fire detection and using fire alarm cables shall be installed pursuant to Articles 332, 342, 344, or 358. Such systems shall include, but not be limited to, pre-action sprinkler, deluge sprinkler, water mist, clean air agent, Halon, range hood, CO₂, and dry chemicals."

(C) Installation. Installation of raceways, boxes, enclosures, cabinets, and wiring shall conform to the following requirements:

- (1) Covers of boxes, enclosures, and cabinets shall be painted red and permanently identified as to use.
- (2) Penetrations through rated walls, ceilings, and floors shall be firestopped.
- (3) Raceways or wiring shall not penetrate the top of any control equipment cabinet or enclosure.
- (4) Raceways shall not be installed in stair enclosures unless they are serving the stairways.

Informational Note: For allowed raceways that are serving stairs enclosures, refer to Section 1023.5 of the New York City Building Code.

(5) Cables shall be secured by cable ties, straps, or similar fittings designed and installed so as not to damage cables. Such fittings shall be secured in place at intervals not exceeding 5 ft (1.5 m) on center and within 1 ft (300 mm) of associated cabinet, enclosure, or box.

SECTION 760.135

Section 760.135 – Revise Section 760.135(B) to read as follows:

(B) Ducts Specifically Fabricated for Environmental Air. The following cables shall be permitted in ducts specifically fabricated for environmental air as described in 300.22 (B), if they are directly associated with the air distribution system:

(1) Types FPLP “NYC Certified Fire Alarm Cable” and FPLP-CI cables in lengths as short as practicable to perform the required function

(2) Types FPLP “NYC Certified Fire Alarm Cable” and FPLP-CI installed in raceways that are installed in compliance with 300.22(B)

Informational Note: For information on fire protection of wiring installed in fabricated ducts, see 4.3.4.1 and 4.3.11.3.3 of NFPA 90A-2018, Standard for the Installation of Air-Conditioning and Ventilating Systems.

Section 760.135 – Revise Section 760.135(C) to read as follows:

(C) Other Spaces Used for Environmental Air (Plenums). The following cables shall be permitted in other spaces used for environmental air as described in 300.22(C):

(1) Type FPLP “NYC Certified Fire Alarm Cable”.

(2) Type FPLP “NYC Certified Fire Alarm Cable” installed in plenum communications raceways.

(3) Types FPLP “NYC Certified Fire Alarm Cable” and FPLP-CI cables supported by open metallic cable trays or cable tray systems.

(4) Types FPLP “NYC Certified Fire Alarm Cable” installed in raceways that are installed in compliance with 300.22(C).

(5) Types FPLP “NYC Certified Fire Alarm Cable” supported by solid bottom metal cable trays with solid metal covers in other spaces used for environmental air (plenums) as described in 300.22(C).

(6) Types FPLP “NYC Certified Fire Alarm Cable” installed in plenum communications raceways, riser communications raceways, or general-purpose communications raceways supported by solid bottom metal cable trays with solid metal covers in other spaces used for environmental air (plenums) as described in 300.22(C).

Section 760.135 – Revise Section 760.135(D) to read as follows:

(D) Risers — Cables in Vertical Runs. Type FPLP “NYC Certified Fire Alarm Cable” shall be permitted in vertical runs penetrating 1 or more floors and in vertical runs in a shaft:

Informational Note: See 300.21 for firestop requirements for floor penetrations.

Section 760.135 – Revise Section 760.135(E) to read as follows:

(E) Risers — Cables in Metal Raceways. Type FPLP “NYC Certified Fire Alarm Cable” shall be permitted in metal raceways in a riser having firestops at each floor:

Informational Note: See 300.21 for firestop requirements for floor penetrations.

Section 760.135 – Revise Section 760.135(F) to read as follows:

(F) Risers — Cables in Fireproof Shafts. Type FPLP “NYC Certified Fire Alarm Cable” shall be permitted to be installed in fireproof riser shafts having firestops at each floor.

Informational Note: See 300.21 for firestop requirements for floor penetrations.

Section 760.135 – Revise Section 760.135(G) to read as follows:

(G) Risers — One- and Two-Family Dwellings. Type FPLP “NYC Certified Fire Alarm Cables” shall be permitted in one- and two-family dwellings.

Section 760.135 – Revise Section 760.135(H) to read as follows:

(H) Other Building Locations. Type FPLP “NYC Certified Fire Alarm Cable” shall be permitted to be installed in building locations other than the locations covered in 770.113(B) through (H).

SECTION 760.136

Section 760.136 – Revise Section 760.136(D)(2) to read as follows:

(2) The circuit conductors operate at 150 volts or less to ground and also comply with 1 of the following:

a. The fire alarm power-limited circuits are installed using Type FPLP “NYC Certified Fire Alarm Cable” provided these power-limited cable conductors extending beyond the jacket are separated by a minimum of 0.25 in. (6 mm) or by a nonconductive sleeve or nonconductive barrier from all other conductors.

b. DELETED.

Section 760.136 – Revise Section 760.136(F) to read as follows:

(F) In Hoistways. In hoistways, power-limited fire alarm circuit conductors shall be installed in rigid metal conduit, intermediate metal conduit, or electrical metallic tubing. For elevators or similar equipment, these conductors shall be permitted to be installed as provided in 620.21.

Section 760.136 – Revise Section 760.136(G)(1) to read as follows:

(1) Either (a) all of the electric light, power, Class 1, nonpower-limited fire alarm, and medium-power network powered broadband communications circuit conductors or (b) all of the power-limited fire alarm circuit conductors are in a raceway or metal-sheathed or metal-clad cables.

SECTION 760.139

Section 760.139 – Revise Section 760.139 to read as follows:

760.139 DELETED.

SECTION 760.142

Section 760.142 – Revise Section 760.142 to read as follows:

760.142 Conductor Size. Conductors shall not be smaller than 18 AWG in size.

SECTION 760.154

Section 760.154 – Revise Section 760.154 to read as follows:

760.154 DELETED.

SECTION 760.176

Section 760.176 – Revise Section 760.176(G) to read as follows:

(G) NPLFA Cable Markings. Non-power-limited fire alarm circuit cables shall be permitted to be marked with a maximum usage voltage rating of 150 volts. Cables that are listed for circuit integrity shall be identified with the suffix “CI” as defined in 760.176(F).

SECTION 760.179

Section 760.179 – Revise Section 760.179(B) to read as follows:

(B) Conductor Size. The size of conductors in single or multi-conductor cables shall not be smaller than 18 AWG.

Section 760.179 – Revise Section 760.179(D) to read as follows:

(D) Type FPLP. Type FPLP power-limited fire alarm plenum cable shall be listed as being suitable for use in ducts, plenums, and other space used for environmental air and shall also be listed as having adequate fire-resistant and low smoke-producing characteristics. Type FPLP power-limited fire alarm cable shall be listed with the following additional requirements:

(1) Type FPLP only; minimum insulation thickness 15 mils; minimum temperature 150 C.

(2) Red colored jacket overall; minimum thickness 25 mils.

(3) Cable shall bear additional description “ALSO CLASSIFIED FOR USE AS FIRE ALARM CABLE IN NEW YORK CITY,” and shall be legible without removing jacket.

Informational Note: 1 method of defining a cable that is low-smoke producing cable and fire-resistant cable is that the cable exhibits a maximum peak optical density of 0.50 or less, an average optical density of 0.15 or less, and a maximum flame spread distance of 5 ft (1.52 m) or less when tested in accordance with NFPA 262-2019, Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces.

Section 760.179 – Revise Section 760.179(E) to read as follows:

(E) DELETED.

Section 760.179(F) – Revise Section 760.179(F) to read as follows:

(F) DELETED.

Section 760.179 – Revise Section 760.179(G) to read as follows:

(G) Fire Alarm Circuit Integrity (CI) Cable or Electrical Circuit Protective System. Cables that are used for survivability of critical circuits under fire conditions shall meet either 760.179(G)(1) or (G)(2).

Informational Note No. 1: Fire alarm circuit integrity (CI) cable and electrical circuit protective systems may be used for fire alarm circuits to comply with the survivability requirements of NFPA 72-2019, National Fire Alarm and Signaling Code, 12.4.3 and 12.4.4, that the circuit maintain its electrical function during fire conditions for a defined period of time.

Informational Note No. 2: 1 method of defining circuit integrity (CI) cable or an electrical circuit protective system is by establishing a minimum 2-hour fire-resistive rating for the cable when tested in accordance with ANSI/UL 2196-2017, Standard for Fire Test for Circuit Integrity of Fire-Resistive Power, Instrumentation, Control and Data Cables

Informational Note No. 3: UL guide information for electrical circuit protective systems (FHIT) contains information on proper installation requirements for maintaining the fire rating.

(1) Circuit Integrity (CI) Cables. Circuit integrity (CI) cables specified in 760.179(D) and used for survivability of critical circuits shall have an additional classification using the suffix “CI.” Circuit integrity (CI) cables shall only be permitted to be installed in a raceway where specifically listed and marked as part of an electrical circuit protective system as covered in 760.179(G)(2).

(2) Electrical Circuit Protective System. Cables specified in 760.179(D) and (G)(1), which are part of an electrical circuit protective system, shall be identified with the protective system number and hourly rating printed on the outer jacket of the cable and installed in accordance with the listing of the protective system.

Section 760.179 – Revise Section 760.179(H) to read as follows:

(H) DELETED.

Section 760.179 – Revise Section 760.179(I) to read as follows:

(I) Cable Marking. The cable shall be marked in accordance with subsection 760.179(D)(3) and its rating marked as “NYC Certified Fire Alarm Cable”. Cables that are listed for circuit integrity shall be identified with the suffix CI as defined in 760.179(G).

Informational Note: Voltage ratings on cables may be misinterpreted to suggest that the cables may be suitable for Class 1, electric light, and power applications.

Exception: Voltage markings shall be permitted where the cable has multiple listings and voltage marking is required for 1 or more of the listings.

Section 760.179 – Revise Section 760.179(J) to read as follows:

(J) Insulated Continuous Line-Type Fire Detectors. Insulated continuous line-type fire detectors shall be rated in accordance with 760.179(C), listed as being resistant to the spread of fire in accordance with 760.179(D), marked in accordance with 760.179(I), and the jacket compound shall have a high degree of abrasion resistance.

ARTICLE 770**Optical Fiber Cables****SECTION 770.2**

Section 770.2 - Revise the definition of “Abandoned Optical Fiber Cable” in Section 770.2 to read as follows:

Abandoned Optical Fiber Cable. Installed optical fiber cable that is not terminated at equipment other than a connector and not identified for future use with a tag securely fixed to each end and indicating the location of the opposing end.

SECTION 770.25

Section 770.25 – Revise Section 770.25 to read as follows:

770.25 Abandoned Cables, Power Sources and Other Associated Equipment. The accessible portion of abandoned optical fiber and other cables, power sources, and other associated equipment shall be removed. Where cables are identified for future use with a tag, such tag shall be of sufficient durability to withstand the environment involved. Power sources and other associated equipment tagged for future use shall be de-energized.

SECTION 770.47

Section 770.47- Revise Section 770.47 to read as follows:

770.47 Underground Optical Fiber Cables Entering Buildings. Underground optical fiber cables entering buildings shall comply with 770.47(A) and (B).

(A) Underground Systems with Electric Light, Power or Class 1 Circuit Conductors. Underground conductive optical fiber cables entering buildings with electric light, power, Class 1, or circuit conductors in a raceway, handhole enclosure, or manhole shall be located in a section separated from such conductors by means of brick, concrete, or tile partitions or by means of a suitable barrier.

(B) Direct-Buried Cables and Raceways. Direct-buried conductive optical fiber cables shall be separated by at least 300 mm (12 in.) from conductors of any electric light, power or Class 1 circuit conductors.

Exception No. 1: Direct-buried conductive optical fiber cables shall not be required to be separated by at least 12 in. (300 mm) from electric service conductors where electric service conductors are installed in raceways or have metal cable armor.

Exception No. 2: Direct-buried conductive optical fiber cables shall not be required to be separated by at least 12 in. (300 mm) from electric light or power branch-circuit or feeder conductors, or Class 1 circuit conductors where electric light or power branch-circuit or feeder conductors or Class 1 circuit conductors are installed in a raceway or in metal-sheathed, metal-clad, or Type UF or Type USE cables.

Informational Note: Utility company installation standards may require more stringent separation clearance for underground communication cables.

SECTION 770.48

Section 770.48(B)(3) – Revise Item (3) in the list of items in Section 770.48(B) to read as follows:

(3) DELETED.

SECTION 770.100

Section 770.100(B)(3)(2)- Revise Section 770.100(B)(3)(2) to read as follows:

(2) If the building or structure served has no grounding means, as described in 770.100(B)(2) or (B)(3)(1), to any one of the individual grounding electrodes described in 250.52(A)(7) and (A)(8) or to a ground rod or pipe not less than 5 ft (1.5 m) in length and ½ in. (12.7 mm) in diameter, driven, where practicable, into permanently damp earth and separated from lightning protection system conductors as covered in 800.53 and at least 6 ft (1.8 m) from electrodes of other systems. Steam, hot water pipes, or lightning protection system conductors shall not be employed as electrodes for non-current-carrying metallic members.

SECTION 770.133

Section 770.133(A) – Revise Section 770.133(A) to read as follows:

(A) In Cable Trays and Raceways. Conductive optical fiber cables contained in an armored or metal-clad-type sheath and nonconductive optical fiber cables shall be permitted to occupy the same cable tray or raceway with conductors for electric light, power, Class 1, Type ITC, or medium-power network-powered broadband communications circuits operating at 1000 volts or less. Conductive optical fiber cables without an armored or metal-clad-type sheath shall not be permitted to occupy the same cable tray or raceway with conductors for electric light, power, Class 1, Type ITC, or medium-power network-powered broadband communications circuits, unless all of the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits are separated from all of the optical fiber cables by a permanent barrier or listed divider.

Section 770.133(B)(2) – Revise Section 770.133(B)(2) to read as follows:

(2) The conductors for electric light, power, Class 1, Type ITC, or medium-power network-powered broadband communications circuits operate at 1000 volts or less.

Section 770.133(C)(2) – Revise item (2) in the list of items in Section 770.133(C) to read as follows:

(2) DELETED.

Section 770.133(E) – Add a new Section 770.133(E) to read as follows:

(E) Electrical Equipment Rooms. Fiber optic circuits and equipment shall not be installed in Electrical Equipment Rooms unless otherwise permitted in this code.

Exception No 1: Optical fiber cables and equipment used for fire alarm systems, control, and monitoring of electrical equipment or associated components shall be permitted.

Exception No 2: Antenna and associated cabling intended for emergency life-safety use shall be permitted.

ARTICLE 800

General Requirements for Communications Systems

SECTION 800.24

Section 800.24 – Revise the opening paragraph in Section 800.24 to read as follows:

800.24 Mechanical Execution of Work. Circuits and equipment shall be installed in a neat and workmanlike manner. Cables installed exposed on the surface of ceilings and sidewalls shall be supported by approved non-combustible straps, staples, cable ties, hangers, or similar fittings and related installation accessories designed and installed so as not to damage the cables. The installation shall also conform to 300.4 and 300.11. Nonmetallic cable ties and other nonmetallic cable accessories used to secure and support cables in other spaces used for environmental air (plenums) shall be listed as having low smoke and heat release properties in accordance with 805.170(C).

Section 800.24 – Add a new Informational Note in Section 800.24 to read as follows:

Informational Note No. 4: Exposed wiring should be securely held in place to avoid entanglement of fire response personnel during fire conditions.

SECTION 800.25

Section 800.25 – Revise Section 800.25 to read as follows:

800.25 Abandoned Cables, Power Sources & Other Associated Equipment. The accessible portion of abandoned cables, power sources, and other associated equipment shall be removed. Power sources and other special equipment tagged for future use shall be de-energized. Where cables are identified for future use with a tag, such tag shall be of sufficient durability to withstand the environment involved.

SECTION 800.110

Section 800.110(C)(1) – Revise Section 800.110(C)(1) to read as follows:

(1) Horizontal Support. Cable routing assemblies shall be supported where run horizontally at intervals not to exceed 3 ft (900 mm) and at each end or joint, unless listed for other support intervals. In no case shall the distance between supports exceed 10 ft(3 m). In corridors and exits, the distance between supports shall not exceed 3 ft (900 mm) regardless of listing.

Section 800.110(D) – Revise Section 800.110(D) to read as follows:

(D) Cable Trays. Wires, cables, and communications raceways shall be permitted to be installed in metal cable tray. Listed nonmetallic cable tray systems may be used as permitted in Section 392.10(D). Ladder cable trays shall be permitted to support cable routing assemblies.

SECTION 800.113

Section 800.113 -Add an “Informational Note No. 1” and “Informational Note No. 2” after the opening paragraph to read as follows:

Informational Note No. 1: Refer to Article 760 for Fire Alarm wiring requirements.

Informational Note No. 2: For Auxiliary Radio Communication System installation, refer to *New York City Building Code*, Reference Standards, and *New York City Fire Code*.

ARTICLE 805

Communications Circuits

SECTION 805.133

Section 805.133 - Revise the opening paragraph in Section 805.133 to read as follows:

805.133 Installation of Communications Wires, Cables, and Equipment. Communications wires and cables from the protector to the equipment or, where no protector is required, communications wires and cables attached to the outside or inside of the building shall comply with 805.133(A) through 805.133(C).

Section 805.133(C) - Add a new Section 805.133(C) to read as follows:

(C) Electrical Equipment Rooms. Communications equipment and cabling shall not be installed in Electrical Equipment Rooms.

Exception No. 1: Communications equipment and cabling for control and monitoring of electrical equipment or associated components, or both, shall be permitted.

Exception No. 2: Antenna and associated cabling intended for emergency life-safety use shall be permitted.

ARTICLE 820

Community Antenna Television and Radio Distribution Systems

SECTION 820.2

Section 820.2 – Revise Section 820.2 to read as follows:

820.2. DELETED.

SECTION 820.133

Section 820.133(A)(1)(b) - Revise Section 820.133(A)(1)(b) to read as follows:

(b) Electric Light, Power, Class 1, and Medium-Power Network-Powered Broadband Communications Circuits. Coaxial cable shall not be placed in any raceway, compartment, outlet box, junction box, or other enclosures with conductors of electric light, power, Class 1, or medium-power network-powered broadband communications circuits.

Exception No. 1: Coaxial cable shall be permitted to be placed in any raceway, compartment, outlet box, junction box, or other enclosures with conductors of electric light, power, Class 1, or medium-power network-powered broadband communications circuits where all of the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits are separated from all of the coaxial cables by a permanent barrier or listed divider.

Exception No. 2: Coaxial cable shall be permitted to be placed in outlet boxes, junction boxes, or similar fittings or compartments with power conductors where such conductors are introduced solely for power supply to the coaxial cable system distribution equipment. The power circuit conductors shall be routed within the enclosure to maintain a minimum 1/4 in. (6 mm) separation from coaxial cables.

Section 820.133(A)(2) – Revise Section 820.133(A)(2) to read as follows:

(2) Other Applications. Coaxial cable shall be separated at least 2 in. (50 mm) from conductors of any electric light, power, Class 1, or medium-power network-powered broadband communications circuits.

Exception No. 1: Separation shall not be required where either (1) all of the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits are in a raceway, or in metal-sheathed, metal-clad, nonmetallic-sheathed, Type AC or Type UF cables, or (2) all of the coaxial cables are encased in a raceway.

Exception No. 2: Separation shall not be required where the coaxial cables are permanently separated from the conductors of electric light, power, Class 1, and medium-power network-powered broadband communications circuits by a continuous and firmly fixed nonconductor, such as porcelain tubes or flexible tubing, in addition to the insulation on the wire.

Section 820.133(C) – Add a new Section 820.133(C) to read as follows:

- (E) **Electrical Equipment Rooms.** Television and radio equipment and cabling shall not be installed in Electrical Equipment Rooms unless otherwise permitted in this code.

ARTICLE 830

Network-Powered Broadband Communications Systems

SECTION 830.133

Section 830.133(A)(1)(e) – Revise the opening paragraph of Section 830.133(A)(1)(e) to read as follows:

(e) Electric Light, Power, Class 1, Non-Powered Broadband Communications Circuit Cables. Network-powered broadband communications cable shall not be placed in any raceway, cable tray, compartment, outlet box, junction box, or similar fittings with conductors of electric light, power, or Class 1 circuit cables.

Section 830.133(A)(1)(e) – Revise “Exception No. 1” in Section 830.133(A)(1)(e) to read as follows:

Exception No. 1: Where all of the conductors of electric light, power, Class 1 circuits are separated from all of the network-powered broadband communications cables by a permanent barrier or listed divider.

Section 830.133(A)(2) - Revise Section 830.133(A)(2) to read as follows:

(2) Other Applications. Network-powered broadband communications cable shall be separated at least 2 in.50 mm) from conductors of any electric light, power, and Class 1 circuits.

Exception No. 1: Separation shall not be required where: (1) all of the conductors of electric light, power, and Class 1 circuits are in a raceway, or in metal-sheathed, metal-clad, nonmetallic-sheathed, Type AC, or Type UF cables, or (2) all of the network-powered broadband communications cables are encased in a raceway.

Exception No. 2: Separation shall not be required where the network-powered broadband communications cables are permanently separated from the conductors of electric light, power, and Class 1 circuits by a continuous and firmly fixed nonconductor, such as porcelain tubes or flexible tubing, in addition to the insulation on the wire.

Section 830.133(C) – Add a new Section 830.133(C) to read as follows:

(C) Electrical Equipment Rooms. Broadband communications equipment and cabling shall not be installed in Electrical Equipment Rooms.

Exception No. 1: Broadband communication equipment and cabling for control and monitoring of electrical equipment or associated components, or both, shall be permitted.

Exception No. 2: Broadband communication equipment intended for emergency life-safety use shall be permitted.

§ 26. The introductory paragraph of section 5 of local law number 55 for the year 2024 is amended to read as follows:

Electrical vehicle charging station report. No later than [~~2 years after effective date of this local law~~] June 30, 2026, the commissioner of transportation, in consultation with the director of city planning, the commissioner of buildings, the commissioner of housing preservation and development, the commissioner of citywide administrative services, and the commissioner of consumer and worker protection, shall submit to the mayor and the speaker of the council and post on its website a report on off-street parking spaces in parking garages or open parking lots in the city that are not subject to regulation by the department of consumer and worker protection, including but not limited to:

§ 27. Licenses issued prior to the effective date of this local law in accordance with chapter 3 of title 27 of the administrative code of the city of New York, repealed by section 1 of this local law, shall remain in effect in accordance with their terms until they expire or are otherwise revoked or suspended by the department. Renewals of such licenses shall be in accordance with chapter 4 of title 28 of the administrative code of the city of New York, as amended by this local law.

§ 28. Nothing in this local law is intended to affect, alter, or amend the jurisdiction of the board of standards and appeals relating to electrical work, the New York city electrical code, or decisions of the commissioner of buildings with respect to matters relating to electrical work.

§ 29. This local law takes effect 1 year after it becomes law and applies to work performed pursuant to applications for construction document approval filed on and after such effective date, except that:

(i) at the option of an owner, the technical requirements of the New York city electrical code, added by section 25 of this local law, may apply to applications that are filed prior to such effective date for electrical work with respect to the construction of new buildings;

(ii) at the option of an owner, the technical requirements of the New York city electrical code, added by section 25 of this local law, may apply to applications that are filed not more than 120 days prior to such effective date for electrical work in existing buildings; and

(iii) the commissioner of buildings may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, prior to such effective date.

PIERINA A. SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD J. FELIZ, SHAUN ABREU, ALEXA AVILÉS, CRYSTAL HUDSON, LINCOLN RESTLER; 7-0-0; Committee on Housing and Buildings, November 21, 2024.

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

Report of the Committee on Land Use

Report for L.U. No. 181

Report of the Committee on Land Use in favor of approving, as modified, Application number N 240290 ZRY (City of Yes Zoning for Housing Opportunity) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to expand opportunities for housing within all zoning districts, Citywide.

The Committee on Land Use, to which the annexed Land Use item was referred on October 10, 2024 (Minutes, page 3443), respectfully

REPORTS:

SUBJECT

CITYWIDE

N 240290 ZRY

City Planning Commission decision approving an application submitted by New York City Department of City Planning (DCP), pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to expand opportunities for housing within all zoning districts, and across all 59 of the City's Community Districts.

INTENT

To approve the zoning text amendment of the Zoning Resolution to modify multiple Sections to expand opportunities from housing within all zoning districts and across all 59 of the City's Community Districts to enable more housing and a wider variety of housing types in every neighborhood, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City.

PUBLIC MEETING AND PUBLIC HEARING

****Public meeting, with informational presentation by DCP***

On October 21, 2024, the Council's Subcommittee on Zoning & Franchises held a public meeting, which featured a presentation of the proposal by Department of City Planning personnel, including the DCP's Director. The presentation was followed by a question-and-answer session regarding the proposal with those Council Members present.

****Public Hearing, held pursuant to Charter §197-d (ULURP)***

DATE: October 22, 2024

Witnesses in Favor: 168

Witnesses Against: 154

SUBCOMMITTEE RECOMMENDATION**DATE:** November 21, 2024

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

In Favor:

Riley
Moya
Abreu
Salaam

Against:

Hanks
Schulman
Carr

Abstain:

None

COMMITTEE ACTION**DATE:** November 21, 2024

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Riley
Abreu
Farias
Hudson
Sanchez
Borelli

Against:

Hanks

Abstain:

Brooks-Powers

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-2-1; *Negative*: Joseph C. Borelli and Kamillah M. Hanks; *Abstain*: Selvena N. Brooks-Powers; Committee on Land Use, November 24, 2024. *Other Council Members Attending: Council Member Brewer.*

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. 185

Report of the Committee on Land Use in favor of approving Application number N 240354 ZRM (Port Authority Bus Terminal Replacement) submitted by The Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission), Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 23, 2024 (Minutes, page 3584) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**MANHATTAN CB-4 - THREE APPLICATIONS RELATED TO PORT AUTHORITY
BUS TERMINAL****N 240354 ZRM (L.U. No. 185)**

City Planning Commission decision approving an application submitted by the Port Authority of New York and New Jersey, pursuant to Section 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, for an amendment of the Zoning Resolution of the City of New York, modifying Article VII, Chapter 4 (Special Permits by the City Planning Commission).

C 240336 MMM (L.U. No. 186)

City Planning Commission decision approving an application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 *et seq.* of the New York City Administrative Code for an amendment to the City Map involving, the elimination, discontinuance, and closing of a portion of West 41st Street between Eighth Avenue and Ninth Avenue, a portion of West 40th Street between Tenth Avenue and Eleventh Avenue; and the elimination, discontinuance, and closing of various volumes from West 41st Street, West 42nd Street, Ninth Avenue, West 40th Street, Tenth Avenue, West 39th Street and Eleventh Avenue; including authorization for any acquisition or disposition of real property related thereto, in Community District 4, Borough of Manhattan, in accordance with Map No. 30275 dated May 21, 2024 and signed by the Borough President.

C 240353 ZSM (L.U. No. 187)

City Planning Commission decision approving an application submitted by the Port Authority of New York and New Jersey, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-145 of the Zoning Resolution, to permit the construction of a bus station with 10 or more berths for buses on a site of any size; to permit within demapped air space above a #street# the development of a building or portion thereof which is part of such bus station; to allow the distribution of floor area on the development site without regard to zoning district boundaries; to modify the height and setback requirements of Section 81-26 (Height and Setback Regulations – Daylight Compensation); and to modify the Mandatory District Plan Elements of Section 81-45 (Pedestrian Circulation Space), Section 81-47 (Major Building Entrances) and Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), in connection with a proposed development on property generally bounded by West 40th Street, 10th Avenue, West 41st Street, 9th Avenue, West 42nd Street, 8th Avenue, West 40th Street, 9th Avenue, West 39th Street, and 11th Avenue, (Block 711, Lot 1, Block 737, Lots 1, 17 & 22, Block 1032, Lot 29, Block 1050, Lots 13 & 32, and demapped portions of West 39th Street, West 40th Street, West 41st Street, West 42nd Street, 9th Avenue and 10th Avenue), partially within C6-7, C1-7A, C6-3, R8A/C2-5, C2-8, and C6-4 Districts, partially within Special Midtown District and Special Hudson Yards Districts.

INTENT

To approve the zoning text amendment of the ZR to modify Article VII, Chapter 4, grant an approval of a special permit pursuant to ZR Section 74-145, and amend the City Map and included acquisition and disposition to facilitate the reconstruction of the Midtown Port Authority Bus Terminal (PABT) and related

facilities and facilitate the construction of two commercial office towers above the new PABT terminal located at 625 Eighth Avenue in Community District 4, Borough of Manhattan.

PUBLIC HEARING

DATE: November 12, 2024

Witnesses in Favor: Fifteen

Witnesses Against: Three

SUBCOMMITTEE RECOMMENDATION

DATE: November 21, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 185 through 187.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Salaam
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 21, 2024

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

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

Res. No. 662

Resolution approving the decision of the City Planning Commission on Application No. N 240354 ZRM, for an amendment of the text of the Zoning Resolution (L.U. No. 185).

By Council Members Salamanca and Riley.

WHEREAS, the Port Authority of New York and New Jersey 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 VII, Chapter 4 (Special Permits by the City Planning Commission), which in conjunction with the related actions would facilitate the reconstruction of the Midtown Port Authority Bus Terminal (PABT) and related facilities as well as construction of two new commercial office towers above the new PABT terminal in the Midtown neighborhood of Manhattan, Community District 4 (ULURP No. N 240354 ZRM), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 18, 2024, its decision dated October 16, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 240336 MMM (L.U. No. 186), an amendment to the City Map to discontinue and close portions of West 39th Street, West 40th Street, West 41st Street, West 42nd Street, Ninth Avenue, Tenth Avenue, and Eleventh Avenue, and the disposition of such demapped areas to the Port Authority to facilitate the development of the bus passenger station and related facilities; and C 240353 ZSM (L.U. No. 187), a zoning special permit to allow the construction of a bus station with 10 or more loading berths, construction within demapped airspace above streets, distribution of floor area across zoning lots, and the modification of bulk and special district requirements;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 12, 2024;

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 Environmental Impact Statement (“EIS”) dated June 4th, 2021 (CEQR No. 19FTA001M) and a Final Environmental Impact Statement (“FEIS”) for which an Official Notice of Availability was published in the Federal Register on October 4, 2024. The FEIS identified significant adverse impacts with respect to Historic and Cultural Resources, Shadows, Transportation, and Construction in which Mitigation measures are summarized in 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 provided in the application, the actions are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum

extent practicable by incorporating, as conditions to the approval, and pursuant to the Final Programmatic Agreement in the FEIS, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS published in the Federal Register on October 4, 2024, constitute the written statement of facts, and of social, economic and other factors and standards that form the basis of this determination, pursuant to 6 N.Y.C.R.R. §617.11(d);

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 240354 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 VII

ADMINISTRATION

Chapter 4

Special Permits by the City Planning Commission

[PROVISIONS IN THIS CHAPTER INDICATED AS EXISTING TEXT ARE BEING PROPOSED BY
CITY OF YES FOR HOUSING OPPORTUNITY TEXT AMENDMENT]

* * *

74-10

SPECIAL PERMIT USES

* * *

74-14

Public Service Facilities and Infrastructure

* * *

74-144

Airports

* * *

74-145

Bus stations

The City Planning Commission may permit bus stations listed under Use Group IV(B) with fewer than 10 berths pursuant to paragraph (a) of this Section, and with 10 or more berths pursuant to paragraph (b) or paragraph (c), as applicable.

All bus stations lawfully existing on December 15, 1961 are permitted to continue for the duration of the term for which such #use# has been authorized but the #enlargement#, #extension#, reconstruction or relocation of any bus station heretofore or hereafter constructed shall not be permitted except in accordance with the provisions set forth in this Section.

- (a) In C1, C2, C4, C6, C7 or C8 Districts, or in any #Manufacturing District#, the Commission may permit bus stations with fewer than 10 berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

* * *

- (b) In C4, C6 or #Manufacturing Districts#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of not less than 20,000 square feet, provided that the following findings are made:

* * *

In addition, the Commission shall require the provision of adequate #accessory# off-street parking spaces necessary to prevent the creation of traffic congestion caused by the curb parking of vehicles generated by such #use# and shall determine the required spaces in accordance with the purposes established in this Resolution with respect to other major traffic-generating facilities. The Commission shall require, in any event, no less than 20 spaces for the temporary parking of automobiles.

- (c) In any #Commercial District# or #Manufacturing District#, the Commission may permit the construction of a bus station with 10 or more berths for buses on a site of any size, where the #bus station and related facilities# are located wholly or partially in the #Special Midtown District# within Community District 4 in the Borough of Manhattan.

For purposes of this paragraph (c), a “bus station and related facilities” shall refer to: any bus station and #uses# #accessory# thereto that are #developed# in accordance with a special permit granted under this paragraph (c); and any #uses# that are constructed and maintained pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York.

In conjunction with a permit for a bus station, when the air space above a #street# or portion thereof is closed, demapped and conveyed by the City to the owner of an adjoining #zoning lot# that will contain such bus station, the Commission may permit, in such demapped air space, the #development# or #enlargement# of a #building# or portion thereof which is part of such bus station. The Commission may also permit, in connection with such bus station or any other #use# #developed# on the same #zoning lot# as such bus station, the modification of any applicable mandatory district plan elements, #bulk# regulations of this Resolution other than #floor area ratio# provisions, or the distribution of total allowable #floor area# without regard for #zoning lot# lines or district boundaries.

In order to grant such a permit, the Commission shall determine that the conditions set forth in paragraph (c)(1) and the findings set forth in paragraphs (c)(2) and (c)(3) of this Section, as applicable, are met.

Where the #bus station and related facilities# allowed under this Section will be #developed# pursuant to Chapter 8 of Title 17 of the Unconsolidated Laws of New York, any #buildings or other structures# comprising such #bus station and related facilities# shall not be subject to the #bulk# regulations or other applicable regulations of this Resolution, and the floor space within such #buildings or other structures# shall be excluded from the calculation of #floor area#.

The curb level of a zoning lot of which the demapped air space is a part shall not be affected by the closing and demapping of air space above such #street#. However, the Commission may establish an appropriate level or levels instead of curb level as the reference plane for the applicable regulations relating to open space, yards, level of yards, equivalent rear yards, rear yard setback, minimum distance between buildings, and height and setback.

(1) Conditions

Where the #development# or #enlargement# of a #building# is allowed within one or more demapped air spaces pursuant to this Section, such demapped air spaces and any adjoining tracts of land containing such #building# may be considered as part of a single #zoning lot#, but such demapped air spaces shall not generate #floor area# to be utilized on such #zoning lot#.

(2) Findings applicable to bus station #use#

In order to allow such bus station #use#, the Commission shall find that:

- (i) the operation of such bus station does not create serious traffic congestion, and is not detrimental to public health or general welfare of the city;
- (ii) the principal access for such #use# is not located on a local #street# but is located either on an arterial highway, a major #street# or a secondary #street# within one-quarter mile of an arterial highway or major #street#;
- (iii) the site plan for the #bus station and related facilities# includes pedestrian-oriented public spaces that, in their sizes and locations, reflect appropriate consideration of existing or planned at-grade pedestrian circulation networks;
- (iv) the design of the facility, including public entrances to the bus station, vehicular entrances and exits, bus ramps or overpasses, and accessory #uses# within the #bus station and related facilities# are sited and designed in a manner that reflects appropriate consideration of the civic importance of the site and of the experience of pedestrians within existing or planned #streets# or open areas;
- (v) the locations of at-grade entrances to such #bus station and related facilities# are designed to encourage pedestrian circulation into and on the #zoning lot# and are well-situated in relation to existing and proposed at-grade pedestrian and bicycle circulation networks;

- (vi) the bus station provides adequate connections to and from existing transportation facilities;
 - (vii) the bus station and surrounding transportation network accommodate projected bus volumes and reduces potential conflicts between buses and other modes of transportation in the surrounding area; and
 - (viii) the #use# and #development# of the bus station will not have undue adverse impacts on the character of or land uses in the surrounding area.
- (3) Findings applicable to modifications other than those allowing the #bus station and related facilities#

In order to modify any other applicable regulations of this Resolution, the Commission shall find that:

- (i) such modifications will facilitate an improved site plan for the #bus station and related facilities# or are otherwise in furtherance of the bus station project;
- (ii) such modifications will not unduly obstruct access to light and air from surrounding #streets#, open areas and properties; and
- (iii) any proposed modification of regulations governing #zoning lots# divided by district boundaries or the permitted transfer of #floor area# will not unduly increase the #bulk# of any #development# or #enlargement# on the #zoning lot# or the intensity of #use# on any #block# to the detriment of occupants of #buildings# on the #block# or the surrounding area.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

74-146

Heliports

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 21, 2024. *Other Council Members Attending: Council Member Brewer.*

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

Report for L.U. No. 186

Report of the Committee on Land Use in favor of approving Application number C 240336 MMM (Port Authority Bus Terminal Mapping Actions) submitted by The Port Authority of New York and New Jersey pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et-seq. of the New York City Administrative Code for an amendment to the City Map involving the elimination, discontinuance, and closing of a portion of West 41st Street between Eighth Avenue and Ninth Avenue, a portion of West 40th Street between Tenth Avenue and Eleventh Avenue; and the elimination, discontinuance, and closing of various volumes from West 41st Street, West 42nd Street, Ninth Avenue, West 40th Street, Tenth Avenue, West 39th Street and Eleventh Avenue, including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30275 dated May 21, 2024 and signed by the Borough President, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 23, 2024 (Minutes, page 3584) 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. 185 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 663

Resolution approving the decision of the City Planning Commission on ULURP No. C 240336 MMM, an amendment to the City Map (L.U. No. 186).

By Council Members Salamanca and Riley.

WHEREAS, the Port Authority of New York and New Jersey filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination, discontinuance, and closing of a portion of West 41st Street between Eighth Avenue and Ninth Avenue, a portion of West 40th Street between Tenth Avenue and Eleventh Avenue; and
- the elimination, discontinuance, and closing of various volumes from West 41st Street, West 42nd Street, Ninth Avenue, West 40th Street, Tenth Avenue, West 39th Street and Eleventh Avenue;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30275 dated May 21, 2024 and signed by the Borough President, which in conjunction with the related actions would facilitate the reconstruction of the Midtown Port Authority Bus Terminal (PABT) and related facilities as well as construction of two new commercial office towers above the new PABT terminal located at 625 Eighth Avenue in the Borough of Manhattan, Community District 4 (ULURP No. C 240336 MMM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 18, 2024 its decision dated October 16, 2024 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications N 240354 ZRM (L.U. No. 185), a zoning text amendment to modify ZR Section 74-145 (Bus Stations); and C 240353 ZSM (L.U. No. 187), a zoning special

permit to allow the construction of a bus station with 10 or more loading berths, construction within demapped airspace above streets, distribution of floor area across zoning lots, and the modification of bulk and special district requirements;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 12, 2024;

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 Environmental Impact Statement (“EIS”) dated June 4th, 2021 (CEQR No. 19FTA001M) and a Final Environmental Impact Statement (“FEIS”) for which an Official Notice of Availability was published in the Federal Register on October 4, 2024. The FEIS identified significant adverse impacts with respect to Historic and Cultural Resources, Shadows, Transportation, and Construction in which Mitigation measures are summarized in 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 provided in the application, the actions are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, and pursuant to the Final Programmatic Agreement in the FEIS, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS published in the Federal Register on October 4, 2024, 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 199 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 240336 MMM, incorporated by reference herein, and the record before the Council, the Council approves the Decision for an amendment to the City Map involving:

- the elimination, discontinuance, and closing of a portion of West 41st Street between Eighth Avenue and Ninth Avenue, a portion of West 40th Street between Tenth Avenue and Eleventh Avenue; and
- the elimination, discontinuance, and closing of various volumes from West 41st Street, West 42nd Street, Ninth Avenue, West 40th Street, Tenth Avenue, West 39th Street and Eleventh Avenue;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map No. 30275 dated May 21, 2024, corrected August 22, 2024, and signed by the Borough President, is approved; and be it further

RESOLVED that, pursuant to Section 5-432 of the New York City Administrative Code, the City Planning Commission determines that “such closing or discontinuance will further the health, safety, pedestrian or vehicular circulation, housing, economic development or general welfare of the City”; and be it further

RESOLVED that, pursuant to Section 5-433 of the New York City Administrative Code, the City Planning Commission adopts the legally required number of counterparts of Map No. 30275 dated May 21, 2024, and corrected August 22, 2024, providing the discontinuance and closing of portions of West 39th Street, West 40th Street, West 41st Street, West 42nd Street, Ninth Avenue, Tenth Avenue, and Eleventh Avenue, more particularly described as follows:

PORTIONS OF STREETS TO BE DISCONTINUED AND CLOSED AS SHOWN ON MANHATTAN BOROUGH PRESIDENT’S MAP ACC NO. 30275 DATED MAY 21, 2024 (CORRECTED AUGUST 22, 2024)

Parcel I

BEGINNING at the intersection of the easterly line of Ninth Avenue and the southerly line of West 41st Street, as shown on the Manhattan Borough President’s Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 3.50 feet in a northerly direction along the extension of the easterly line of Ninth Avenue to a point, thence;
- 2) running 415.64 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) Running 64.90 feet in a northeasterly direction to a point on the northerly line of West 41st Street, said course forming an internal angle of 237 degrees 55 minutes 59 seconds with the previous course, thence;
- 4) running 351.40 feet in an easterly direction along the northerly line of West 41st Street to a point at the intersection of the westerly line of Eighth Avenue and the northerly line of West 41st Street, said course forming an internal angle of 122 degrees 4 minutes 1 second with the previous course, thence;
- 5) running 58.50 feet in a southerly direction along the extension of the westerly line of Eighth Avenue to a point at the intersection of the westerly line of Eighth Avenue and the southerly line of West 41st Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 801.50 feet along the southerly line of West 41st Street to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 23,079.82 square feet (0.53 acres) of area as shown on said Map ACC No. 30275.

Parcel II

BEGINNING at the intersection of the easterly line of Ninth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President’s Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) Running 3.50 feet in a southerly direction along the extension of the easterly line of Ninth Avenue to a point, thence;
- 2) Running 801.50 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) Running 3.50 feet in a northerly direction to a point at the intersection of the westerly line of Eighth Avenue and the northerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) Running 801.50' in a westerly direction along the northerly line of West 40th Street to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 2,805.25 square feet (0.06 acres) of area as shown on said Map ACC No. 30275.

Parcel III

BEGINNING at a point located on the northerly line of West 40th Street, said point lying a distance of 200.00 feet west of the intersection of the westerly line of Ninth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 110.92 feet in a westerly direction along the northerly line of West 40th Street to a point, thence;
- 2) running 2.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 110.92 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 2.00 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 221.84 square feet (0.005 acres) of area as shown on said Map ACC No. 30275.

Parcel IIIA

BEGINNING at a point located on the southerly line of West 40th Street, said point lying a distance of 175.00 feet west of the intersection of the westerly line of Ninth Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 213.50 feet in a westerly direction along the southerly line of West 40th Street to a point, thence;
- 2) running 6.00 feet in a northerly direction to a point located on the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 213.50 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 6.00 feet in a southerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 1,281.00 square feet (0.03 acres) of area as shown on said Map ACC No. 30275.

Parcel IV

BEGINNING at a point located on the northerly line of West 39th Street, said point lying a distance of 175.00 feet west of the intersection of the westerly line of Ninth Avenue and the northerly line of West 39th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 338.66 feet in a westerly direction along the northerly line of West 39th Street to a point, thence;
- 2) running 2.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 338.66 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 2.00 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 677.32 square feet (0.02 acres) of area as shown on said Map ACC No. 30275.

Parcel V

BEGINNING at the intersection of the easterly line of Tenth Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 6.00 feet in a northerly direction along the extension of the westerly line of Tenth Avenue to a point, thence;
- 2) running 69.19 feet in an easterly direction to a point located on the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 6.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 69.19 feet in a westerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 415.14 square feet (0.01 acres) of area as shown on said Map ACC No. 30275.

Parcel VI

BEGINNING at the intersection of the westerly line of Tenth Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 266.00 feet in a westerly direction along the southerly line of West 40th Street to a point, thence;
- 2) running 15.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;

- 3) running 266.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 15.00 feet in a southerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 3,990.00 square feet (0.09 acres) of area as shown on said Map ACC No. 30275.

Parcel VII

BEGINNING at the intersection of the easterly line of Eleventh Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 2.00 feet in a westerly direction along the extension of the southerly line of West 40th Street to a point, thence;
- 2) running 199.50 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 804.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 132.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 5) running 2.00 feet in a westerly direction to a point located on the westerly line of Tenth Avenue, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 130.00 feet in a southerly direction to the intersection of the westerly line of Tenth Avenue and the northerly line of West 39th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 800.00 feet in a westerly direction to the intersection of the easterly line of Eleventh Avenue and the northerly line of West 39th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 8) running 197.50 feet in a northerly direction along the easterly line of Eleventh Avenue to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 2,263.00 square feet (0.05 acres) of area as shown on said Map ACC No. 30275.

Parcel VIII

BEGINNING at the intersection of the easterly line of Ninth Avenue and the southerly line of West 41st Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 127.98 feet in a southerly direction along the easterly line of Ninth Avenue to a point, thence;

- 2) running 100.00 feet in a westerly direction to a point on the westerly line of Ninth Avenue, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 146.48 feet in a northerly direction along the westerly line of Ninth Avenue to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 525.04 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 5) running 21.83 feet in a southwesterly direction to a point located on the southerly line of West 41st Street, said course forming an internal angle of 57 degrees 55 minutes 59 seconds with the previous course, thence;
- 6) running 413.45 feet in a westerly direction along the southerly line of West 41st Street to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 22,404.03 square feet (0.51 acres) of area as shown on said Map ACC No. 30275.

Parcel IX

BEGINNING at the intersection of the westerly line of Eighth Avenue and the southerly line of West 42nd Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 374.60 feet in a westerly direction along the southerly line of West 42nd Street to a point, thence;
- 2) Running 2.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 374.60 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 2.00 feet in a southerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 749.20 square feet (0.02 acres) of area as shown on said Map ACC No. 30275.

Parcel X

BEGINNING at the intersection of the westerly line of Eighth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 5.00 feet in a southerly direction along the extension of the westerly line of Eighth Avenue to a point, thence;
- 2) running 801.50 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 5.00 feet in a northerly direction to the intersection of the easterly line of Ninth Avenue and the northerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;

- 4) running 801.50 feet in an easterly direction along the northerly line of West 40th Street to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 4,007.50 square feet (0.09 acres) of area as shown on said Map ACC No. 30275.

Parcel XI

BEGINNING at the intersection of the easterly line of Tenth Avenue and the northerly line of West 39th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 100.00 feet in a westerly direction along the extension of the northerly line of West 39th Street to the intersection of the westerly line of Tenth Avenue and the northerly line of West 39th Street, thence;
- 2) running 197.50 feet in a northerly direction along the westerly line of Tenth Avenue to the intersection of the westerly line of Tenth Avenue and the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 800.00 feet in a westerly direction along the southerly line of West 40th Street to the intersection of the easterly line of Eleventh Avenue and the southerly line of West 40th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 197.50 feet in a southerly direction along the easterly line of Eleventh Avenue to the intersection of the easterly line of Eleventh Avenue and the northerly line of West 39th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 5) running 802.00 feet in an easterly direction along the northerly line of West 39th Street to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 2.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 808.00 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 201.50 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 9) running 540.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 10) running 22.00 feet in a northerly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 11) running 828.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 12) running 36.00 feet in a northerly direction to a point located on the northerly line of West 40th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 13) running 138.00 feet in an easterly direction along the northerly line of West 40th Street to a point, said course forming an internal angle of 90 degrees with the previous course, thence;

- 14) running 54.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 15) running 25.00 feet in an easterly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 16) running 6.00 feet in a southerly direction to a point located on the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 17) running 213.50 feet in a westerly direction along the southerly line of West 40th Street to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 18) running 6.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 19) running 342.31 feet in a westerly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 20) running 6.00 feet in a southerly direction to a point located on the southerly line of West 40th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 21) running 69.19 feet in a westerly direction along the southerly line of West 40th Street to the intersection of the easterly line of Tenth Avenue and the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 22) running 197.50 feet in a southerly direction along the easterly line of Tenth Avenue to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 49,879.14 square feet (1.15 acres) of area as shown on said Map ACC No. 30275.

Parcel XII

BEGINNING at the intersection of the easterly line of Ninth Avenue and the southerly line of West 41st Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 2.00 feet in a northerly direction along the extension of the easterly line of Ninth Avenue to a point, thence;
- 2) running 422.67 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 2.00 feet in a southerly direction to a point located on the southerly line of West 41st Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 422.67 feet in a westerly direction along the southerly line of West 41st Street to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 845.34 square feet (0.02 acres) of area as shown on said Map ACC No. 30275.

Parcel XIII

BEGINNING at the intersection of the easterly line of Ninth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 736.00 feet in an easterly direction along the northerly line of West 40th Street to a point, thence;
- 2) running 1.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 65.50 feet in an easterly direction to the intersection of the westerly line of Eighth Avenue and the northerly line of West 40th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 1.00 feet in a southerly direction along the extension of the westerly line of Eighth Avenue to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 5) running 801.50 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 2.00 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 1,537.50 square feet (0.04 acres) of area as shown on said Map ACC No. 30275.

Parcel XIII A

BEGINNING at the intersection of the easterly line of Ninth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 736.00 feet in an easterly direction along the northerly line of West 40th Street to a point, thence;
- 2) running 2.50 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 31.00 feet in an easterly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 2.50 feet in a northerly direction to a point located on the northerly line of West 40th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 5) running 34.50 feet in an easterly direction along the northerly line of West 40th Street to the intersection of the westerly line of Eighth Avenue and the northerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 3.50 feet in a southerly direction along the extension of the westerly line of Eighth Avenue to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 801.50 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 3.50 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 2,727.75 square feet (0.06 acres) of area as shown on said Map ACC No. 30275.

Parcel XIII B

BEGINNING at the intersection of the easterly line of Ninth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 736.00 feet in an easterly direction along the northerly line of West 40th Street to a point, thence;
- 2) running 1.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 31.00 feet in an easterly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 1.00 feet in a northerly direction to a point located on the northerly line of West 40th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 5) running 34.50 feet in an easterly direction to the intersection of the westerly line of Eighth Avenue and the northerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 2.00 feet in a southerly direction along the extension of the westerly line of Eighth Avenue to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 801.50 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 2.00 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 1,572.00 square feet (0.04 acres) of area as shown on said Map ACC No. 30275.

Parcel XIV

BEGINNING at a point on the northerly line of West 40th Street, said point lying 200.00 feet west of the intersection of the westerly line of Ninth Avenue and the northerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 110.92 feet in a westerly direction along the northerly line of West 40th Street to a point, thence;
- 2) running 3.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 110.92 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 3.00 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 332.76 square feet (0.01 acres) of area as shown on said Map ACC No. 30275.

Parcel XV

BEGINNING at a point on the northerly line of West 39th Street, said point lying 175.00 feet west of the intersection of the westerly line of Ninth Avenue and the northerly line of West 39th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 338.66 feet in a westerly direction along the northerly line of West 39th Street to a point, thence;
- 2) running 4.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 338.66 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 4) running 4.00 feet in a northerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 1,354.64 square feet (0.03 acres) of area as shown on said Map ACC No. 30275.

Parcel XVI

BEGINNING at the intersection of the easterly line of Tenth Avenue and the northerly line of West 39th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 1.00 feet in a westerly direction along the extension of the northerly line of West 39th Street to a point, thence;
- 2) running 185.50 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 4.50 feet in a westerly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 20.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 5) running 74.69 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 8.00 feet in a southerly direction to a point located on the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 69.19 feet in a westerly direction to the intersection of the easterly line of Tenth Avenue and the southerly line of West 40th Street, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 197.50 feet in a southerly direction along the easterly line of Tenth Avenue to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 849.02 square feet (0.02 acres) of area as shown on said Map ACC No. 30275.

Parcel XVII

BEGINNING at the intersection of the easterly line of Eleventh Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 197.50 feet in a southerly direction along the easterly line of Eleventh Avenue to a point located at the intersection of the easterly line of Eleventh Avenue and the northerly line of West 39th Street, thence;
- 2) running 800.00 feet in an easterly direction along the northerly line of West 39th Street to the intersection of the westerly line of Tenth Avenue and the northerly line of West 39th Street, said course forming an internal angle of 270 degrees with the previous course, thence.
- 3) running 130.00 feet in a northerly direction along the westerly line of Tenth Avenue to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 2.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 5) running 132.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 808.00 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 199.50 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 6.00 feet in an easterly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 3,061.00 square feet (0.07 acres) of area as shown on said Map ACC No. 30275.

Parcel XVIII

BEGINNING at the intersection of the easterly line of Ninth Avenue and the southerly line of West 41st Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 18.50 feet in a northerly direction along the extension of the easterly line of Ninth Avenue to a point, thence;
- 2) running 425.04 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 21.83 feet in a southwesterly direction to a point located on the southerly line of West 41st Street, said course forming an internal angle of 57 degrees 55 minutes 59 seconds with the previous course, thence;

- 4) running 413.45 feet in a westerly direction along the southerly line of West 41st Street to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 7,756.03 square feet (0.18 acres) of area as shown on said Map ACC No. 30275.

Parcel XIX

BEGINNING at the intersection of the easterly line of Tenth Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 69.19 feet in an easterly direction along the southerly line of West 40th Street to a point, thence;
- 2) running 6.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 3) running 342.31 feet in an easterly direction along the southerly line of West 40th Street to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 6.00 feet in a southerly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 5) running 213.50 feet in an easterly direction along the southerly line of West 40th Street to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 6.00 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 163.00 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 18.00 feet in a northerly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 9) running 462.00 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 10) running 24.00 feet in a southerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 10,012.14 square feet (0.23 acres) of area as shown on said Map ACC No. 30275.

Parcel XX

BEGINNING at the intersection of the westerly line of Tenth Avenue and the southerly line of West 40th Street, as shown on the Manhattan Borough President's Map, ACC No. 30275, dated May 21, 2024, and corrected August 22, 2024:

- 1) running 800.00 feet in a westerly direction along the southerly line of West 40th Street to the intersection of the easterly line of Eleventh Avenue and the southerly line of West 40th Street, thence;

- 2) running 197.50 feet in a southerly direction along the easterly line of Eleventh Avenue to the intersection of the easterly line of Eleventh Avenue and the northerly line of West 39th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 3) running 800.00 feet in an easterly direction along the northerly line of West 39th Street to the intersection of the westerly line of Tenth Avenue and the northerly line of West 39th Street, said course forming an internal angle of 270 degrees with the previous course, thence;
- 4) running 130.00 feet in a northerly direction along the westerly line of Tenth Avenue to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 5) running 2.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 6) running 132.00 feet in a southerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 7) running 808.00 feet in a westerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 8) running 201.50 feet in a northerly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 9) running 540.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 10) running 22.00 feet in a northerly direction to a point, said course forming an internal angle of 270 degrees with the previous course, thence;
- 11) running 266.00 feet in an easterly direction to a point, said course forming an internal angle of 90 degrees with the previous course, thence;
- 12) running 24.00 feet in a southerly direction to the point or place of BEGINNING.

The above described parcel lies between horizontal planes at elevations specified on Map ACC No. 30275, and is located in the Borough of Manhattan, County, City, and State of New York, and measures approximately 10,525.00 square feet (0.24 acres) of area as shown on said Map ACC No. 30275.

RESOLVED that, pursuant to subdivision of 1a of Section 5-433 of the New York City Administrative Code, public utility facilities within the subsurface of the streets cited herein which are to be discontinued and closed by this action, may be maintained in place or relocated within such subsurface by the public utility, so that such maintenance in place or relocation of such facilities is consistent with the proposed use of the closed portion or portions of such subsurface, and the requirements of other facilities located therein;

All such approvals being subject to the following conditions:

- a. The subject amendment to the City Map shall take effect on the day following the day on which certified counterparts of Map No. 30275 are filed with the appropriate agencies in accordance with Section 198 subsection c of the New York City Charter and Section 5-435 of the New York City Administrative Code;
- b. The subject street to be discontinued and closed shall be discontinued and closed on the day following the day on which such maps adopted by this resolution shall be filed in the offices specified by law.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 21, 2024. *Other Council Members Attending: Council Member Brewer.*

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

Report for L.U. No. 187

Report of the Committee on Land Use in favor of approving Application number C 240353 ZSM (Port Authority Bus Terminal Replacement) submitted by The Port Authority of New York and New Jersey pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-631 of the Zoning Resolution, to permit the construction of a bus station with 10 or more berths for buses on a site of any size; to permit within demapped air space above a street the development of a building or portion thereof which is part of such bus station; to allow the distribution of floor area on the development site without regard to zoning district boundaries; to modify the height and setback requirements of Section 81-26 (Height and Setback Regulations – Daylight Compensation); and to modify the Mandatory District Plan Elements of Section 81-45 (Pedestrian Circulation Space), Section 81-47 (Major Building Entrances) and Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), in connection with a proposed development on property generally bounded by West 40th Street, 10th Avenue, West 41st Street, 9th Avenue, West 42nd Street, 8th Avenue, West 40th Street, 9th Avenue, West 39th Street, and 11th Avenue, (Block 711, Lot 1, Block 737, Lots 1, 17 & 22, Block 1032, Lot 29, Block 1050, Lots 13 & 32, and demapped portions of West 39th Street, West 40th Street, West 41st Street, West 42nd Street, 9th Avenue and 10th Avenue), partially within C6-7, C1-7A, C6-3, R8A/C2-5, C2-8, and C6-4 Districts, partially within Special Midtown District and Special Hudson Yards District, Borough of Manhattan, Community District 4, Council District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on October 23, 2024 (Minutes, page 3585) 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. 185 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 664

Resolution approving the decision of the City Planning Commission on ULURP No. C 240353 ZSM, for the grant of a special permit (L.U. No. 187).

By Council Members Salamanca and Riley.

WHEREAS, the Port Authority of New York and New Jersey 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 74-145 of the Zoning Resolution, to permit the construction of a bus station with 10 or more berths for buses on a site of any size; to permit within demapped air space above a street the development of a building or portion thereof which is part of such bus station; to allow the distribution of floor area on the development site without regard to zoning district boundaries; to modify the height and setback requirements of Section 81-26 (Height and Setback Regulations – Daylight Compensation); and to modify the Mandatory District Plan Elements of Section 81-45 (Pedestrian Circulation Space), Section 81-47 (Major Building Entrances) and Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE); in connection with a proposed development on property generally bounded by West 40th Street, 10th Avenue, West 41st Street, 9th Avenue, West 42nd Street, 8th Avenue, West 40th Street, 9th Avenue, West 39th Street, and 11th Avenue, (Block 711, Lot 1, Block 737, Lots 1, 17 & 22, Block 1032, Lot 29, Block 1050, Lots 13 & 32, and demapped portions of West 39th Street, West 40th Street, West 41st Street, West 42nd Street, 9th Avenue and 10th Avenue), partially within C6-7, C1-7A, C6-3, R8A/C2-5, C2-8, and C6-4 Districts, partially within Special Midtown District and Special Hudson Yards Districts, Borough of Manhattan, Community District 4 (ULURP No. C 240353 ZSM) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on October 18, 2024, its decision dated October 16, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications N 240354 ZRM (L.U. No. 185), a zoning text amendment to modify ZR Section 74-145 (Bus Stations); and C 240336 MMM (L.U. No. 186), an amendment to the City Map to discontinue and close portions of West 39th Street, West 40th Street, West 41st Street, West 42nd Street, Ninth Avenue, Tenth Avenue, and Eleventh Avenue, and the disposition of such demapped areas to the Port Authority to facilitate the development of the bus passenger station and related facilities;

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 Sections 74-145(c)(2) and 74-145(c)(3) 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 November 12, 2024;

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 Environmental Impact Statement (“EIS”) dated June 4th, 2021 (CEQR No. 19FTA001M) and a Final Environmental Impact Statement (“FEIS”) for which an Official Notice of Availability was published in the Federal Register on October 4, 2024. The FEIS identified significant adverse impacts with respect to Historic and Cultural Resources, Shadows, Transportation, and Construction in which Mitigation measures are summarized in 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 provided in the application, the actions are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
3. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating, as conditions to the approval, and pursuant to the Final Programmatic Agreement in the FEIS, those project components related to the environment and mitigation measures that were identified as practicable.

The Decision, together with the FEIS published in the Federal Register on October 4, 2024, 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 240353 ZSM, 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 240353 ZSM) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by Kohn Pedersen Fox Associates PC, filed with this application and incorporated in this resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Revised Date</u>
Z-101	Zoning Calculations	10/09/2024
Z-102	Zoning Lot Site Plan	10/09/2024
Z-103	Ground Floor Plan	10/09/2024
Z-104	Waiver Plan	10/09/2024
Z-105	Section – Continuous East/West Through Zoning Lot	05/10/2024
Z-106	Sections – Main Terminal with Overbuild Towers	05/10/2024
Z-107	Sections – SSF & Ramp	05/10/2024
Z-108	Daylight Compensation Analysis	05/10/2024
L-001	Urban Design Controls - Streetscape	10/11/2024
L-002	Urban Design Controls – Overstreet Building Elements	10/11/2024

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. In the event the property that is the subject of the application is developed, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the 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 or breach of any of the conditions as stated above, may constitute grounds for the City Planning Commission or City Council, as applicable, to disapprove any application for modification, renewal or extension of the special permit hereby granted.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIÁS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 21, 2024. *Other Council Members Attending: Council Member Brewer.*

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 161 & Res. No. 665

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230356 ZMK (962-972 Franklin Avenue Rezoning) submitted by Franklin Ave Acquisition, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, changing from an R6A District to an R8A District, and establishing within the proposed R8A District a C2-4 District, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3307) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3624), respectfully

REPORTS:

SUBJECT

BROOKLYN CB 9 – THREE APPLICATIONS RELATED TO 962-972 FRANKLIN AVENUE REZONING

C 230356 ZMK (L.U. No. 161)

City Planning Commission decision approving an application submitted by the Franklin Ave Acquisition LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. changing from an R6A District to an R7D District property bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 150 feet northerly of Sullivan Place, and a line 100 feet easterly of Washington Avenue; and
2. establishing within the proposed R7D District a C2-4 District bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 575 feet southerly of Montgomery Street, and a line 100 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only) dated May 13, 2024, modified by the City Planning Commission on September 23, 2024, and subject to the conditions of CEQR Declaration E-728.

N 230357(A) ZRK (L.U. No. 162)

City Planning Commission decision approving an application submitted by the Franklin Ave Acquisition 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 bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), as well as APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 230358 ZSK (L.U. No. 163)

City Planning Commission decision approving an application submitted by Franklin Ave Acquisition LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within the 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 located at 962-972 Franklin Avenue (Block 1192, Lots 63 and 66), in R8A and R8A/C2-4 Districts.

INTENT

To approve the amendment to rezone the project area from an R6A district to R7D and R7D/C2-4 districts; amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area and modify bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); grant an approval of the special permit pursuant to Zoning Resolution Section 74-52 to reduce residential off-street parking to facilitate affordable housing, to facilitate the construction of a 10-story mixed use building with approximately 285,000 square feet of floor area containing 355 dwelling units, up to 106 of which would be permanently income-restricted, along with 8,128 square feet of commercial floor area, at 962 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9.

PUBLIC HEARING

DATE: October 16, 2024

Witnesses in Favor: Ten

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 161 and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 162 and 163.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 13, 2024

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS

The City Planning Commission filed a letter dated _____, 2024, with the Council on _____, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 665

Resolution approving the decision of the City Planning Commission on ULURP No. C 230356 ZMK, a Zoning Map amendment (L.U. No. 161).

By Council Members Salamanca and Riley.

WHEREAS, Franklin Ave. Acquisition, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, by changing from an R6A District to an R8A District and establishing within the proposed R8A District a C2-4 District, which in conjunction with the related actions would facilitate the construction of a 14-story mixed use building with approximately 383,000 square feet of floor area containing 475 dwelling units, 119 of which would be permanently income-restricted, along with 8,128 square feet of commercial floor area, at 962 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9 (ULURP No. C 230356 ZMK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2024 its decision dated September 23, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications N 230357(A) ZRK (L.U. No. 162), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, and to modify bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); and C 230358 ZSK (L.U. No. 163), a special permit pursuant to Zoning Resolution Section 74-52 to reduce residential off-street 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, upon due notice, the Council held a public hearing on the Decision and Application on October 16, 2024;

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, as reflected in the Positive Declaration issued June 27th, 2023 (CEQR No. 23DCP165K) and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on September 12, 2024, which identified significant adverse impacts with respect to open space, shadows, and natural resources, and construction (noise). In addition, significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations (E-728) on the project site as specified in the Environmental Assessment Statement and Chapters 1, 7, and 12 of the FEIS. The application, as analyzed in the FEIS, contained Project Components Related to the Environment (“PCREs”) related to construction air quality, which are set forth in Chapter 10, “Construction”. The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 11 “Mitigation” of the FEIS which include commitments related to improvements at Jackie Robinson Playground and the Brooklyn Botanic Garden; and construction noise. The Council has also considered the Technical Memorandum dated [_____] (the “Technical Memorandum”).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action(s) that are set forth in the Decision;
3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions adopted are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 23, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230356 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. 16d:

3. changing from an R6A District to an R7D District property bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 150 feet northerly of Sullivan Place, and a line 100 feet easterly of Washington Avenue; and
4. establishing within the proposed R7D District a C2-4 District bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 575 feet southerly of Montgomery Street, and a line 100 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only) dated May 13, 2024, modified by the City Planning Commission on September 23, 2024, and subject to the conditions of CEQR Declaration E-728, Borough of Brooklyn, Community District 9.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 162 & Res. No. 666

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230357(A) ZRK (962-972 Franklin Avenue Rezoning) submitted by Franklin Ave Acquisition 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 bulk regulations in ARTICLE II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), as well as APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3307) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3627), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 161 & Res. No. 665 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 666

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230357(A) ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 162).

By Council Members Salamanca and Riley.

WHEREAS, Franklin Ave. Acquisition, 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 bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), as well as Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related actions would facilitate the construction of a 14-story mixed use building containing 475 dwelling units, along with commercial space, at 962 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9 (ULURP No. N 230357 (A) ZRK), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2024, its decision dated September 23, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230356 ZMK (L.U. No. 161), a zoning map amendment to change an R6A district to R8A and R8A/C2-4 districts; and C 230358 ZSK (L.U. No. 163), a special permit pursuant to Zoning Resolution Section 74-52 to reduce residential off-street 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, upon due notice, the Council held a public hearing on the Decision and Application on October 16, 2024;

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, as reflected in the Positive Declaration issued June 27th, 2023 (CEQR No. 23DCP165K) and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on September 12, 2024, which identified significant adverse impacts with respect to open space, shadows, and natural resources, and construction (noise). In addition, significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations (E-728) on the project site as specified in the Environmental Assessment Statement and Chapters 1, 7, and 12 of the FEIS. The application, as analyzed in the FEIS, contained Project Components Related to the Environment (“PCREs”) related to construction air quality, which are set forth in Chapter 10, “Construction”. The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 11 “Mitigation” of the FEIS which include commitments related to improvements at Jackie Robinson Playground and the Brooklyn Botanic Garden; and construction noise. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action(s) that are set forth in the Decision;
3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions adopted are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration

dated September 23, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230357(A) ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;

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

Matter double-underlined is new, added by the City Council

Matter ~~double-struck out~~ is old, deleted by the City Council;

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

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

* * *

[EXISTING TEXT REFLECTS CITY OF YES FOR HOUSING OPPORTUNITY ZONING TEXT WHICH IS BEING VOTED ON BY CPC SEPTEMBER 25th, 2024]

ARTICLE II RESIDENCE DISTRICT REGULATIONS

Chapter 3 Residential Bulk Regulations in Residence Districts

* * *

23-40 HEIGHT AND SETBACK REGULATIONS

* * *

23-44 Special Provisions for Certain Areas

* * *

23-442 Special provisions for certain community districts

* * *

(b) Borough of Brooklyn

(1) Street wall modifications in Community Districts 8 and 9

For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-431 and 23-432, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet

of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

(2) Height and setback modifications in Community District 9

For #zoning lots# in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and Franklin Avenue, the following height and setback modifications shall apply. The maximum height of a #building or other structure# shall not exceed an imaginary plane that:

- (i) begins at an elevation of ~~85~~ 90 feet above the level of the #base plane#, beginning at the point along the center line of Sullivan Place, distant 120 feet, 4 inches east of the center line of Washington Avenue and parallel to Sullivan Place, and extending to Montgomery Street at an angle of 83° 17' 38"; and
- (ii) extends upwards at a slope equivalent of ~~45~~ 10 percent to the horizontal, in an easterly direction, as measured perpendicular to the line established by paragraph (b)(2)(i) of this Section.

Obstructions permitted pursuant to Section 23-411 may penetrate such imaginary plane provided that they are at least 90 percent transparent. In addition, obstructions specified in Section 23-412(c) located within 85 feet of Franklin Avenue may penetrate such imaginary plane up to 12 feet if there is a minimum of 30 feet between such obstructions and the obstruction is no longer than 60 feet in length along the frontage of Franklin Avenue.

* * *

Chapter 4

Bulk Regulations for Community Facilities in Residence Districts

* * *

24-50

HEIGHT AND SETBACK REGULATIONS

* * *

24-56

Special Height and Setback Provisions for Certain Areas

* * *

- (d) Notwithstanding any other provisions of this Resolution, in #Mandatory Inclusionary Housing areas# within the portion of Community District 9 in the Borough of Brooklyn, on the #block# bounded by Montgomery Street, Washington Avenue, Sullivan Place, and Franklin Avenue, any #building or other structure# hereafter constructed or any existing #building or other structure# hereafter relocated, #enlarged# or reconstructed shall comply with the provisions of Section 23-442(b)(2), inclusive.

* * *

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

* * *

BROOKLYN

* * *

Brooklyn Community District 9

* * *

Map 1 – [date of adoption]

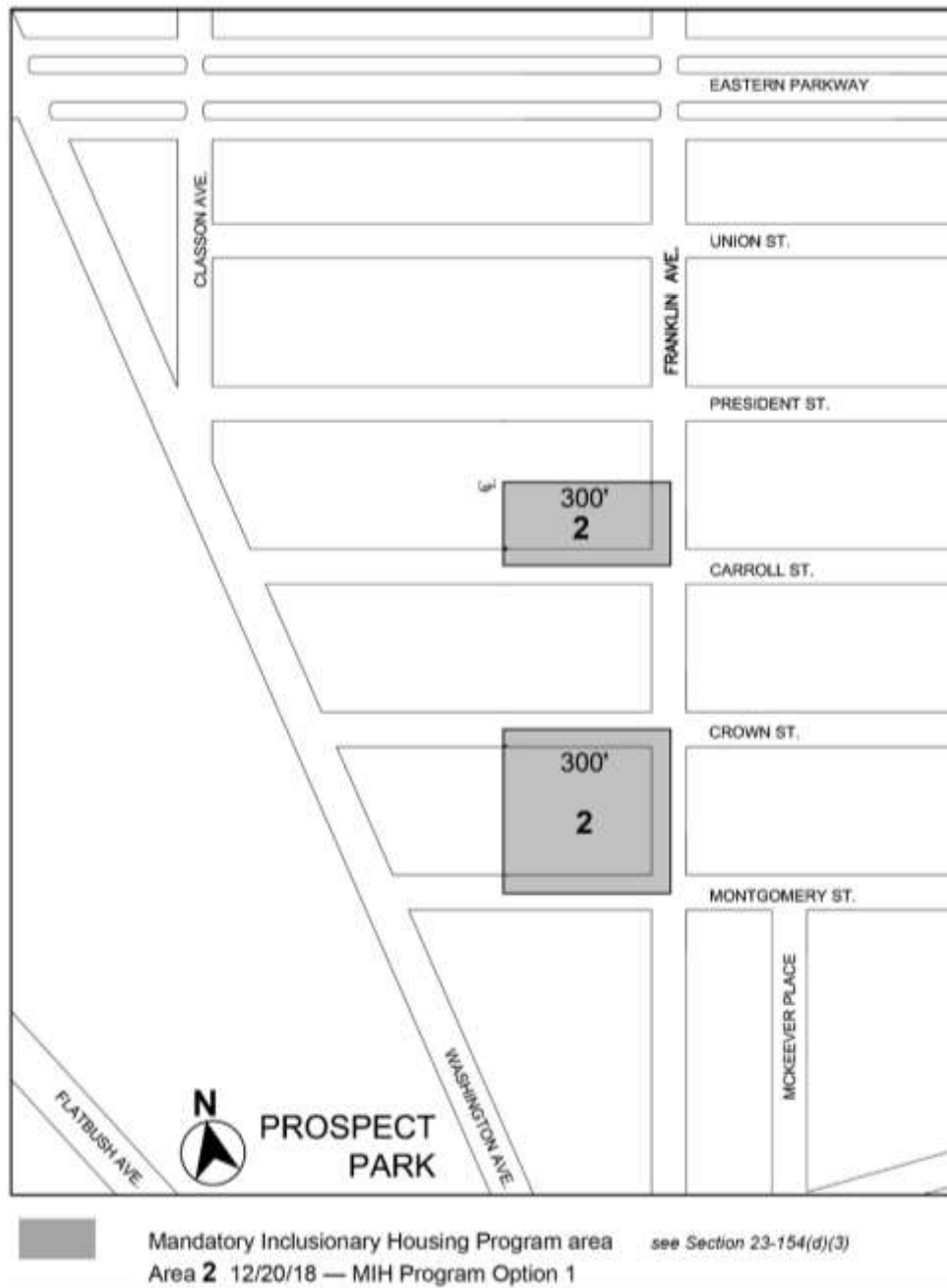
[EXISTING MAP]



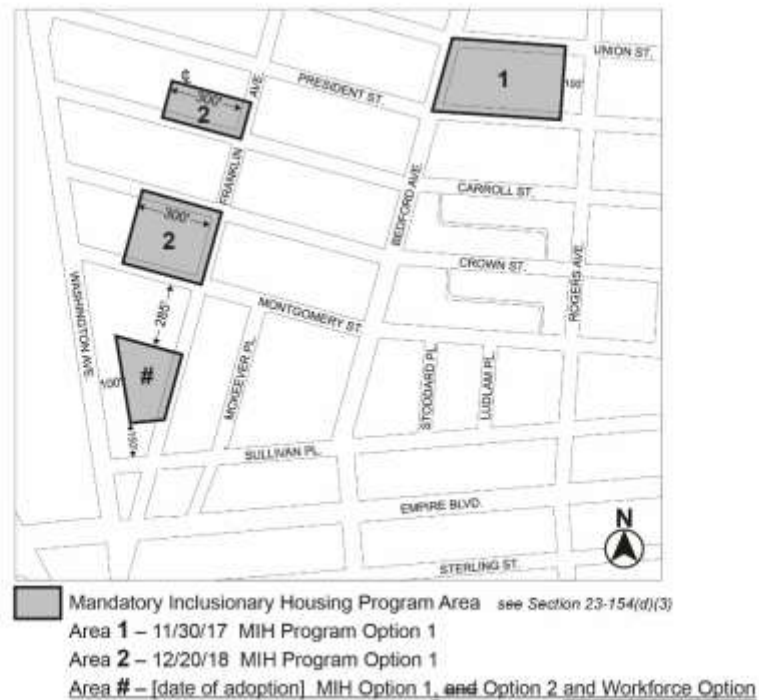
Mandatory Inclusionary Housing Program Area see Section 23-154 (d)(3)
 Area **1** – 11/30/17 MIH Program Option 1

Map 2 — (12/20/18)

[EXISTING MAP]



[PROPOSED MAP]



Portion of Community District 9, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 163 & Res. No. 667

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230358 ZSK (962-972 Franklin Avenue Rezoning) submitted by Franklin Ave Acquisition, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within the 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 located at 962-972 Franklin Avenue (Block 1192, Lots 63 and 66), in R8A and R8A/C2-4 Districts, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3308) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3627), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 161 & Res. No. 665 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 667

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230358 ZSK, for the grant of a special permit (L.U. No. 163).

By Council Members Salamanca and Riley.

WHEREAS, Franklin Ave. Acquisition, 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 reduce the number of required accessory off-street parking spaces for dwelling units in a development within the 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 located at 962-972 Franklin Avenue (Block 1192, Lots 63 and 66), in R8A and R8A/C2-4 Districts, Borough of Brooklyn, Community District 9 (ULURP No. C 230358 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 24, 2024, its decision dated September 23, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230356 ZMK (L.U. No. 161), a zoning map amendment to change an R6A district to R8A and R8A/C2-4 districts; and N 230357(A) ZRK (L.U. No. 162), zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area, and to modifying bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts);

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 74-52 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 16, 2024;

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, as reflected in the Positive Declaration issued June 27th, 2023 (CEQR No. 23DCP165K) and the Final Environmental Impact Statement (“FEIS”) for which a Notice of Completion was issued on September 12, 2024, which identified significant adverse impacts with respect to open space, shadows, and natural resources, and construction (noise). In addition,

significant adverse impacts related to hazardous materials and air quality would be avoided through the placement of (E) designations (E-728) on the project site as specified in the Environmental Assessment Statement and Chapters 1, 7, and 12 of the FEIS. The application, as analyzed in the FEIS, contained Project Components Related to the Environment (“PCREs”) related to construction air quality, which are set forth in Chapter 10, “Construction”. The identified significant adverse impacts and proposed mitigation measures under the proposed actions are summarized in Chapter 11 “Mitigation” of the FEIS which include commitments related to improvements at Jackie Robinson Playground and the Brooklyn Botanic Garden; and construction noise. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

RESOLVED:

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

1. The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
2. The environmental impacts disclosed in the FEIS were evaluated in relation to the social, economic, and other considerations associated with the action(s) that are set forth in the Decision;
3. Consistent with social, economic and other essential considerations, from among the reasonable alternatives provided in the application, the actions adopted are those which minimize or avoid adverse environmental impacts to the maximum extent practicable; and
4. The adverse environmental impacts revealed in the FEIS will be minimized or avoided to the maximum extent practicable by incorporating as conditions to the approval, pursuant to the restrictive declaration dated September 23, 2024, those project components related to the environment and mitigation measures that were identified as practicable.

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230358 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter double-underlined is new, added by the City Council;
 Matter ~~double struck out~~ is old, deleted by the City Council

1. The property that is the subject of this application (C 230358 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Hill West Architects filed with this application and incorporated in this Resolution:

<u>Drawing No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-02	Site Plan/ Zoning Analysis	09/23/2024 [/ /]

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. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners’ association, or cooperative ownership, a copy of this report and

resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.

5. 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.
6. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration 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 or of the restrictive declaration.
7. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents' failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 164 & Res. No. 668

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230182 ZMK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 22c and 22d, changing from an R5 District to an R6 District, changing from an M1-1 District to an R6 District, changing from an M1-1 District to a C4-5 District, and establishing within the proposed R6 District a C2-4 District, Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3308) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3628), respectfully

REPORTS:

SUBJECT

BROOKLYN CBs-11 and 12 – NINE APPLICATIONS RELATED TO BROOKLYN YARDS

C 230182 ZMK (L.U. No. 164)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 22c & 22d:

1. changing from an R5 District to an R6 District property bounded by 59th Street, 16th Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of 16th Avenue;
2. changing from an M1-1 District to an R6 District property bounded by a line midway between 59th Street and 60th Street, 16th Avenue, 60th Street, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), 15th Avenue, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), and a line 460 feet southeasterly of 15th Avenue;
3. changing from an M1-1 District to a C4-5 District property bounded by the 61st Street, 15th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), and New Utrecht Avenue; and
4. establishing within the proposed R6 District a C2-4 District bounded by the 59th Street, 16th Avenue, 60th Street, and a line 100 feet northwesterly of 16th Avenue;

as shown on a diagram (for illustrative purposes only) dated June 10, 2024, and subject to the conditions of CEQR Declaration E-749.

N 230183 ZRK (L.U. No. 165)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 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.

C 230184 ZSK (L.U. No. 166)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of 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 located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District.

C 230185 ZSK (L.U. No. 167)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow a portion of a railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area for a proposed mixed use development, on property located at 1557 60th Street (Block 5509, Lots 41 and 57), in a R6 & R6/C2-4 District.

C 230188 ZSK (L.U. No. 168)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts.

C 230189 ZSK (L.U. No. 169)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61* of the Zoning Resolution to allow that portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5727, p/o Lot 14), in a C4-5 District.

C 230190 ZSK (L.U. No. 170)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District.

C 230191 ZSK (L.U. No. 171)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of 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 located at 1557 60th Street Avenue (Block 5727, p/o Lot 14), in a C4-5 District.

C 230196 ZSK (L.U. No. 172)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area and lot coverage without regard for the zoning lot lines or district boundaries;

2. Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations); and
3. Section 74-743(a)(6) - to modify the minimum distance between legally required windows and walls or lot lines regulations of Section ZR 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines);

in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts,

INTENT

To approve the amendment to rezone the project area from an M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; amend the zoning text to Appendix F of the ZR to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; grant an approval of the special permit pursuant to ZR Section 74-52 to reduce the number of required accessory off-street parking spaces; special permit pursuant to ZR Section 74-61 to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; special permit pursuant to ZR Section 74-745 to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; and special permit pursuant to ZR Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line regulations to facilitate the development of fourteen new buildings that would contain 335,100 square feet, including approximately 272,000 square feet of residential space with 270 dwelling units (81 of which would be income-restricted) and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12.

PUBLIC HEARING

DATE: October 8, 2024

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 164, 165, 166, 167, and 170 and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 168, 169, 171, and 172.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 13, 2024

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated _____, 2024, with the Council on _____, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 668

Resolution approving the decision of the City Planning Commission on ULURP No. C 230182 ZMK, a Zoning Map amendment (L.U. No. 164).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 Nos. 22c & 22d, changing from an R5 District to an R6 District; changing from an M1-1 District to an R6 District; changing from an M1-1 District to a C4-5 District; establishing within the proposed R6 District a C2-4 District, which in conjunction

with the related actions would facilitate the development of fourteen new buildings that would contain 335,100 square feet, including approximately 272,000 square feet of residential space with 270 dwelling units (81 of which would be income-restricted) and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230182 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024 its decision dated September 25, 2024 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 8, 2024;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment ("PCREs"), including a commitment to conduct a Transportation Monitoring Program ("TMP") to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, "Project Description" and Attachment H, "Transportation". To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the "Technical Memorandum").

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-749) 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 230182 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. 22c & 22d:

1. changing from an R5 District to an R6 District property bounded by 59th Street, 16th Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of 16th Avenue;
2. changing from an M1-1 District to an R6 District property bounded by a line midway between 59th Street and 60th Street, 16th Avenue, 60th Street, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), 15th Avenue, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), and a line 460 feet southeasterly of 15th Avenue;
3. changing from an M1-1 District to a C4-5 District property bounded by the 61st Street, 15th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), and New Utrecht Avenue; and
4. establishing within the proposed R6 District a C2-4 District bounded by the 59th Street, 16th Avenue, 60th Street, and a line 100 feet northwesterly of 16th Avenue;

as shown on a diagram (for illustrative purposes only) dated June 10, 2024, and subject to the conditions of CEQR Declaration E-749, Borough of Brooklyn, Community Districts 11 & 12.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 165 & Res. No. 669

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230183 ZRK (Brooklyn Yards) submitted by Brooklyn Yards 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 and to modify APPENDIX I (Transit Zone), Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3308) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3632), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 669

Resolution approving the decision of the City Planning Commission on Application No. N 230183 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 165).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, LLC, filed an application pursuant to Sections 197-c and 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 and modifying Appendix I to expand the Transit Zone, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. N 230183 ZRK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024 its decision dated September 25, 2024 (the "Decision") on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; and C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 8, 2024;

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 land use and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the

potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [_____] (the “Technical Memorandum”).

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-749) 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 230183 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.

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 12

* * *

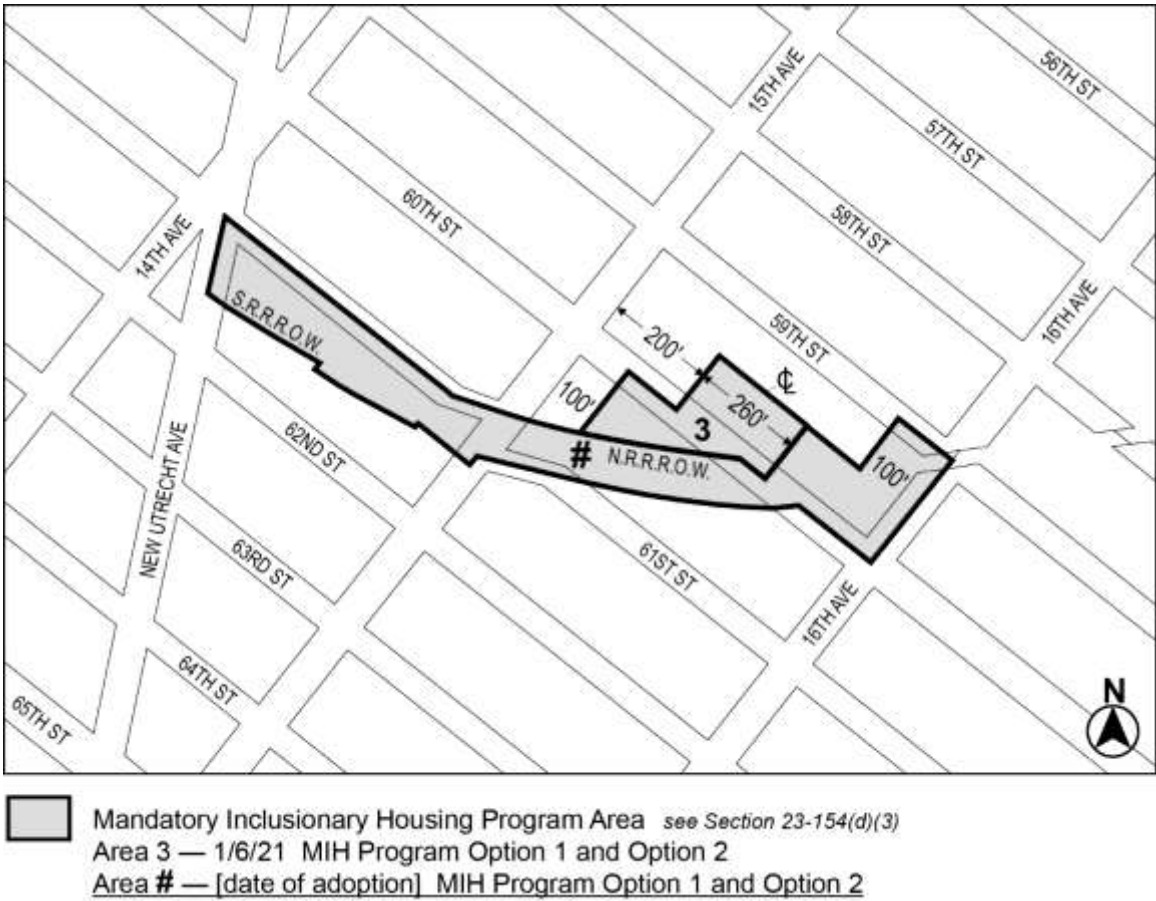
Map 3 – [date of adoption]

[EXISTING MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
Area **3**—1/6/21 MIH Program Option 1 and Option 2

[PROPOSED MAP]



Portion of Community District 12, Brooklyn

* * *

APPENDIX I
Transit Zone

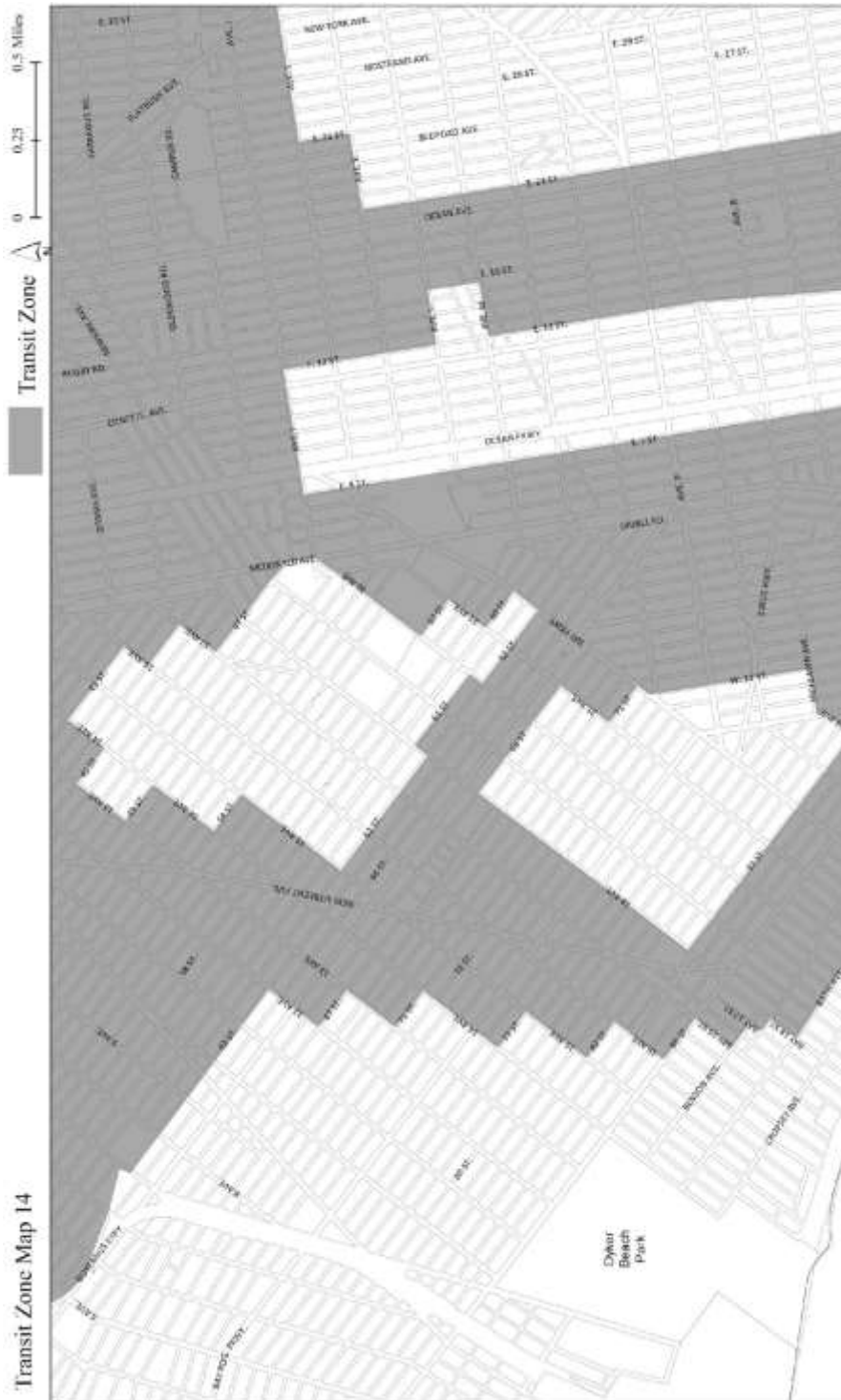
* * *

[EXISTING MAP]



Map 13: Transit Zone Map 13. This map shows a detailed street grid in a residential area. A scale bar at the top left indicates distances of 0, 0.25, and 0.5 miles. A north arrow is located next to the scale bar. A legend at the top left shows a grey shaded area labeled 'Transit Zone'. The map features numerous street names, including Oakwood Ave, Elmwood Ave, and several numbered streets. A red dashed circle is drawn on the right side of the map, highlighting a specific area.

[EXISTING MAP]



Map 14: Transit Zone Map 14. This map shows a detailed street grid with various streets labeled, including Main Street, Ocean Avenue, and others. A legend indicates the 'Transit Zone' with a shaded area. A scale bar shows distances up to 0.5 miles. The map is titled 'Transit Zone Map 14' and includes a north arrow.

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 166 & Res. No. 670

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230184 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of 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 located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District, Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3309) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3632), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 670

Resolution approving the decision of the City Planning Commission on ULURP No. C 230184 ZSK, for the grant of a special permit (L.U. No. 166).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-52 of the Zoning Resolution to reduce the number of 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 located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230184 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to application C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230184 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 230184 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024
Z-210.00	Zoning Site Plan Lot 2	07/09/2024

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 and the restrictive declaration 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 or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 167 & Res. No. 671

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230185 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow a portion of a railroad or transit right right-of- way which will be completely covered over by a permanent platform to be included in the lot area for a proposed mixed use development, on property located at 1557 60th Street (Block 5509, Lots 41 and 57), in a R6 & R6/C2-4 District, Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3309) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3663), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 671

Resolution approving the decision of the City Planning Commission on ULURP No. C 230185 ZSK, for the grant of a special permit (L.U. No. 167).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-61 of the Zoning Resolution to allow a portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area for a proposed mixed use development, on property located at 1557 60th Street (Block 5509, Lots 41 and 57), in a R6 & R6/C2-4 District, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230185 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over

portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 74-61 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 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230185 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 230185 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024
Z-011.00	Zoning Diagrams	07/09/2024
Z-310.00	Zoning Site Plan Lot 3	07/09/2024
Z-311.00	Platform Diagram Lot 3	07/09/2024

Z-314.00	Waiver Plan Lot 3	07/09/2024
Z-315.00	Waiver Sections Lot 3	07/09/2024

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 and the restrictive declaration 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 or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents' failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 168 & Res. No. 672

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230188 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts, Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3309) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3634), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 672

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230188 ZSK, for the grant of a special permit (L.U. No. 168).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4, and C4-5 Districts, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 & 12 (ULURP No. C 230188 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 74-745(a) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on October 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230188 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter double-underlined is new, added by the City Council;
 Matter ~~double struck out~~ is old, deleted by the City Council

1. The property that is the subject of this application (C 230188 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024 [/ /]
Z-012.00	LSGD Site Plan	07/09/2024 [/ /]
Z-110.00	Zoning Site Plan Lot 1	07/09/2024 [/ /]
Z-210.00	Zoning Site Plan Lot 2	07/09/2024 [/ /]
Z-310.00	Zoning Site Plan Lot 3	07/09/2024 [/ /]

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 and the restrictive declaration 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 or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 169 & Res. No. 673

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230189 ZSK (Brooklyn Yards) by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5727, p/o Lot 14), in a C4-5 District, Borough of Brooklyn, Community District 11, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3310) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3634), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 673

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230189 ZSK, for the grant of a special permit (L.U. No. 169).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5727, p/o Lot 14), in a C4-5 District, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230189 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions

of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 74-61 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 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230189 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter double-underlined is new, added by the City Council;

Matter ~~double struck out~~ is old, deleted by the City Council

1. The property that is the subject of this application (C 230189 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Architecture filed with this application and incorporated in this Resolution:

2.

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024 [/ /]
Z-011.00	Zoning Diagrams	07/09/2024 [/ /]
Z-110.00	Zoning Site Plan Lot 1	07/09/2024 [/ /]
Z-111.00	Platform Diagram Lot 1	07/09/2024 [/ /]

Z-114.00	Waiver Plan Lot 1	07/09/2024 [<u> </u> / <u> </u> / <u> </u>]
Z-115.00	Waiver Sections Lot 1	07/09/2024 [<u> </u> / <u> </u> / <u> </u>]
Z-116.00	Waiver Sections Lot 1	07/09/2024 [<u> </u> / <u> </u> / <u> </u>]

3. 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.
4. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
5. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230188 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
6. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
7. 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.
8. 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 and the restrictive declaration 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 or of the restrictive declaration.
9. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 170 & Res. No. 674

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230190 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District, Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3310) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3635), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 674

Resolution approving the decision of the City Planning Commission on ULURP No. C 230190 ZSK, for the grant of a special permit (L.U. No. 170).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230190 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions

of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 74-61 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 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230190 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 230190 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024
Z-011.00	Zoning Diagrams	07/09/2024
Z-210.00	Zoning Site Plan Lot 2	07/09/2024
Z-211.00	Platform Diagram Lot 2	07/09/2024
Z-214.00	Waiver Plan Lot 2	07/09/2024
Z-215.00	Waiver Sections Lot 2	07/09/2024

Z-216.00

Waiver Sections Lot 2

07/09/2024

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 and the restrictive declaration 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 or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 171 & Res. No. 675

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230191 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of 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 located at 1557 60th Street Avenue (Block 5727, p/o Lot 14), in a C4-5 District, Borough of Brooklyn, Community District 11, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3310) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3635), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 675

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230191 ZSK, for the grant of a special permit (L.U. No. 171).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-52 of the Zoning Resolution to reduce the number of 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 located at 1557 60th Street Avenue (Block 5727, p/o Lot 14), in a C4-5 District, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230191 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development

(LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; and C 230196 ZSK (L.U. No. 172), a special permit pursuant to sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line 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 74-52 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 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230191 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter double-underlined is new, added by the City Council;
 Matter ~~double struck out~~ is old, deleted by the City Council

1. The property that is the subject of this application (C 230191 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024 [/ /]
Z-110.00	Zoning Site Plan Lot 1	07/09/2024 [/ /]

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached as Exhibit A to the report for the related action C 230196 ZSK, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.
5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 and the restrictive declaration 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 or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report for L.U. No. 172 & Res. No. 676

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230196 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, 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 and lot coverage without regard for the zoning lot lines or district boundaries; Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations); and Section 74-743(a)(6) - to modify the minimum distance between legally required windows and walls or lot lines regulations of Section ZR 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts, Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3311) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on November 13, 2024 (Minutes, page 3636), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 & Res. No. 668 printed in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 676

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 230196 ZSK, for the grant of a special permit (L.U. No. 172).

By Council Members Salamanca and Riley.

WHEREAS, Brooklyn Yards Development, 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 74-743(a)(1) - to allow the distribution of total allowable floor area and lot coverage without regard for the zoning lot lines or district boundaries; Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations); and Section 74-743(a)(6) - to modify the minimum distance between legally required windows and walls or lot lines regulations of Section ZR 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts, which in conjunction with the related actions would facilitate a new 335,000 square-foot development including 272,000 square feet of residential space with 270 dwelling units and 64,000 square feet of commercial

uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12 (ULURP No. C 230196 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 26, 2024, its decision dated September 25, 2024 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 230182 ZMK (L.U. No. 164), a zoning map amendment to change M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; N 230183 ZRK (L.U. No. 165), a zoning text amendment to Appendix F of the Zoning Resolution (ZR) to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; C 230184 ZSK (L.U. No. 166), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces; C 230185 ZSK (L.U. No. 167), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230188 ZSK (L.U. No. 168), a special permit pursuant to Section 74-745 of the ZR to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; C 230189 ZSK (L.U. No. 169), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; C 230190 ZSK (L.U. No. 170), a special permit pursuant to Section 74-61 of the ZR to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; and C 230191 ZSK (L.U. No. 171), a special permit pursuant to Section 74-52 of the ZR to reduce the number of required accessory off-street parking spaces;

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 74-743 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 8, 2024;

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 June 7th, 2024 (CEQR No. 23DCP039K), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise (E-749). The application, as analyzed in the Environmental Assessment Statement, contained Project Components Related to the Environment (“PCREs”), including a commitment to conduct a Transportation Monitoring Program (“TMP”) to determine if an enhanced midblock crossing for 60th Street between 15th Avenue and 16th Avenue is warranted based on actual future traffic conditions and the PCREs are described in detail in the Environmental Assessment Statement Attachment A, “Project Description” and Attachment H, “Transportation”. To ensure the implementation of the PCREs, the applicant will enter into a Restrictive Declaration at the time of the approval of land use-related actions and prior to issuance of any permits; and with these measures in place, the Proposed Actions would not result in significant adverse impacts. The Council has also considered the Technical Memorandum dated [] (the “Technical Memorandum”).

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-749) 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 230196 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter ~~double-underlined~~ is new, added by the City Council;

Matter ~~double struck out~~ is old, deleted by the City Council

1. The property that is the subject of this application (C 230196 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by Studio V Design and Planning LLC, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
Z-010.00	Zoning Analysis	07/09/2024 [/ /]
Z-011.00	Zoning Diagrams	07/09/2024 [/ /]
Z-012.00	LSGD Site Plan	07/09/2024 [/ /]
Z-110.00	Zoning Site Plan Lot 1	07/09/2024 [/ /]
Z-111.00	Platform Diagram Lot 1	07/09/2024 [/ /]
Z-114.00	Waiver Plan Lot 1	07/09/2024 [/ /]
Z-115.00	Waiver Sections Lot 1	07/09/2024 [/ /]
Z-116.00	Waiver Sections Lot 1	07/09/2024 [/ /]
Z-210.00	Zoning Site Plan Lot 2	07/09/2024 [/ /]
Z-211.00	Platform Diagram Lot 2	07/09/2024 [/ /]
Z-214.00	Waiver Plan Lot 2	07/09/2024 [/ /]
Z-215.00	Waiver Sections Lot 2	07/09/2024 [/ /]
Z-216.00	Waiver Sections Lot 2	07/09/2024 [/ /]
Z-310.00	Zoning Site Plan Lot 3	07/09/2024 [/ /]
Z-311.00	Platform Diagram Lot 3	07/09/2024 [/ /]
Z-314.00	Waiver Plan Lot 3	07/09/2024 [/ /]
Z-315.00	Waiver Sections Lot 3	07/09/2024 [/ /]
L-100.00	Landscape Zoning Lot Site Plan	12/22/2023 [/ /]
L-110.00	Layout Plans PAA – 1 & 2	12/22/2023 [/ /]
L-111.00	Layout Plan – PAA 3	12/22/2023 [/ /]
L-120.00	Furniture & Amenities Plans – PAA 1 & 2	12/22/2023 [/ /]
L-121.00	Furniture & Amenities Plans – PAA 3	12/22/2023 [/ /]
L-130.00	Planting Plans PAA 1 & 2	12/22/2023 [/ /]
L-200.00	Sections and Elevations	12/22/2023 [/ /]
L-201.00	Sections and Elevations	12/22/2023 [/ /]
L-300.00	PAA Paving and Furnishing Details	12/22/2023 [/ /]
L-301.00	PAA Signage Details	12/22/2023 [/ /]
LC-100	Arch 1 Lighting Plan	12/22/2023 [/ /]
LC-101	Arch 2 Lighting Plan	12/22/2023 [/ /]
LC-102	Arch 3 Lighting Plan	12/22/2023 [/ /]

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. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A to this report, with such administrative changes as are acceptable to Counsel to the

Department of City Planning, has been executed and recorded in the Office of the Register of the City of New York, County of Kings. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. 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.
7. 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 and the restrictive declaration 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 or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employees or agents' failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

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>
ELISA MARIE ALEXANDRA BARRAT	310 West 55th Street, Apt. 4G New York, New York 10019	3
JOSELYN L. LARA-RUBIO	21 West End Ave, Apt. 2205 New York, New York 10023	6
MAYBELIS HERNANDEZ- TRINIDAD	520 E 156th Street, Apt. 7P The Bronx, New York 10455	17
JEANETTE CARDONA	82-02 Rockaway Beach Boulevard, Apt. 1C Queens, New York 11693	31
CHERYL LULU HAO	573 Metropolitan Avenue, Apt. 5D Brooklyn, New York 11211	34
ISABEL CONSORO	1035 Washington Ave, Apt. GR3 Brooklyn, New York 11225	35

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

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

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| (1) Int. No. 436-A - | Electric vehicle supply equipment in open parking lots and parking garages. |
| (2) Int. No. 515-A - | Department of Education to report information about employees of school bus transportation vendors. |
| (3) Int. No. 557-B - | Adding a 311 complaint category for unlicensed cannabis retailers. |
| (4) Int. No. 981-A - | Enforcement of unlicensed sellers of cigarettes, electronic cigarettes, tobacco products and illicit cannabis. |
| (5) Int. No. 1018-A - | Prohibiting the sale of dogs and cats in pet shops. |
| (6) Int. No. 1025-A - | Information regarding employment discrimination and older adult workforce programs. |
| (7) Int. No. 1053-A - | Study and report on the feasibility of creating older adult information points. |
| (8) Int. No. 1070-A - | Expanding reporting on domestic violence shelter exits. |
| (9) Int. No. 1071-A - | Reporting on domestic violence emergency and tier II shelters. |
| (10) L.U. No. 161 &
Res. No. 665 - | App. C 230356 ZMK (962-972 Franklin Avenue Rezoning), Borough of Brooklyn, Community District 9, Council District 35. |
| (11) L.U. No. 162 &
Res. No. 666 - | App. N 230357(A) ZRK (962-972 Franklin Avenue Rezoning), Borough of Brooklyn, Community District 9, Council District 35. |
| (12) L.U. No. 163 &
Res. No. 667 - | App. C 230358 ZSK (962-972 Franklin Avenue Rezoning), Borough of Brooklyn, Community District 9, Council District 35. |

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| (13) L.U. No. 164 &
Res. No. 668 - | App. C 230182 ZMK (Brooklyn Yards), Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44. |
| (14) L.U. No. 165 &
Res. No. 669 - | App. N 230183 ZRK (Brooklyn Yards), Borough of Brooklyn, Community District 12, Council Districts 43 and 44. |
| (15) L.U. No. 166 &
Res. No. 670 - | App. C 230184 ZSK (Brooklyn Yards), Borough of Brooklyn, Community District 12, Council Districts 43 and 44. |
| (16) L.U. No. 167 &
Res. No. 671 - | App. C 230185 ZSK (Brooklyn Yards, Borough of Brooklyn), Community District 12, Council Districts 43 and 44. |
| (17) L.U. No. 168 &
Res. No. 672 - | App. C 230188 ZSK (Brooklyn Yards), Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44. |
| (18) L.U. No. 169 &
Res. No. 673 - | App. C 230189 ZSK (Brooklyn Yards), Borough of Brooklyn, Community District 11, Council Districts 43 and 44. |
| (19) L.U. No. 170 &
Res. No. 674 - | App. C 230190 ZSK (Brooklyn Yards), Borough of Brooklyn, Community District 12, Council Districts 43 and 44. |
| (20) L.U. No. 171 &
Res. No. 675 - | App. C 230191 ZSK (Brooklyn Yards), Borough of Brooklyn, Community District 11, Council Districts 43 and 44. |
| (21) L.U. No. 172 &
Res. No. 676 - | App. C 230196 ZSK (Brooklyn Yards), Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44. |
| (22) L.U. No. 185 &
Res. No. 662 - | App. N 240354 ZRM (Port Authority Bus Terminal Replacement), Borough of Manhattan, Community District 4, Council District 3. |

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| (23) L.U. No. 186 &
Res. No. 663 – | App. C 240336 MMM (Port Authority Bus Terminal Mapping Actions), Borough of Manhattan, Community District 4, Council District 3. |
| (24) L.U. No. 187 &
Res. No. 664 – | App. C 240353 ZSM (Port Authority Bus Terminal Replacement), Borough of Manhattan, Community District 4, Council District 3. |
| (25) Preconsidered
L.U. No. 191 &
Res. No. 656 - | Sunset Gardens, Brooklyn, Community District No. 7, Council District No. 38. |
| (26) Preconsidered
L.U. No. 192 &
Res. No. 657 - | Harbor Hill, Brooklyn, Community District No. 7, Council District No. 38. |
| (27) Preconsidered
L.U. No. 193 &
Res. No. 658 - | Three Arts Club, Manhattan, Community District No. 7, Council District No. 6. |
| (28) Preconsidered
L.U. No. 194 &
Res. No. 659 - | Eastchester Heights, Bronx, Community District No. 12; Council District No. 12. |
| (29) Preconsidered
L.U. No. 195 &
Res. No. 660 - | 551 West 149th Street, Manhattan, Community District No. 9, Council District No. 7. |
| (30) Preconsidered
L.U. No. 196 &
Res. No. 661 - | 142 West 139th Street, Manhattan, Community District No. 10, Council District No. 9. |
| (31) Resolution approving various persons Commissioners of Deeds. | |

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Louis, Marmorato, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - 45.

The General Order vote recorded for this Stated Meeting was 45-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No 1018-A**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Louis, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **40**.

Negative – Carr, Marmorato, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) - **5**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 436-A, 515-A, 557-B, 981-A, 1018-A, 1025-A, 1053-A, 1070-A, and 1071-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 250

Report of the Committee on Education in favor of approving a 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.

The Committee on Education, to which the annexed resolution was referred on March 7, 2024 (Minutes, page 1301), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 515-A printed in the Reports of the Standing Committees section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 250:)

Res. No. 250

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 Riley, Abreu, Gutiérrez, Schulman, Stevens, Won, Feliz, Salaam, Gennaro, Farías, Cabán, Williams, Avilés, Louis, Ossé, Narcisse, Hudson, Brooks-Powers, Mealy, Joseph and Marmorato.

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.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, ERIC DINOWIZ, JAMES F. GENNARO, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH M. HANKS, SHEKAR KRISHNAN, LINDA LEE, MERCEDES NARCISSE, PIERINA A. SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS; 13-0-0; Committee on Education, November 21, 2024. *Other Council Members Attending: Council Members Zhuang and Riley.*

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 280

Report of the Committee on Civil and Human Rights in favor of approving a Resolution designating November 30 annually as Shirley Chisholm Day in the City of New York to recognize her contributions as an educator, activist, and elected official, who served the people of New York City with passion and dignity.

The Committee on Civil and Human Rights, to which the annexed resolution was referred on March 19, 2024 (Minutes, page 1435), respectfully

REPORTS:

I. INTRODUCTION

On November 18, 2024, the Committee on Civil and Human Rights (the Committee), chaired by Council Member Nantasha Williams, held a vote on Res. 280-2024, A Resolution designating November 30 annually as Shirley Chisholm Day in the City of New York to recognize her contributions as an educator, activist, and elected official, who served the people of New York City with passion and dignity. This resolution was previously heard by the Committee on June 27, 2024. Those invited to testify include the Mayor's Office of Racial Equity and Justice (MOERJ), the Commission on Racial Equity (CORE), the New York City Commission on Human Rights (CCHR), advocates, community organizations, and members of the public. The resolution passed with 4 votes in the affirmative, 0 votes in the negative, and no abstentions.

II. LEGISLATIVE ANALYSIS

Res. 280-2024 – Resolution designating November 30 annually as Shirley Chisholm Day in the City of New York to recognize her contributions as an educator, activist, and elected official, who served the people of New York City with passion and dignity

This resolution would designate November 30 annually as Shirley Chisholm Day in the City of New York. Originally from Brooklyn, New York, Shirley Chisholm dedicated much of her life to advocacy and activism, eventually becoming the first Black woman ever elected to the New York Assembly and later went on to become the first Black woman elected to the House of Representative, representing New York's 12th Congressional district.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 280:)

Res. No. 280

Resolution designating November 30 annually as Shirley Chisholm Day in the City of New York to recognize her contributions as an educator, activist, and elected official, who served the people of New York City with passion and dignity.

By Council Members Louis, Williams, Brooks-Powers, Salaam, Ossé, Hanks, Feliz, Stevens, Marte, Gutiérrez, Narcisse, Farías, Riley, Cabán, Hudson, Avilés, Menin, Restler, Schulman, The Speaker (Council Member Adams) and Council Members Ayala, Joseph, Brewer, Hanif, De La Rosa, Mealy and the Public Advocate (Mr. Williams).

Whereas, Shirley Anita St. Hill Chisholm was born in Brooklyn on November 30, 1924, to Charles St. Hill, a factory worker from Guyana, and Ruby Seale St. Hill, a seamstress from Barbados; and

Whereas, Having spent some years of her childhood in Barbados with her grandmother, she returned to Brooklyn and became an accomplished graduate of Brooklyn Girls' High in 1942 and Brooklyn College in 1946; and

Whereas, She began her career teaching in a Harlem childcare center and, in 1952, earned a master's degree from Teachers College, Columbia University, before serving as the director of a childcare center and, eventually, as a consultant to the New York City (NYC) Bureau of Child Welfare; and

Whereas, In a collection of reflections from Teachers College alumni, she wrote that she believed that "education is the only real passport out of poverty" and that her only ambition was to "use whatever gifts [she had] to open the door for others"; and

Whereas, Using those gifts in 1964, she became the second Black person ever elected to the New York State (NYS) Assembly; and

Whereas, Just four years later, she became the first Black woman ever elected to the United States (U.S.) House of Representatives, representing New York's 12th Congressional district for seven terms from 1969 to 1983, during which time she was a founding member of the Congressional Black Caucus; and

Whereas, In 1972, she became the first Black candidate to seek a major party's presidential nomination and the first woman to run for the Democratic Party's nomination, where she competed in 12 primaries and won 152 delegates (10 percent of those awarded); and

Whereas, Her presidential campaign buttons included her famous slogan *Unbought and Unbossed*, which was also the title of her 1970 autobiography; and

Whereas, After retiring from Congress, she taught at Mount Holyoke College and cofounded the National Political Congress of Black Women; and

Whereas, In her own words, she commented that she wanted "to be remembered as a woman...who dared to be a catalyst of change," another of her popular campaign slogans; and

Whereas, She died on January 1, 2005, and was honored at that time by the New York City Council with an In Memoriam resolution, which noted that "[h]er many successes and achievements, often in the face of often overwhelming odds, are powerful reminders of her faith, her determination and her fierce intelligence" and that, while serving in Congress, "she earned a reputation as a firebrand with a gift for oratory, an outspoken champion of women, minorities and the disadvantaged, and a staunch critic of the Vietnam War"; and

Whereas, In 2015, she was posthumously awarded the Presidential Medal of Freedom by President Barack Obama; and

Whereas, She was honored in 2019 with the dedication of Shirley Chisholm State Park in Brooklyn; and

Whereas, She married Conrad Q. Chisholm, a private investigator, in 1949 and, after their divorce in 1977, married Arthur Hardwick, Jr., a NYS Assembly member from Buffalo, whom she had met while serving in the Assembly; and

Whereas, November 30, 2024, will mark the 100th birthday of Shirley Chisholm; and

Whereas, The designation of a day in her honor is fitting to commemorate, in the words of the New York City Council's In Memoriam resolution, that Shirley Chisholm left NYC as "a richer, better place, with greater opportunities for minorities and with a government more responsive to the needs of its constituents"; now, therefore, be it

Resolved, That the Council of the City of New York designates November 30 annually as Shirley Chisholm Day in the City of New York to recognize her contributions as an educator, activist, and elected official, who served the people of New York City with passion and dignity.

NANTASHA M. WILLIAMS, *Chairperson*; KEVIN C. RILEY, RITA C. JOSEPH, CHRISTOPHER MARTE, 4-0-0; *Absent*: Rafael Salamanca, Jr.; Committee on Civil and Human Rights, November 18, 2024. *Other Council Members Attending: Council Member Louis.*

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1115

By Council Members Abreu and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to stationary on-street containers for the storage and collection of waste from buildings owned by the city

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-120.3 to read as follows:

§ 16-120.3 *On-street waste receptacles for city buildings. a. Definitions. As used in this section, the following terms have the following meanings:*

Authorized vendor. The term “authorized vendor” means a vendor selected by the department through a competitive procurement process to produce city of New York stationary on-street containers.

City building. The term “city building” means any building that is owned and operationally controlled by the city of New York and is not used for residential purposes.

Stationary on-street container. The term “stationary on-street container” means a container for the storage and collection of waste that the city of New York procures from an authorized vendor and that the department places in the public right of way.

b. The department, in consultation with the department of citywide administrative services and the department of education, shall establish and maintain a program to require all waste from city buildings be collected in a stationary on-street container supplied by the department, provided that:

1. Any city building that receives off-street collection, including collection from inside a loading dock, shall not be required to utilize a stationary on-street container for such off-street collection, provided that any waste stored outside of such building shall be stored in a container approved by the department. The department of education shall determine where on school grounds under its jurisdiction it is appropriate for a stationary on-street container, or a container for off-street collection approved by the department, to be placed;

2. The department shall not place or approve the placement of a stationary on-street container upon a street or sidewalk without authorization from the department of transportation; and

3. All city buildings covered under this section are disposing of all collected waste in a stationary on-street container by no later than June 1, 2030. This section shall not require the collection and disposal of any waste that would not otherwise be collected for disposal.

c. The department shall, no later than June 1, 2025, submit a report to the mayor and speaker of the council that describes how the program established by this section will be implemented, the estimated costs of implementation, and the schedule for ensuring that city buildings covered under this section are equipped with stationary on-street containers on the premises of such city buildings.

§ 2. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management and the Committee on Contracts).

Int. No. 1116

By Council Members Avilés and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to an inventory of vacant industrial space, and an estimate of underutilization of industrial space, in significant maritime industrial areas

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-121 to read as follows:

§ 25-121 *Inventory of industrial space in significant maritime industrial areas. a. Definitions. For the purposes of this section the following terms have the following meanings:*

Green port water dependent manufacturing. The term "green port water dependent manufacturing" means manufacturing activities that require direct waterfront access and incorporate environmentally sustainable practices aimed at reducing negative environmental impacts, promoting energy efficiency, minimizing pollution, and supporting the transition to a zero-emission maritime economy.

Significant maritime industrial area. The term "significant maritime industrial area" means an area delineated as such in the 2016 New York City waterfront revitalization program or any successor program.

b. No later than one year after the effective date of the local law that created this section, the department of city planning shall conduct an inventory of vacant industrial buildings, vacant land and vacant ground floor spaces within significant maritime industrial areas.

c. Such inventory shall include for each vacant property identified pursuant to the inventory the address, block and lot number, lot size, building square footage, zoning district, and any other information necessary to characterize the development potential of the property.

d. As part of such inventory, the department of city planning shall conduct and publish estimates of the annual zoned economic output capacity of each significant maritime industrial area based on factors determined by the department, as well as modeling of the actual total annual economic output of such significant maritime industrial area. In estimating the annual zoned economic output capacity, the department shall also estimate the annual zoned economic output capacity of the significant maritime industrial area if it were to be used for green port water dependent manufacturing.

e. Such inventory shall include an analysis of the feasibility of establishing clean energy research and development centers in underutilized spaces identified in such inventory.

f. The department shall review and update as appropriate the inventory every five years.

g. The inventory shall be published electronically on the department's website.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1117

By Council Members Avilés and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring an annual report on the state of waterfront infrastructure

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-130.1 to read as follows:

§ 22-130.1 Report on waterfront infrastructure. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Contracted entity. The term “contracted entity” has the same meaning as in section 22-821.

Department. The term “department” means the department of small business services or any other such office or agency as the mayor shall designate to implement this section.

Urban agriculture. The term “urban agriculture” means structures dedicated to the cultivation of food crops for human consumption.

Waterfront infrastructure. The term “waterfront infrastructure” means any infrastructure owned or leased by the city in, above, or immediately adjacent to the waterfront, including but not limited to, piers, bulkheads, urban agriculture, and aquaculture in, above, or immediately adjacent to the waterfront.

b. By July 1, 2025 and annually thereafter, the department shall submit an inventory report to the mayor and the city council regarding the state of waterfront infrastructure in the city and identifying unused land that is suitable for the installation of new waterfront infrastructure. When developing this report, the department shall consult or seek input from a contracted entity and the department of environmental protection; and may consult or seek input from any other relevant persons.

c. The report required by subdivision b of this section shall include, but need not be limited to:

1. The location and size of unused land owned or leased by the city on which waterfront infrastructure is located, or on which waterfront infrastructure could be built;

2. An evaluation of the structural integrity of existing waterfront infrastructure, and whether any of such infrastructure is in need of repairs or replacement to continue to perform their function;

3. The feasibility of implementing urban agriculture or aquaculture in, above, or immediately adjacent to the waterfront; and

4. The location of facilities providing access to, or facilitating, the recreational use of the city’s waterfront infrastructure by the public, whether any of such facilities are in need of repairs or replacement to continue to perform their function, and whether new facilities are required to perform such function.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Res. No. 649

Resolution calling on the United States Congress to pass, and the President to sign, legislation declaring the ocean liner the SS United States a historic location, allocating funds for the ocean liner’s restoration, and its relocation to the city of New York.

By Council Members Brewer and Rivera.

Whereas, Ocean liners are passenger ships, with strong exterior hulls able to withstand rough ocean waters, that operate on a fixed schedule to transport people, mail, and other cargo across long distances of open oceans, typically from one continent to another continent and back; and

Whereas, The SS United States (“SS U.S.”), a steam powered ocean liner, began service in 1952 to transport passengers and cargo between the cities of New York, Southampton, Le Havre and occasionally Bremerhaven; and

Whereas, At 990 feet long, the SS U.S. is the longest steam powered passenger ship constructed entirely in the United States, making it, for comparative purposes, 107 feet longer than the Belfast-built RMS Titanic; and

Whereas, The SS U.S. was the last recipient of the Blue Riband, an unofficial accolade for the fastest maritime transatlantic travel by passenger ships; and

Whereas, The SS U.S. completed its maiden voyage from New York Harbor to Bishop Rock in the United Kingdom in 3 days, 10 hours, and 40 minutes, beating the previous record holder by 10 hours and 2 minutes; and

Whereas, During its tenure as an ocean liner for the private company United States Lines the SS U.S. transported some of twentieth century New York's celebrities such as Edward Kennedy "Duke" Ellington and Leonard Bernstein; and

Whereas, According to the Smithsonian's National Air and Space Museum, in 1957 transatlantic commercial aviation's popularity eclipsed the popularity of transatlantic ocean liners; and

Whereas, With the decline in SS U.S. transatlantic ridership, the SS U.S. operated briefly as a cruise ship between New York and the Caribbean; and

Whereas, In 1969 the SS U.S. was sold, and since then ownership of the SS U.S. has changed several times, with each transfer accompanied by a failed venture to repurpose the vessel as a luxury cruise ship or luxury time share condominiums; and

Whereas, The SS U.S. arrived in Philadelphia, stripped of its interior fittings, in 1996 and has been docked at a Penn Warehousing and Distribution, Incorporated ("P.W.D.") owned pier for over 28 years; and

Whereas, In 1992, the SS United States Conservancy ("the conservancy"), a not-for-profit, was created with a mission to preserve the SS U.S. as a stationary mixed-use destination with an on board museum; and

Whereas, In 1999, through the conservancy's efforts, the ocean liner was recognized as a historic site and listed on the National Register of Historic Places; and

Whereas, In 2011, the conservancy raised sufficient funds and purchased the SS U.S., and negotiated an indefinite agreement with P.W.D. on docking fees for the SS U.S.; and

Whereas, In 2021, P.W.D. increased the docking fee and terminated the agreement with the conservancy when the conservancy declined to pay the increased docking fee; and

Whereas, This disagreement led to mutual lawsuits, resulted in the court ordering the conservancy to remove the SS U.S. from P.W.D.'s pier; and

Whereas, According to the conservancy's testimony, if the conservancy is unable to restore the ocean liner, it will have to sell the SS U.S. for scrap or for sinking and conversion to an artificial reef; and

Whereas, The city of New York is a home to many of our nation's historic ships such as the aircraft carrier USS Intrepid, the lightship Frying Pan, the fireboat John J. Harvey, and the 19th-century tall ship Wavertree; and

Whereas, Allowing the SS U.S. to be sold for scrap or converted to an artificial reef would be a missed opportunity to add a new public space and maritime museum to the city of New York, and a missed opportunity to educate the city's residents and enrich their lives; and

Whereas, The US Congress has the authority and resources to introduce legislation that can enable the preservation of the SS U.S. so that it can be enjoyed by future generations of Americans; now, therefore, be it

Resolved, That the Council of the city of New York calls on the United States Congress to pass, and the President to sign, legislation declaring the ocean liner the SS United States as historic location, allocating funds for the ocean liner's restoration and its relocation to the city of New York.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 650

Resolution to urge the federal government to continue its scientific, forward-thinking advocacy and commitment to protecting American public health.

By Council Members Cabán and Hanif.

Whereas, The United States Department of Health and Human Services (HHS) governs federal public health policy, and HHS contains multiple offices overseen by the Office of the Secretary and 13 separate operation divisions, most notably: the Centers for Disease Control and Prevention (CDC), the Food and Drug Administration (FDA), and the Office of Assistant Secretary for Health (OASH), which includes the Nation's Doctor, the U.S. Surgeon General; and

Whereas, HHS’ mission statement reads: “to enhance the health and well-being of all Americans, by providing for effective health and human services and by fostering sound, sustained advances in the sciences underlying medicine, public health, and social services”; and

Whereas, President Eisenhower created the Presidential Cabinet-level Department of Health, Education, and Welfare in 1953—eventually, becoming the modern-day HHS by an act of Congress and signed by President Carter in 1979; and

Whereas, As the Secretary of HHS is a member of the Presidential Cabinet, they must be appointed by the President and confirmed by the Senate; and

Whereas, In times of political uncertainty with a new incoming executive administration, it is incumbent that HHS continues its steadfast science-based approach to public health; and

Whereas, The incoming Trump Administration has expressed baseless and concerning comments on public health with no scientific merit; and

Whereas, The federal public health apparatus has been at the forefront of groundbreaking, evidence-based announcements to promote healthy lifestyles for the American public benefiting millions; and

Whereas, “The mission of the U.S Surgeon General is to protect, promote, and advance the health and safety of our nation”; and

Whereas, In 1964, the Surgeon General, Dr. Luther Terry, shifted the American smoking paradigm with the first report of the Surgeon General’s Advisory Committee on Smoking and Health showcasing that smoking is dangerous and leads to cancer and other serious diseases—the report was based on over 7,000 medical literature articles; and

Whereas, According to the CDC, the Surgeon General’s report sparked the anti-smoking zeitgeist in the United States leading to congressional legislation and public efforts to educate the public of the dangers of tobacco, which can still be seen today, such as the Surgeon General’s warning label on packages of cigarettes; and

Whereas, Another public health initiative taken by the federal government was fluoridation: the process of adding fluoride to drinking water to prevent tooth decay and promote dental health; and

Whereas, While the fluoridation of drinking water is under the jurisdiction of state and local government, the CDC and other federal government agencies continue to foster coordination and expand fluoride infrastructure with localities; and

Whereas, Moreover, the Surgeon General was the original sponsor of the Grand Rapids water fluoridation study, which helped result in Grand Rapids, Michigan, becoming the first U.S. city to fluoridate its drinking water according to the National Institute of Dental and Craniofacial Research; and

Whereas, Today, the New York City Department of Environmental Protection states that New York City drinking water contains 0.8mg/L of the fluorine ion compared to the HHS recommended amount of 0.7mg/L; and

Whereas, During the COVID-19 pandemic, the FDA approved the COVID-19 vaccines after an intense period of clinical trials and medical review; and

Whereas, The New York City Department of Health and Mental Hygiene found that over 90% of New Yorkers received at least one dose of the COVID-19 vaccine, and 82% of New Yorkers took both doses—to protect themselves from COVID-19; and

Whereas, The proactive hand of federal government health policy has resulted in the improvement of the health and safety of New Yorkers and all Americans; now, therefore, be it

Resolved, That the Council of the City of New York urges the federal government to continue its scientific, forward-thinking advocacy and commitment to protecting American public health

Referred to the Committee on Health.

Int. No. 1118

By Council Members Carr, Restler, Borelli, Stevens, and Dinowitz.

A Local Law to amend the New York city charter, in relation to the ability of supreme court justices in the twelfth and thirteenth judicial districts to order summary inquiries into official misconduct

Be it enacted by the Council as follows:

Section 1. Section 1109 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

§ 1109. Summary inquiry. A summary inquiry into any alleged violation or neglect of duty in relation to the property, government or affairs of the city may be conducted under an order to be made by any justice of the supreme court in the first, second, [or] eleventh, *twelfth or thirteenth* judicial district on application of the mayor, the comptroller, the public advocate, any five council members, the commissioner of investigation or any five citizens who are taxpayers, supported by affidavit to the effect that one or more officers, employees or other persons therein named have knowledge or information concerning such alleged violation or neglect of duty. Such inquiry shall be conducted before and shall be controlled by the justice making the order or any other justice of the supreme court in the same district. Such justice may require any officer or employee or any other person to attend and be examined in relation to the subject of the inquiry. Any answers given by a witness in such inquiry shall not be used against such witness in any criminal proceeding, except that for all false answers on material points such witness shall be subject to prosecution for perjury. The examination shall be reduced to writing and shall be filed in the office of the clerk of such county within the first, second, [or] eleventh, *twelfth or thirteenth* judicial district as the justice may direct, and shall be a public record.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 1119

By Council Members Carr, Restler, Borelli, Stevens, and Dinowitz.

A Local Law to amend the New York city charter, in relation to the ability of supreme court justices in the twelfth and thirteenth judicial districts to hear objections to charter amendment petitions

Be it enacted by the Council as follows:

Section 1. Subparagraph (1) of paragraph (c) of subdivision 2 of section 40 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

(1) Not less than fifty thousand qualified electors of the city may file in the office of the city clerk a petition for the submission to the electors of the city at the next general election therein held not less than sixty days after filing of such petition of such a proposed amendment or amendments to the charter to be set forth in full in the petition. The petition may be made upon separate sheets and the signatures of each shall be authenticated in the manner provided by the Election Law for the authentication of designating petitions. The several sheets so signed and authenticated when fastened together and offered for filing shall be deemed to constitute one petition. A signature made earlier than one hundred twenty days before the filing of the petition shall not be counted. If within ten days after the filing of such petition a written objection thereto be filed with the office of the city clerk, the Supreme Court or any justice thereof of the first, second, [or] eleventh, *twelfth or thirteenth* judicial

district shall determine any question arising thereunder and make such order as justice may require. Such proceedings shall be heard and determined in the manner prescribed by the election law in relation to judicial proceedings thereunder.

§ 2. This local law takes effect immediately after it is submitted for the approval of the qualified electors of the city at the next general election held after its enactment and approved by a majority of such electors voting thereon.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 1120

By Council Member Farías.

A Local Law to amend the administrative code of the city of New York, in relation to establishing timelines for cooperative corporations to approve or deny the sale of cooperative apartments

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 36 to read as follows:

**CHAPTER 36
SALES OF COOPERATIVE APARTMENTS**

§ 26-3601 Definitions. For the purposes of this chapter, the following terms have the following meanings:

Application. The term “application” means the set of documents utilized by a cooperative corporation to facilitate a prospective purchaser’s acquisition of certificates of stock, a proprietary lease, or other evidence of an ownership interest in such cooperative corporation.

Cooperative corporation. The term “cooperative corporation” means any corporation governed by the requirements of the state cooperative corporation law or general business law that, among other things, grants persons the right to reside in a cooperative apartment, that right existing by such person’s ownership of certificates of stock, proprietary lease, or other evidence of ownership of an interest in such entity but shall not include either a cooperative corporation organized pursuant to the private housing finance law for which a purchase is subject to review and approval by a state or city agency or to a cooperative corporation containing less than 10 dwelling units.

Proprietary lease. The term “proprietary lease” means the lease or occupancy agreement by which a cooperative corporation permits a person to occupy an apartment in the premises owned by the cooperative corporation.

Prospective purchaser. The term “prospective purchaser” means a person or persons who has entered into a contract of sale to purchase the proprietary lease and the ownership interest in a cooperative corporation from a prospective seller.

Prospective seller. The term “prospective seller” means a person or persons who has a proprietary lease and an ownership interest in a cooperative corporation and who has entered into a contract of sale to sell their proprietary lease and ownership interest in a cooperative corporation to a prospective purchaser subject to approval of the cooperative corporation’s board of directors.

Sale. The term “sale” means the transfer of a person’s ownership interest in a cooperative corporation and that person’s proprietary lease to another person.

§ 26-3602 Requirements for determination. a. The board of directors or managing agent of each cooperative corporation shall maintain a standardized application and list of requirements for all cooperative apartments subject to the by-laws or proprietary lease of such cooperative corporation.

b. The board of directors or managing agent of any cooperative corporation shall provide the corporation’s standardized application and list of requirements to any prospective purchasers and prospective sellers promptly

upon request, and shall include instructions as to where and how to submit the required materials, including the mailing address and designated e-mail address for the cooperative corporation.

§ 26-3603 Acknowledgment of receipt of materials. a. Within 10 days of receiving materials from a prospective purchaser, a cooperative corporation shall provide to a prospective purchaser via e-mail and, if available, registered mail, a written acknowledgement of materials received. The requirements of this section apply both to a prospective purchaser's initial submission and to any subsequent submissions the prospective purchaser may make.

b. A written acknowledgment provided pursuant to subdivision a of this section shall clearly state:

1. Whether the cooperative corporation's board of directors considers the application complete;
2. If the application is not considered complete, the specific ways in which the materials submitted failed to comply with the cooperative corporation's list of requirements provided pursuant to section 26-3602; and
3. If applicable, any additional materials requested for clarification of previously submitted materials.

c. An application shall be deemed complete if the cooperative corporation fails to provide a written acknowledgment in accordance with the requirements of this section.

d. If a cooperative corporation's board of directors has placed a memorandum or other writing in its files stating that such board does not ordinarily meet in the months of July and August, such cooperative cooperation shall not be required to provide written acknowledgements pursuant to this section during such months. For any materials received during the months of July and August, such cooperative cooperation shall provide written acknowledgement to the prospective purchaser no later than September 10.

§ 26-3604 Time for determination. a. Within 45 days following acknowledgement of receipt of a complete application or the date that an application is deemed complete pursuant to subdivision c of section 26-3603, a cooperative corporation shall notify the prospective purchaser via e-mail and, if available, registered mail, whether its consent to a sale is granted unconditionally, whether its consent to a sale is granted conditionally, or whether its consent to a sale is denied.

b. Such time for determination may be extended at any time with the consent of the prospective purchaser.

c. The cooperative corporation shall be entitled to a single 14-day extension without the consent of the purchaser if the cooperative corporation provides notice of such extension to the prospective purchaser via e-mail and, if available, registered mail, within the determination period set forth in subdivision a.

d. If, after the 45-day period for determination and any applicable extensions, the cooperative corporation has not notified the prospective purchaser as to whether its consent to the sale is granted, the prospective purchaser may send notice to the cooperative corporation's board of directors via e-mail and, if available, registered mail, that the cooperative cooperation shall be deemed to consent to the sale if the cooperative corporation does not inform the prospective purchaser of its determination within 10 business days. Such notice shall clearly state the date on which the 10-business-day period begins, which shall be no earlier than the date the prospective purchaser sends the notice.

e. If the cooperative corporation does notify the prospective purchaser whether its consent to a sale is granted unconditionally, whether its consent to a sale is granted conditionally, or whether its consent to a sale is denied by the end of the 10-business-day notice period pursuant to subdivision d of this section, the cooperative corporation shall be deemed to consent to the sale.

f. If the 45-day period for determination and any applicable extensions ends in July or August for a cooperative corporation whose board of directors has placed a memorandum or other writing in its files stating that such board does not ordinarily meet in the months of July and August, then such cooperative corporation shall have until October 15 to notify the prospective purchaser whether its consent to a sale is granted unconditionally, whether its consent to a sale is granted conditionally, or whether its consent to a sale is denied. Such time for determination may be extended pursuant to subdivisions b and c of this section.

g. If a cooperative corporation that has been deemed to consent to a sale pursuant to subdivision e of this section interferes in any manner with the ability of a prospective purchaser to assume an ownership interest in such cooperative corporation or assume residency in such cooperative corporation, the prospective purchaser may bring an action in a court of competent jurisdiction to assert their rights under this chapter. A plaintiff who prevails on a claim alleging a violation of this chapter shall be entitled to recover attorney's fees related to the cost of bringing such action.

h. Nothing in this section shall be construed to prohibit a cooperative corporation from lawfully denying its consent to a sale at any time prior to the expiration of the 45-day determination period, the 14-day extension period, and the 10-business-day notice period.

§ 26-3605 Construction. Nothing in this chapter shall be construed or interpreted to limit or restrict the rights and remedies granted by any other applicable law.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1121

By Council Members Farías, Avilés and Hanif

A Local Law to amend the administrative code of the city of New York, in relation to providing contracted ferry service at reduced cost to middle school students

Be it enacted by the Council as follows:

Section 1. The definition of "student" in subdivision a of section 19-308 of the administrative code of the city of New York, as added by local law 47 for the year 2023, is amended to read as follows:

Student. The term "student" means any person who is enrolled in grade 6, 7, 8, 9, 10, 11 or 12, or is enrolled without an assigned grade, in a school of the city school district of the city of New York or a charter school that is located within the city of New York.

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

Referred to the Committee on Economic Development.

Int. No. 1122

By Council Members Gutiérrez, Farías, Williams Narcisse, Cabán, Avilés, Ossé, Hudson, De La Rosa, Menin, Sanchez, Restler, Hanif and Nurse.

A Local Law to amend the administrative code of the city of New York, in relation to a plan for expanding home access to broadband internet

Be it enacted by the Council as follows:

Section 1. Title 23 of the administrative code of the city of New York is amended by adding a new chapter 13 to read as follows:

CHAPTER 13
PLAN FOR BROADBAND INTERNET ACCESS

§ 23-1301 Definitions. As used in this section, the following terms have the following meanings:

Department. The term "department" means the department of information technology and telecommunications.

Internet. The term "internet" means high-speed internet access that has the capability to transmit electronic data at download and upload speeds that meet the minimum speeds for broadband as required by the federal communications commission.

Network infrastructure. The term "network infrastructure" means the hardware and software that enables network connectivity and communication between users and devices on the internet.

Public assets. The term “public assets” means any property or real estate operated or controlled by the city.

§ 23-1302 Home internet expansion plan. No later than 1 year after the effective date of the local law that added this chapter, and every 5 years thereafter, the department shall develop and publish on its website a plan to make universal, affordable, and equitable internet available in homes throughout the city. The plan shall address how the city will work with current cable telecommunications franchisees operating as internet service providers, information services franchisees, additional franchisees as applicable, and other internet service providers, including nonprofit or community-based internet service providers, to facilitate the provision of low-cost home internet throughout the city, and shall prioritize access for areas that do not have at least 1 affordable home internet service option. The department shall solicit public input on proposed recommendations for updates to the plan through public hearings and solicitation of comments from stakeholders and members of the public. The plan shall take into account advances in technology and the needs of the city, and shall address, but need not be limited to, the following:

- 1. Establishing goals for affordable internet access in areas with the fewest affordable home internet service options for the upcoming 5-year period;*
- 2. Developing strategies to address the gap between people who do and do not have access to affordable home internet service, and promote and invest in digital literacy, digital accessibility, and inclusion;*
- 3. Advising the public about local security and privacy regulations that protect individual users, including where information on state and federal security and privacy regulations can be found;*
- 4. Interagency coordination to facilitate data sharing for purposes of implementing the plan;*
- 5. Identifying ways to work with all internet service providers that provide internet services in the city to ensure all individuals in the city have access to low-cost internet, including local non-profit internet service providers and internet service providers who are a minority-owned business enterprise or women-owned business enterprise certified in accordance with section 1304 of the charter;*
- 6. Building out networks and network infrastructure on city buildings or property;*
- 7. Creating incentives for the development of network infrastructure that can be used by multiple providers and encouraging shared use of network infrastructure by multiple providers;*
- 8. Identifying areas of the city that provide opportunities for public and private investments to install, operate, and maintain network infrastructure;*
- 9. Identifying ways that the city can use city assets to ensure network infrastructure can reach as many households as possible;*
- 10. Optimizing and coordinating use of public assets, and establishing a way to standardize and consolidate any tracking systems for public assets used to provide internet access;*
- 11. Providing free internet access in buildings owned or operated by the city;*
- 12. Providing information on internet service providers to the public, including the types of internet connections, speed packages, data caps, and usage policies available, which internet service providers are available in a given location, and whether such information could be made available in the form of an online interactive map;*
- 13. Establishing recommended standards for customer service by internet service providers, including response times for inquiries and complaint resolution procedures;*
- 14. Establishing a process for evaluating internet service providers contracting with the city, including the types of internet connections and speed packages, service bundle options, data caps, pricing, and usage policies;*
- 15. Estimating the funding required to implement the plan;*
- 16. Establishing public and private grant programs to encourage private investment in network infrastructure and digital equity initiatives;*
- 17. Establishing a process by which individuals who work on the plan can make recommendations related to implementation of the plan; and*
- 18. Incorporating any recommendations for policies or improvements to previously published plans provided by the advisory board established by section 23-1303.*

§ 23-1303 Advisory board. There shall be an internet advisory board. a. Members of the board shall be appointed as follows:

- 1. Three members appointed by the mayor, one of whom the mayor shall designate as chair of the board;*
- 2. Three members appointed by the speaker of the council; and*
- 3. One member appointed by the public advocate.*

b. Members shall be individuals who have experience with or expertise on energy, technology, digital equity, or network infrastructure.

c. Members of the board shall serve without compensation and shall meet no less than once every 6 months.

d. Members of the board shall be appointed for terms of 3 years. In the event of a vacancy on the board during the term of appointment, a successor shall be chosen in the same manner as the original appointment. A member appointed to fill a vacancy shall serve for the balance of the unexpired term.

e. The board may review plans published pursuant to section 23-1302 and make recommendations for improvements to and implementation of the plans and policy related to internet access and infrastructure needs in the city.

§ 23-1304 Reporting. No later than 1 year after the department publishes the first plan required by section 23-1302, and annually thereafter, the department shall publish on its website a report detailing its progress in implementing the plan.

§ 2. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1123

By Council Members Hudson, Abreu, Powers, Menin, Restler and Louis.

A Local Law to amend the administrative code of the city of New York, in relation to stationary on-street containers for the storage and collection of residential waste

Be it enacted by the Council as follows:

Section 1. Section 16-114 of the administrative code of the city of New York, as amended by local law 41 for the year 1992, is amended to read as follows:

§ 16-114. The commissioner may charge for the collection and disposal of ashes, street sweepings, garbage, refuse, rubbish, dead animals, night soil and offal, and all wastes, including trade waste from business, industrial, manufacturing, or other establishments conducted for profit, at rates established by the council by local law, upon recommendation of the commissioner, and on such terms and conditions as the commissioner shall prescribe and subject to rules of the department governing such collection and disposal. Nothing in this section shall be construed to limit the authority of the commissioner to charge annual fees for costs related to stationary on-street containers pursuant to section 16-114.2.

§ 2. Chapter 1 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-114.2 to read as follows:

§ 16-114.2 Stationary on-street containers. a. Definitions. As used in this section, the following terms have the following meanings:

Authorized vendor. The term “authorized vendor” means a vendor selected by the department through a competitive procurement process to produce city of New York stationary on-street containers.

Mitchell-Lama development. The term “Mitchell-Lama development” means a housing development organized pursuant to article 2 of the private housing finance law.

Residential building. The term “residential building” means a building containing dwelling units.

Stationary on-street container. The term “stationary on-street container” means a container for the storage and collection of residential waste that the city of New York procures from an authorized vendor and that the department places in the public right of way.

b. Stationary on-street container program. The department shall establish and maintain a program to require, by no later than June 1, 2032, all residential buildings with 10 or more dwelling units to place residential waste in stationary on-street containers supplied by the department, provided that:

1. Such program shall not apply to any residential building with less than 10 dwelling units or to any residential building, regardless of size, that receives off-street collection, including collection from inside a loading dock;

2. The department shall allow the owner of a residential building with less than 31 dwelling units to opt out of such program on the condition that such building set out its residential waste for collection by the department at the curb in rigid receptacles with tight-fitting lids in accordance with rules promulgated by the commissioner; and

3. The department shall not place a stationary on-street container upon a street or sidewalk without authorization from the department of transportation. Nothing in this subdivision shall prohibit the department of transportation from authorizing the placement of multiple stationary on-street containers at one time.

c. Rulemaking. The commissioner may adopt and implement rules as necessary to effectuate this section. Such rules may include, but need not be limited to, designating areas within the city of New York in which the program established pursuant to subdivision a will be implemented prior to June 1, 2032, establishing an annual fee of not more than 55 dollars per dwelling unit to be paid by the owner of a residential building to the city of New York for costs related to stationary on-street containers, and any waiver as deemed necessary by the commissioner of such fee requirements. Such costs may include acquisition, shipping, assembling, installing, repairing, cleaning, and maintaining such stationary on-street containers. Any such fee shall be collected on behalf of the department by the commissioner of finance and deposited in the general fund. Such fees shall be wholly or partially discounted for Mitchell-Lama developments.

§ 3. Section 16-120 of the administrative code of the city of New York, as amended by local law 111 for the year 2022, is amended by adding a new subdivision j to read as follows:

j. Subdivisions a, b, c, and d of this section shall not apply to residential waste placed in a stationary on-street container pursuant to the program established under section 16-114.2, except as provided by the commissioner by rule.

§ 4. This local law takes effect immediately.

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management and the Committee on Contracts).

Int. No. 1124

By Council Members Menin and Brewer.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the sale of disposable electronic cigarettes

Be it enacted by the Council as follows:

Section 1. The heading of subchapter 2 of chapter 7 of title 17 of the administrative code of the city of New York, as amended by local law number 228 for the year 2019, is amended to read as follows:

SUBCHAPTER 2

REGULATION OF THE SALE OF FLAVORED TOBACCO PRODUCTS, [FLAVORED] PROHIBITED ELECTRONIC CIGARETTES AND FLAVORED E-LIQUID, AND REGULATION OF AGE OF ENTRY TO NON-TOBACCO HOOKAH ESTABLISHMENTS

§ 2. Section 17-713 of the administrative code of the city of New York, as amended by local law number 228 for the year 2019, is amended by adding a new definition of “disposable electronic cigarette” in alphabetical order to read as follows:

Disposable electronic cigarette. The term “disposable electronic cigarette” means any electronic cigarette designed to be used only 1 time.

§ 3. Section 17-715 of the administrative code of the city of New York, as amended by local law number 228 for the year 2019, is amended to read as follows:

§ 17-715 Sale of flavored tobacco products, flavored electronic cigarettes [and], flavored e-liquid, *and disposable electronic cigarettes* prohibited.

a. 1. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored tobacco product except in a tobacco bar.

2. There shall be a presumption that a retail dealer, as defined in section 17-702, in possession of [four] 4 or more flavored tobacco products, which shall include individual tobacco products, packages of tobacco products, or any combination thereof, possesses such tobacco products with intent to sell or offer for sale.

b. 1. It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any flavored electronic cigarette or flavored e-liquid.

2. There shall be a presumption that an electronic cigarette retail dealer, as defined in section 20-560, in possession of [six] 6 or more flavored electronic cigarettes, or more than 12 fluid ounces (354.882 mL) of flavored e-liquid, possesses such flavored electronic cigarettes or flavored e-liquid with intent to sell or offer for sale.

c. 1. *It shall be unlawful for any person to sell or offer for sale, or to possess with intent to sell or offer for sale, any disposable electronic cigarette.*

2. *There shall be a presumption that an electronic cigarette retail dealer, as defined in section 20-560, in possession of 6 or more disposable electronic cigarettes, possesses such disposable electronic cigarettes with intent to sell or offer for sale.*

§ 4. Subdivision a-1 of section 17-716 of the administrative code of the city of New York, as added by local law number 228 for the year 2019, is amended to read as follows:

a-1. Any person who violates subdivision b or c of section 17-715 shall be liable for a civil penalty of not more than one thousand dollars for the first violation, and not more than one thousand dollars for each additional violation found on that day; and not more than two thousand dollars for the second violation at the same place of business within a three-year period, and not more than two thousand dollars for each additional violation found on that day; and not more than five thousand dollars for the third and all subsequent violations at the same place of business within a three-year period. In addition, for a third violation occurring on a different day and all subsequent violations occurring on different days at the same place of business within a three-year period, any person who engages in business as an electronic cigarette retail dealer, as such term is defined in section 20-560, shall be subject to the mandatory suspension of his or her license, issued pursuant to section 20-561, for such place of business, for a period not to exceed one year. Such license shall be suspended at the same hearing at which an electronic cigarette retail dealer is found liable for a third violation or subsequent violations at the same place of business within a three-year period.

§ 5. Section 11-4024 of the administrative code of the city of New York, as amended by local law number 228 for the year 2019, is amended to read as follows:

§ 11-4024 Seizure and forfeiture of taxed and lawfully stamped cigarettes sold or possessed by unlicensed retail or wholesale dealers, flavored tobacco products, [flavored] *prohibited* electronic cigarettes, and flavored e-liquid.

[(a)] a. Whenever a police officer designated in section 1.20 of the criminal procedure law or a peace officer employed by the department of finance, including but not limited to the sheriff, undersheriff or deputy sheriffs of the city of New York designated as peace officers in subdivision two of section 2.10 of the criminal procedure law, shall discover (1) any cigarettes subject to any tax provided by chapter thirteen of this title, and upon which the tax has been paid and the stamps affixed as required by such chapter, but such cigarettes are sold, offered for sale or possessed by a person in violation of section 11-1303, 17-703 or 20-202 of this code, [or] (2) any flavored tobacco product that is sold, offered for sale or possessed with intent to sell in violation of subdivision a or b of section 17-715 [of this code], *or (3) any disposable electronic cigarette that is sold, offered for sale, or possessed with intent to sell in violation of subdivision c of section 17-715*, he or she is hereby authorized and empowered

forthwith to seize and take possession of such cigarettes [or], flavored tobacco product, *or disposable electronic cigarettes*, together with any vending machine or receptacle in which such cigarettes [or], flavored tobacco product, *or disposable electronic cigarettes* are held for sale. Such cigarettes [or], flavored tobacco product, *disposable electronic cigarettes*, vending machine or receptacle seized by such police officer or such peace officer shall be turned over to the commissioner of finance.

[(b)] *b.* The seized cigarettes [or], flavored tobacco product, *or disposable electronic cigarettes*, and any vending machine or receptacle seized therewith, but not the money contained in such vending machine or receptacle, shall thereupon be forfeited to the city, unless the person from whom the seizure is made, or the owner of such seized cigarettes, flavored tobacco product, disposable electronic cigarettes, vending machine or receptacle, or any other person having an interest in such property, shall within ten days of such seizure, apply to the commissioner of finance for a hearing to determine the propriety of the seizure, or unless the commissioner of finance shall on his own motion release the seized cigarettes, flavored tobacco product, *disposable electronic cigarettes*, vending machine or receptacle. After such hearing the commissioner of finance shall give notice of his decision to the petitioner. The decision of the commissioner shall be reviewable for error, illegality, unconstitutionality or any other reason whatsoever by a proceeding under article seventy-eight of the civil practice law and rules.

[(c)] *c.* The commissioner of finance may, within a reasonable time after the forfeiture to the city of such vending machine or receptacle under this section, upon publication of a notice to such effect for at least five successive days, in a newspaper published or circulated in the city, sell such forfeited vending machine or receptacle at public sale and pay the proceeds into the general fund of the city. Such seized vending machine or receptacle may be sold prior to forfeiture if the owner of the seized property consents to the sale. Cigarettes [or], flavored tobacco product, *or disposable electronic cigarettes* forfeited to the city under this section shall be destroyed or used for law enforcement purposes, except that cigarettes that violate, or are suspected of violating, federal trademark laws or import laws shall not be used for law enforcement purposes. If the commissioner determines the cigarettes forfeited under this section may not be used for law enforcement purposes, the commissioner of finance must, within a reasonable time after the forfeiture to the city of such cigarettes, upon publication of a notice to such effect for at least five successive days, prior to destruction, in a newspaper published or circulated in the city, destroy such forfeited cigarettes.

[(d)] *d.* In the alternative, the commissioner of finance, on reasonable notice by mail or otherwise, may permit the person from whom a seizure of cigarettes [or], flavored tobacco product, *or disposable electronic cigarettes* under this section was made, to redeem any vending machine or receptacle seized with such cigarettes [or], flavored tobacco product, *or disposable electronic cigarettes*, or may permit the owner of any such vending machine or receptacle to redeem the same, upon the payment of any civil penalty imposed pursuant to chapter seven of title seventeen or subchapter one of chapter two of title twenty of this code and the costs incurred in such proceeding.

[(e)] *e.* For purposes of this section, a flavored tobacco product means a flavored tobacco product, flavored electronic cigarette, or flavored e-liquid.

§ 6. The definition of “good standing” set forth in section 20-560 of the administrative code of the city of New York, as amended by local law number 228 for the year 2019, is amended to read as follows:

Good standing. The term “good standing” means any electronic cigarette retail dealer that has not been found to have violated subdivision b of section 17-704.1 [or], subdivision a-1 of section 17-706, *or subdivision b or c of section 17-715* on more than one day during the previous three consecutive years.

§ 7. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Health.

Int. No. 1125

By Council Members Restler, Joseph and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on school librarians and library access in New York city public schools

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 chapter 38 to title 21-A to read as follows:

CHAPTER 38
REPORTING ON SCHOOL LIBRARIANS AND LIBRARY ACCESS

§ 21-1009 *Reporting on school librarians and library access.* a. *Definitions.* As used in this chapter, the following terms have the following meanings:

Certified school librarian. The term “certified school librarian” means a certified school library media specialist as defined in section 90.18 of title 8 of the New York codes, rules and regulations, regarding school library systems, or a successor provision.

Non-certified school librarian. The term “non-certified school librarian” means a department pedagogue who is not a certified school librarian, but is employed to provide library-related services.

School. The term “school” means a school of the city school district of the city of New York.

School library. The term “school library” means a school library established pursuant to section 91.1 of title 8 of the New York codes, rules and regulations, regarding school libraries, or a successor provision.

b. No later than June 1, 2025, and annually thereafter, the chancellor shall submit to the speaker of the council and post on the department’s website a report for the current academic year regarding school librarians and school library access. The report shall contain the following information for each school:

1. The number of certified school librarians, disaggregated by full-time and part-time status;
2. The number of non-certified school librarians, disaggregated by full-time and part-time status;
3. The number of students who have weekly scheduled class time with certified school librarians, disaggregated by grade level;
4. The number of students who have weekly scheduled class time with non-certified school librarians, disaggregated by grade level;
5. The average amount of weekly class time students spend with certified school librarians, disaggregated by grade level;
6. The average amount of weekly class time students spend with non-certified school librarians, disaggregated by grade level;
7. The number of school libraries; and
8. The hours of operation of each school library.

c. The data reported pursuant to subdivision b of this section shall be disaggregated by zip code, community school district, and borough, and shall be aggregated citywide.

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Preconsidered Int. No. 1126

By Council Member Salaam, the Public Advocate (Mr. Williams), and Council Members Stevens, Hudson, Borelli, Brannan, Williams, Abreu, Louis, Ariola, Yeger, Zhuang, Schulman, Holden, Brooks-Powers, Lee, Hanif, Marmorato, Vernikov and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to official waste bins for residential buildings with nine or fewer dwelling units

Be it enacted by the Council as follows:

Section 1. Section 16-120 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. 1. For purposes of this subdivision, “official waste container” means a rigid container with a tight-fitting lid and wheels that was solicited by the department from an authorized vendor and that is required by rules promulgated by the department to be used by residential properties with up to 9 dwelling units to set out residential waste.

2. Subject to appropriations, the department shall deliver official waste containers at no cost to any owner of a residential building that has up to 9 dwelling units and is required to set out waste in receptacles pursuant to rules promulgated by the department.

3. The department shall adopt and implement rules as are necessary to effectuate this subdivision. Such rules shall include, but need not be limited to, the number of official waste containers each such residential building may receive based on the number of official waste containers necessary to contain the wastes accumulated in such building during a period of 72 hours.

§ 2. Official waste container reimbursement program. Subject to appropriations, the department of sanitation shall establish a program to reimburse any owner of a residential building that has up to 9 dwelling units and is required to set out waste in receptacles pursuant to rules promulgated by the department of sanitation for official waste containers purchased by such owner. Such reimbursement shall be available for purchases of official waste containers by such owners made prior to the effective date of this local law for up to 1 year after the effective date of the local law that added this section. The department of sanitation shall adopt and implement rules as are necessary to effectuate this section. For purposes of this section, the term “official waste container” has the same meaning as set forth in paragraph 1 of subdivision j of section 16-120 of the administrative code of the city of New York.

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

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management and the Committee on Contracts).

Preconsidered Int. No. 1127

By Council Members Sanchez, Louis and Farías (by request of the Mayor).

A Local Law to establish a pilot program to convert existing basement or cellar apartments to habitable dwelling units

Be it enacted by the Council as follows:

Section 1. Definitions. a. Except as indicated in subdivision b of this section, the terms used in this local law have the meanings ascribed to such terms in title 28 of the administrative code of the city of New York.

b. For purposes of this local law, the following terms have the following meanings:

Administrative code. The term “administrative code” means the administrative code of the city of New York.

Apartment. The term “apartment” means a dwelling unit providing permanent provisions for both sanitation and kitchen facilities occupied or arranged to be occupied by not more than 1 family maintaining a common household.

Application. The term “application” means an application for authorization for temporary residence.

Authorization for temporary residence. The term “authorization for temporary residence” means an authorization issued by the department pursuant to section four of this local law authorizing the temporary use of an eligible basement or cellar as an apartment prior to the issuance of a certificate of occupancy or temporary certificate of occupancy for such use.

Basement. The term “basement” means a story partly below the grade plane and having less than one-half its clear height, measured from finished floor to finished ceiling, below the grade plane.

Cellar. The term “cellar” means that portion of a building that is partly or wholly underground, and having one-half or more of its clear height, measured from finished floor to finished ceiling, below the grade plane.

City financial assistance. The term “city financial assistance” means any loan, grant, tax credit, tax exemption, tax abatement, subsidy, mortgage, debt forgiveness, land conveyance for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city.

Community district. The term “community district” means a community district established pursuant to chapter 69 of the New York city charter.

Department. The term “department” means the New York city department of buildings.

Eligible basement or cellar residence. The term “eligible basement or cellar residence” means a basement or cellar in an existing dwelling within the program area, unlawfully arranged to be occupied as an apartment with acceptable kitchen and sanitation facilities as described in department rules, and which apartment was in existence prior to April 20, 2024.

Pre-existing violation. The term “pre-existing violation” means a violation issued by an agency of the city of New York for the illegal occupancy of a basement or a cellar for which a notice of violation, administrative summons, criminal court summons or other process was issued the department prior to the date of issuance of the initial permit by such department for work pursuant to this local law.

Program area. The term “program area” means Bronx community district nine; Bronx community district 10; Bronx community district 11; Bronx community district 12; Brooklyn community district 4; Brooklyn community district 10; Brooklyn community district 11; Brooklyn community district 17; Manhattan community district 2; Manhattan community district 3; Manhattan community district 9; Manhattan community district 10; Manhattan community district 11; Manhattan community district 12; and Queens community district 2, and such other community districts as may be authorized pursuant to section 289 of the multiple dwelling law.

Qualified environmental professional. The term “qualified environmental professional” has the same meaning ascribed to such term in section 24-03 of title 15 of the rules of the city of New York.

Rented. The term “rented” means leased, let, or hired out, with or without a written agreement.

Temporary residence program. The term “temporary residence program” means a program established pursuant to this local law to facilitate the legalization of eligible basement and cellar residences within the program area and to authorize their temporary use as apartments pending the issuance of a certificate of occupancy or temporary certificate of occupancy for such use.

Tenant. The term “tenant” means an individual to whom an eligible basement or cellar residence is rented.

§ 2. Scope. a. The department shall establish a temporary residence program in accordance with this local law.

b. To participate in such program, an owner of an eligible basement or cellar residence shall apply for authorization for temporary residence pursuant to section four of this local law on or before April 30, 2029. Except as otherwise provided in section twelve of this local law, an application for temporary residence may not be made where the eligible basement or cellar residence is within the 10 year rainfall flood risk area or the coastal flood risk area as described in section 24-809 of the administrative code of the city of New York.

§ 3. Occupancy. Notwithstanding any inconsistent provision of the multiple dwelling law, section 27-751 of the 1968 building code, section 27-2087 of the administrative code, section 1208.2 of the New York city building code or of applicable laws in existence prior to December 6, 1968, the department may authorize the use of an eligible basement or cellar residence within the program area as an apartment in accordance with this local law.

§ 4. Authorization for temporary residence. a. The department may issue an authorization for temporary residence for the use of an eligible basement or cellar residence in the program area as an apartment prior to the issuance of a certificate of occupancy or temporary certificate of occupancy in accordance with this section.

b. The owner of an eligible basement or cellar residence may submit an application for an authorization for temporary residence to the department in a form and manner determined by the department.

c. An application for an authorization for temporary residence may not be used as the basis for an enforcement action for illegal occupancy of such residence, provided that nothing in this local law shall be construed to prevent the issuance of a vacate order for hazardous or unsafe conditions.

d. The department may issue an authorization for temporary residence upon determining that (i) the basement or cellar referenced in such application is an eligible basement or cellar residence; (ii) such eligible basement or cellar residence contains an apartment that was in existence prior to April 20, 2024; and (iii) such eligible basement or cellar residence has been inspected and:

(1) would not pose an imminent risk to the life or safety of occupants;

(2) contains a battery-operated or hard-wired smoke detector and carbon monoxide detector;

(3) contains at least 1 means of egress directly to the outdoors complying with the construction standards of chapter 10 of the New York city building code, including access to a public way. The exterior door is provided with landings on both the interior and exterior sides in accordance with section 1010.1.6 of the New York city building code.

(4) has (i) a minimum clear ceiling height in all habitable rooms of 7 feet and 6 inches, which may be lowered to 7 feet subject to criteria set forth in rules promulgated by the department or the fire department, with projections as allowed by exception 1 of section 1208.2 of the New York city building code but in no event with such projections lower than 7 feet; or (ii) in a fully detached dwelling with all exterior walls at least 3 feet from any lot line, a minimum clear ceiling height in all habitable rooms of 7 feet including projections.

e. The department in consultation with the fire department shall adopt rules governing the occupancy and use, prior to the issuance of a certificate of occupancy or temporary certificate of occupancy, of eligible basement and cellar residences that have been issued an authorization for temporary residence, including minimum housing maintenance standards. Such rules shall (i) require occupancy of an eligible basement or cellar residence by not more than one family maintaining a common household, (ii) prohibit an owner or occupant from renting or offering to rent such eligible basement or cellar residence for less than 30 consecutive days, and prohibit registration of such residence for short term rental pursuant to chapter 31 of title 26 of the administrative code.

f. The department, the department of housing preservation and development, or the fire department may stay an order to vacate an eligible basement or cellar residence to permit an owner to apply for authorization for temporary residence or at any time following the issuance of an authorization for temporary residence.

g. An authorization for temporary residence expires 10 years after the date of its issuance. Prior to such expiration date, the owner must obtain a temporary or final certificate of occupancy for such residence in accordance with section six of this local law.

h. The issuance of an authorization for temporary residence allows occupancy of the eligible basement or cellar residence during the 10 year period prior to the date that it expires subject to the following conditions:

(1) not later than 3 months following the date such authorization is issued, the owner must submit documentation in a form and manner determined by the department establishing that:

(A) such eligible basement or cellar residence has smoke and carbon monoxide alarms in accordance with sections U103.6.2 and U103.6.3 of Appendix U of the New York city building code;

(B) such eligible basement or cellar residence has water sensors and alarms in accordance with section U202.11 of Appendix U of the New York city building code;

(C) such eligible basement or cellar residence has the required signage posted in a manner prescribed by the New York city housing maintenance code and the rules of the department of housing preservation and development; and

(D) the owner has notified any tenants in such eligible basement or cellar residence about enrollment in an emergency alert system operated by the office of emergency management in accordance with rules established by the department of housing preservation and development.

(2) Not later than 1 year following the date such authorization is issued, the owner must submit documentation in a form and manner determined by the department establishing that such eligible basement or cellar residence:

(A) complies with the fire separation standards set forth in section U202.7 of Appendix U of the New York city building code;

(B) has an automatic sprinkler system in accordance with section U103.6.1 of Appendix U of the New York city building code and section nine of this local law, provided however that notwithstanding any provision of local law or the state multiple dwelling law in no case shall the addition of an eligible basement or cellar residence require the installation of an automatic sprinkler outside of the eligible basement or cellar residence and the means of egress from such residence;

(C) that such eligible basement or cellar residence is tested in accordance with sections U202.9 and U202.10 of Appendix U of the New York city building code.

i. An eligible basement or cellar residence must be in compliance with any additional safety or construction requirements established pursuant to rules promulgated by the department.

§ 5. Deferral or waiver of penalties by the department. a. Payment of any civil penalties for violations issued by the department that would otherwise be required to be paid by an owner of an eligible basement or cellar residence before the issuance of a permit for alterations to comply with section four of this local law may be deferred, and upon issuance of a certificate of occupancy or temporary certificate of occupancy in accordance with section six of this local law, such deferred amounts may be waived.

b. Notwithstanding the provisions of subdivision a of this section, deferred amounts shall continue to be due and owing to the department. Where an owner fails to comply with the requirements of this local law, deferred amounts shall no longer be deferred and payment may be enforced in accordance with the New York city construction codes.

§ 6. Certificates of occupancy pursuant to this local law. a. Notwithstanding any inconsistent provision of the multiple dwelling law, article 118 of chapter 1 of the administrative code or of any other law, where an authorization for temporary residence has been issued in accordance with section four three of this local law, the department may: (i) issue a partial certificate of occupancy limited to the new or altered apartment in the basement of a building or the new apartment in the cellar of a building if such building was erected prior to January 1, 1938 and does not have and is not otherwise required to have a certificate of occupancy; or (ii) for a building with an existing certificate of occupancy, issue an amended certificate of occupancy limited to the new or altered apartment in the basement of such building or the new apartment in the cellar of such building. Such a partial or amended certificate of occupancy shall be issued subject to the following conditions:

(1) Upon inspection, the apartment being created or altered (i) conforms substantially to the approved construction documents, complies with the New York city construction codes and other applicable laws, except as specifically provided in this local law, and is safe for occupancy, or (ii) the department upon an inspection certifies that waiver of otherwise applicable requirements is appropriate because such apartment provides for the health and safety of all occupants of such dwelling by alternative means that are no less stringent than the requirements of this local law.

(2) Upon inspection, the required means of egress from all floors of the building comply with the New York city construction codes and other applicable laws.

(3) Except as specified in subparagraphs (A), (B), and (C) of this paragraph, a partial or amended certificate of occupancy or a temporary certificate of occupancy may be issued where there are open pre-existing violations in the building. All such open violations, including those specified below, shall remain administratively open and the department may thereafter continue to enforce against such violations until, in accordance with applicable provisions of the New York city construction codes, outstanding penalties are paid and, if applicable, certificates of correction are approved by the department.

(A) Where a pre-existing violation in parts of the building outside of the new or altered apartment is classified as “immediately hazardous,” the condition that gave rise to the issuance of such immediately hazardous violation must be removed or remedied in accordance with the New York city construction codes and to the satisfaction of the commissioner of buildings and evidence of such removal or remediation in the form of plans, drawings, photos, affidavits or a combination thereof, with the signature and seal of a registered design professional or, if applicable, a licensee of the department in the applicable trade must be submitted to the department prior to the issuance of such amended or partial certificate of occupancy or a temporary certificate of occupancy.

(B) Any condition that gave rise to a pre-existing violation in the new or altered apartment must be removed or remedied by work performed under permits issued pursuant to this local law.

(C) Notwithstanding any inconsistent provision of the New York city construction codes, including sections 28-118.14 and 28-219.1, a certificate of occupancy or a temporary certificate of occupancy may be issued for a basement or cellar apartment created or altered pursuant to this local law where there are outstanding fines and civil penalties for pre-existing violations provided that such fines and civil penalties may remain due and owing, and the department may thereafter enforce and collect such amounts in accordance with the New York city construction codes, unless such department determines that such fines and civil penalties should be waived in the interest of the program. When determining whether to waive such fines and civil penalties, the department may consider factors including the number and pecuniary amount of fines and civil penalties owed, the financial need of the owner, and the likely effect of such fines and civil penalties on compliance with such codes.

b. The department may refuse to issue a certificate of occupancy or a temporary certificate of occupancy pursuant to this section if there are outstanding violations issued by the department, penalties or open permits not signed off related to work performed under permits issued pursuant to this local law until such penalties have been paid, such violations have been corrected, including filing certificates of correction, if applicable, and permits have been closed, as required by the New York city construction codes.

c. (1) Every certificate of occupancy or temporary certificate of occupancy issued for a basement or cellar apartment created or altered pursuant to this local law must contain a reference to this local law.

(2) A partial or amended certificate of occupancy or a temporary certificate of occupancy issued pursuant to subdivision a of this section must contain a note that such certificate of occupancy does not certify compliance with applicable laws with respect to parts of the building outside of the apartment created or altered pursuant to this local law.

§ 7. Waiver of application, permit and inspection fees by the department. The commissioner shall waive all fees, which would otherwise be required to be paid to the department by title 28 of the administrative code, the electrical code or the rules of the department, in connection with applications, permits and inspections for work in the program area related to the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under the program administered by the department of housing preservation and development pursuant to section eleven of this local law.

§ 8. Waiver of fees by other agencies. The department of environmental protection shall waive all fees which would otherwise be required to be paid to such department arising out of the creation or alteration of habitable apartments in basements and cellars where such apartments are officially subsidized under the program administered by the department of housing preservation and development pursuant to section fourteen of this local law. Any other agency may promulgate rules to waive fees that would otherwise be required to be paid arising out of the creation or alteration of such apartments where such apartments are officially subsidized under the program administered by the department of housing preservation and development pursuant to section fourteen of this local law, and where such agency determines that such waiver would facilitate such program.

§ 9. Compliance with fire code sprinkler requirements for altered buildings on substandard width streets. Any habitable apartment in a basement or cellar created or altered pursuant to sections three of this local law shall be deemed to be an alteration subject to exception 5.1 of section 501.4.3.1 of the New York city fire code.

§ 10. Construction. Except as specifically provided in this local law, nothing in this local law is intended to grant authorization for any work to be done in any manner in violation of the provisions of the New York city construction codes, or any other law or rule.

§ 11. Enforcement and penalties. a. Violations of this local law and rules of the department issued pursuant to this local law shall be subject to enforcement and penalties in accordance with chapter 2 of title 28 of the administrative code of the city of New York.

b. The department may, after notice and opportunity to be heard, revoke an authorization for temporary residence:

(1) where 3 or more violations of this local law or rules of the department have been committed within a 1 year period, or

(2) where any violation of paragraph (1) or (2) of subdivision h of section four of this local law has been committed.

c. Where an authorization for temporary residence expires or is revoked before a certificate of occupancy or temporary certificate of occupancy is issued for an eligible basement or cellar residence, the department may:

(1) issue a vacate order if the basement or cellar is occupied,

(2) reinstate any prosecution for illegal occupancy that was deferred or waived pursuant to this local law, and

(3) reinstate and commence collection of any penalties that were deferred or waived pursuant to section five or six of this local law, including interest that would have accrued from the time of such deferral or waiver.

§ 12. Variance. An owner of an eligible basement or cellar residence located in the 10-year rainfall flood risk area or the coastal flood risk area may apply to the board of standards and appeals for a variance from the restrictions of section U202.3 of the New York city building code. In reviewing an application for a variance, the board of standards and appeals shall consider the conditions described in section G105.6, of the New York city building code and shall issue such a variance in accordance with section G105.7 of such code. Where a variance is issued such owner may apply for an authorization for temporary residence pursuant to this local law.

§ 13. Zoning. Within 90 days of the passage of this local law, the city planning commission shall propose amendments to the zoning resolution necessary to enact such program. Such amendments shall be subject to a public hearing at the planning commission and approval by such commission and by the city council in accordance with section 197-d of the New York city charter and subdivision 3 of section 289 of the multiple dwelling law, provided, however, that such amendments shall not require environmental review, including environmental review conducted pursuant to article 8 of the New York State environmental conservation law and any state and local regulations promulgated thereunder, or any additional land use review.

§ 14. Financial and technical assistance and outreach. a. The department of housing preservation and development shall establish a program to:

b. Subject to available resources, provide city financial assistance to owners of eligible basement or cellar residences that are contained within one-family or two-family homes who meet criteria set forth by such department in a rule, such as the financial need of an owner in order to meet the requirements of this local law, expected likelihood of such owner to repay any loans provided as part of such financial assistance, and the opportunity for the creation of an affordable rental housing unit.

c. Provide technical assistance to owners of eligible basement or cellar residences that are contained within one-family or two-family homes;

d. Conduct public education and outreach to owners of dwellings such department determines are likely to include eligible conversions.

§ 15. Tenant protections a. An application for authorization for temporary residence pursuant to section four of this local law must be accompanied by a certification from the owner of an eligible basement or cellar residence indicating whether such residence was rented to a tenant on April 20, 2024, notwithstanding whether the occupancy of such residence was authorized by law. Such certification may not be used as the basis for an enforcement action for the illegal occupancy of such unit, provided however that nothing in this local law shall prevent the issuance of a vacate order for imminently hazardous or unsafe conditions.

b. A tenant in occupancy of an inhabited eligible basement or cellar residence on April 20, 2024 who is evicted or otherwise removed from such residence as a result of an alteration necessary to bring such residence into compliance with the standards set out in this local law shall have a right of first refusal to return to such unit as a tenant upon its first occupancy following such alteration, notwithstanding whether such occupancy on April 20, 2024 was authorized by law, subject to rules established by the department of housing preservation and development.

c. A tenant unlawfully denied a right of first refusal to return to an eligible basement or cellar residence pursuant to this local law shall have a cause of action in any court of competent jurisdiction for compensatory damages or declaratory and injunctive relief as the court deems necessary in the interests of justice, provide that such compensatory relief shall not exceed the annual rental charges for such eligible conversion.

§ 16. Rules. The department, the fire department, the department of environmental protection, the department of housing preservation and development, the department of health and mental hygiene, and the office of emergency management may adopt any rules necessary to carry out the provisions of this local law.

§ 17. Application deadline. To participate in the temporary residence program, the owner of an eligible basement or cellar residence must apply for authorization for temporary residence pursuant to section four of this local law not later than April 20, 2029.

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

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Preconsidered Int. No. 1128

By Council Members Sanchez, Louis and Farías (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to construction of ancillary dwelling units

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-809 to read as follows:

§ 24-809 Flood risk areas. a. Definitions. For the purposes of this section the following terms have the following meanings:

10-year rainfall flood risk area. The term “10-year rainfall flood risk area” means an area designated on a map of the department of environmental protection that represents locations in the city where there is a 10 percent chance or greater of rainfall induced flooding in any year, incorporating the impacts of the projected 2050 sea level rise on sewer outfalls and storm drains as projected by the New York city panel on climate change.

100-year rainfall flood risk area. The term “100-year rainfall flood risk area” means an area designated on a map of the department of environmental protection that represents locations in the city where there is a 1 percent chance or greater of rainfall induced flooding in any year, incorporating the impacts of the projected 2080 sea level rise on sewer outfalls and storm drains as projected by the New York city panel on climate change.

Coastal flood risk area. The term “coastal flood risk area” means an area designated on a map of the department of environmental protection that represents locations in the city where there is a 1 percent chance or greater of flooding in 2080 based on New York city panel on climate change projections.

Rainfall flood risk areas. The term “rainfall flood risk areas” means the areas indicated by the 10-year rainfall flood risk area and the 100-year rainfall food risk area.

b. Rainfall flood risk areas and coastal flood risk area. 1. Interim rainfall flood risk areas. No later than 120 days after the effective date of the local law that added this section, the department of environmental protection, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies shall promulgate a rule to adopt an interim rainfall flood risk areas and post a map of such areas on the city’s website.

2. Updated rainfall flood risk areas. No later than January 1, 2028, the department of environmental protection, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies shall by rule adopt rainfall flood risk areas to update and replace the interim rainfall flood risk areas established pursuant to paragraph 1 of this section. The rainfall flood risk areas adopted pursuant to this paragraph shall indicate a base flood level showing the projected elevation of flooding within such rainfall flood risk Areas. The department of environmental protection may update such rainfall flood risk area as it deems appropriate to reflect flooding risk based on available data. The department of environmental protection shall post and keep updated a map of such areas on the city’s website.

3. Interim coastal flood risk area. No later than 120 days after the effective date of the local law that added this section the department of environmental protection, in consultation with the department of buildings, the office of long-term planning and sustainability, and other relevant agencies shall promulgate a rule to adopt an interim coastal flood risk area and post a map of such area on the city’s website. Such map shall:

(a) Utilize federal emergency management agency coastal flood mapping data to define the current 100-year floodplain, and;

(b) Utilize the 90th percentile projection for sea level rise in New York City as determined by the New York city panel on climate change to incorporate future flood extent.

4. Updated coastal flood risk area. Within one year of the issuance of new effective flood insurance rate maps for the city of New York by the federal emergency management agency, the department of environmental protection shall by rule adopt a coastal flood risk area to update and replace the interim coastal flood risk area established pursuant to paragraph 3 of this section. The department of environmental protection may update the coastal flood risk area adopted pursuant to this paragraph as it deems appropriate to reflect flooding risk based on available data. The department of environmental protection shall post and keep updated a map of such areas on the city's website.

§ 2. The definition of "FLOOD RISK AREA" in section BC 202 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

FLOOD HAZARD AREA. The following [two] three areas:

1. The area within a flood plain subject to a 1-percent or greater chance of flooding in any year. Also defined as the "special flood hazard area".
2. Where buildings are classified as Flood Design Class 4, the area within a flood plain delineated as shaded X-Zones.
3. Where an ancillary dwelling unit is constructed in a basement or cellar pursuant to Section U202, the rainfall flood risk areas and coastal flood risk areas adopted pursuant to section 24-809 of the administrative code.

§ 3. The New York city building code is amended by adding a new appendix U to read as follows:

APPENDIX U
ANCILLARY DWELLING UNITS
SECTION BC U101
GENERAL

U101.1 Scope. Except as modified by the express provisions of this appendix, in a one- or two-family dwelling, an ancillary dwelling unit shall be constructed in accordance with the requirements of this code applicable to a dwelling unit.

U101.1.1 Multiple dwelling law. Where the ADU is located within the same building as the primary dwelling, and the total number of dwelling units of such building exceeds two, the entire building shall be classified as Group R-2 occupancy and comply with all applicable requirements of Group R-2 occupancy in this code and the *New York State Multiple Dwelling Law* as applicable, except for basement and cellar units in the program area pursuant to U202.12. Buildings constructed as Type VA or VB construction may not be converted or altered to a three-family dwelling, such limitation shall not apply to eligible conversions made habitable pursuant to U202.12.

U101.2 General conditions. Any ADU permitted pursuant to this appendix must comply with the following conditions:

1. An ADU shall only be permitted to be associated with a primary dwelling that is classified in occupancy Group R-3.
2. An ADU shall not be used as a care facility providing custodial care to any persons pursuant to Section 310.5.
3. An ADU shall not be constructed in the rear yard, as such term is defined by the *New York City Zoning Resolution*, of an attached one- or two-family dwelling.
4. An ADU in a cellar must have a clear ceiling height that is at least 2 feet above the grade plane.

U101.3 Types of ADUs. Where permitted by the *New York City Zoning Resolution*, no more than one ADU may be constructed on each tax lot, in one of the following locations:

1. Above the grade plane, adjoining or within the same building as the one-family dwelling, including attic or enlargement, constructed in accordance with Section U201.
2. In the basement or cellar of the building containing the primary dwelling, constructed in accordance with Section U202.
3. Separated by a fire wall from the two-family dwelling, constructed in accordance with Section U203.
4. Detached from the primary dwelling, constructed in accordance with Section U204.

U101.4 Certificate of Occupancy. No ADU shall be occupied for dwelling purposes without a certificate of occupancy issued by the commissioner to permit such ADU in accordance with Section 28-118.3 of the *Administrative Code*. An ADU constructed in accordance with Section U203, or U204 shall require a separate certificate of occupancy from the primary dwelling unit. An ADU constructed in accordance with Section U201 and U202 shall require a new or amended certificate of occupancy for all the primary dwelling units and the ADU. In addition to Section 28-118.6 of the *Administrative Code*, such certificate of occupancy shall indicate the following as applicable:

1. An ADU located in the basement or cellar shall be identified as “ADU Apartment U per BC U202”.
2. An ADU located in the basement or cellar in the program area shall be identified as “ADU Apartment U per BC U202 and MDL Art 7-D”.
3. An ADU with the main entrance opening to the rear yard shall be identified as “ADU Apartment R”.
4. All ADUs shall have “Ancillary Dwelling Units per ZR 12-10 and BC Appendix U” in the comment.
5. An ADU located in the basement or cellar shall be indicated the applicable flood area designation where the premises are located, in accordance with Section U202.3.1.

Exception: Notwithstanding Section 28-118.3 of the *Administrative Code*, where an authorization for temporary residence is issued by the department in accordance with a local law for the year 2024, amending the administrative in relation to a pilot program to convert existing basement or cellar apartments to habitable dwelling units and Section U202.12, a basement or cellar ADU shall be permitted to be occupied for dwelling purposes without the certificate of occupancy.

SECTION BC U102 **DEFINITIONS**

U102.1 Definitions. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein:

ANCILLARY DWELLING UNIT (ADU). Where permitted by *New York City Zoning Resolution*, the dwelling unit additional to a one- or two- family dwelling, providing permanent provisions for both sanitation and kitchen facilities, occupied or arranged to be occupied by not more than one family maintaining a common household.

PRIMARY DWELLING. The one- or two- family dwelling to which that the ADU is ancillary.

SECTION BC U103 **GENERAL REQUIREMENTS**

U103.1 Scope. All ADUs shall comply with this section and the applicable requirements in Sections U201 through U204.

U103.2 Light and ventilation of the primary dwelling. The creation of an ADU shall not diminish the light or ventilation of any habitable rooms of the primary dwelling in any way not in compliance with Chapter 12.

U103.3 Light and ventilation of ADU. All habitable rooms within an ADU shall be provided with natural ventilation in accordance with Section 1203.5 and natural light in accordance with Section 1205.2.

U103.4 Separate entrance required. An ADU shall be provided with a separate entrance from that serving the dwelling units of the primary dwelling, either from the exterior of the primary dwelling or directly from a public corridor within the primary dwelling.

U103.5 Separate utility required. An ADU shall be provided with separate heating, ventilation and air-conditioning system, electrical system, and gas piping from the primary dwelling in accordance with Section U103.5.1 through U103.5.3, and separate water service or separate, accessible main shutoff valves in accordance with U103.5.4.

U103.5.1 Heating, ventilation and air-conditioning systems. A primary dwelling and an ADU shall be provided with:

1. Separate heating systems.
2. Separate ducting for heating and cooling systems. Return air openings for heating, ventilation and air-conditioning shall not be taken from another dwelling unit.
3. Separate climate controls.

U103.5.2 Electrical systems. A primary dwelling and an ADU shall be provided with:

1. Ready access to the service disconnecting means serving the dwelling unit.
2. Ready access for each occupant to all overcurrent devices protecting the conductors supplying each dwelling unit.
3. Separate sub-meters or separate meters.

U103.5.3 Gas piping. Where an ADU is served by gas piping, such piping shall be provided with:

1. Ready access for each occupant to shutoff valves serving the dwelling unit in which they reside.
2. Ready access for each occupant to appliance shutoff valves serving appliances in the dwelling unit in which they reside.
3. Separate sub-meter.

U103.5.4 Water service. A primary dwelling and an ADU may share a common potable water system, provided that there are separate, accessible main shutoff valves allowing the water to be turned off for each unit without affecting any other unit.

U103.5.5 Plastic piping. Notwithstanding any inconsistent provisions of the *New York City Plumbing Code*, plastic piping shall be permitted in ADUs as permitted by the *New York State Residential Code*.

U103.6 Fire protection system. ADUs shall be provided with fire protection system in accordance with Chapter 9 unless otherwise prescribed in Section U103.6.1 through U103.6.3.

U103.6.1 Automatic sprinkler system. Where the ADU is permitted to be classified as an R-3 occupancy by this code, the exception in Section 903.2.8 shall not apply, such ADUs shall be provided with automatic sprinkler system throughout the ADU in accordance with NFPA 13D as modified by Appendix Q.

U103.6.1.1 Sprinkler of basement or cellar ADU. Where permitted by Section U202.12, notwithstanding Section 901.9.2, the primary dwelling shall not be required to be sprinklered as a Group R-2 occupancy where the basement or cellar ADU is sprinklered in accordance with NFPA 13D as modified by Appendix Q and the building is provided with fire department access in accordance with Section 501.4.3.1 of the *New York Fire Code*.

U103.6.2 Smoke alarm. All ADUs shall be provided with smoke alarms in accordance with Section 907.

U103.6.3 Carbon monoxide alarm. All ADUs shall be provided with carbon monoxide alarms in accordance with Section 915.

U103.6.4 Gas alarm. Where gas service is provided in an ADU, gas alarms shall be required in accordance with Section 918

U103.7 Emergency escape and rescue openings. All habitable rooms of an ADU shall be provided with emergency escape and rescue openings in accordance with Section 1025 of the *New York City Fire Code* and Section 1030.

U103.8 Fire department access. For the purpose of Section 501.3.1, an ADU shall be considered as an accessory building. Notwithstanding any inconsistent provisions of Section 501.3.2, where the main entrance to the ADU is set back no more than 100 feet from the curb line, a fire department access path shall be provided in accordance Table U103.8. Protruding objects, projections or overhangs shall not reduce such minimum clear width. Such access path shall open to the sky and unobstructed between the street and such ADU.

TABLE U103.8
MINIMUM CLEAR WIDTH OF FIRE DEPARTMENT ACCESS PATH AND MAXIMUM NUMBER
OF STORIES OF AN ADU

<u>Width of fire department access path</u>	<u>ADU arrangement ^a</u>	<u>Sprinkler ^c</u>	<u>Fire District</u>	<u>Construction Class</u>	<u>Maximum building height in stories</u>	<u>Fire separation distance</u>
<u>5 ft</u>	<u>Attached ^b, detached</u>	<u>SP</u>	<u>Outside</u>	<u>All</u>	<u>2</u>	<u>As permitted by Table 602</u>
<u>5 ft</u>	<u>Attached ^b, detached</u>	<u>SP</u>	<u>Inside</u>	<u>IA, IB, IIA, IIB, IIIA, IIIB, VA</u>	<u>2</u>	<u>As permitted by Table 602</u>
<u>5 ft</u>	<u>Attached ^b, detached</u>	<u>SP</u>	<u>Inside</u>	<u>VB</u>	<u>1</u>	<u>As permitted by Table 602</u>
<u>8 ft</u>	<u>Attached ^b, detached</u>	<u>SP</u>	<u>Inside</u>	<u>All</u>	<u>2</u>	<u>As permitted by Table 602</u>

a. "Attached" shall refer to ADUs constructed in accordance with Section U203. "Detached" shall refer to ADUs constructed in accordance with Section U204.

b. The construction class of an attached ADU shall not be lower than the primary dwelling in accordance with U203.3.1.

c. "SP" shall refer to ADUs sprinklered in accordance with Section U103.6.1.

U103.9 Sustainable roofing zones. An ADU with a roof constructed pursuant to sections U202.3 or U202.4 shall be exempt from the requirements for a sustainable roofing zone pursuant to section 1512 for any roof construction attributed to such ADU.

SECTION BC U201 **ABOVE GRADE ADU WITHIN A ONE-FAMILY PRIMARY DWELLING**

U201.1 Scope. An ADU located entirely above the grade plane and adjoining or within the same building of the one-family dwelling shall be constructed in accordance with Section U103 and Sections U201.2 through U201.4.

U201.2 Occupancy classification. Where the ADU is adjoining or within the same building as a one-family dwelling, both the ADU and the primary dwelling unit shall be classified as Group R-3 occupancy and comply with all applicable requirements of Group R-3 occupancy in this code.

U201.3 Fire separation. The ADU shall be separated from the primary dwelling by a fire barrier having at least a one-hour fire-resistance rating meeting the requirements of Section 420.

U201.4 Exit stairway. The exit stair required by Section 1006.3.2 may be constructed as an interior or exterior stair serving a Group R-3 occupancy in accordance with Chapter 10. Where an interior stair is provided, such interior stair shall be enclosed in accordance with Section 1023. Where an exterior stair is provided, such exterior stair shall be permitted to be constructed of combustible materials where all of the following conditions are met:

1. The stair is at least 10 feet away from any lot line or wall of other building on the same tax lot;
2. Sprinklers are provided throughout the in accordance with Section U103.6.1;
3. The building is lawfully constructed as Type VA or VB construction; and
4. The stair shall be constructed in accordance with Section 1011.7.2.

SECTION BC U202 **ADU IN A BASEMENT OR CELLAR**

U202.1 Scope. An ADU located in a basement or cellar of an existing one- or two-family dwelling shall be constructed in accordance with Section U103 and Sections U202.2 through U202.12, as required by this section.

U202.2 Definitions. The following words and terms shall, for the purposes of this section, have the meanings shown herein:

10-YEAR RAINFALL FLOOD RISK AREA: Shall have the same definition as such term is defined in Section 24-809 of the *Administrative Code*.

100-YEAR RAINFALL FLOOD RISK AREA: Shall have the same definition as such term is defined in Section 24-809 of the *Administrative Code*.

COASTAL FLOOD RISK AREA: Shall have the same definition as such term is defined in Section 24-809 of the *Administrative Code*.

COMMUNITY DISTRICT. A community district established pursuant to chapter 69 of the New York city charter.

ELIGIBLE BASEMENT OR CELLAR RESIDENCE. A basement or cellar in an existing dwelling within the program area, unlawfully arranged to be occupied as an apartment and with kitchen and sanitation facilities acceptable to the department, and which apartment was in existence prior to April 20, 2024.

PROGRAM AREA. As permitted by Section 289 of the *New York State Multiple Dwelling Law*, Bronx community district 9; Bronx community district 10; Bronx community district 11; Bronx community district 12; Brooklyn community district 4; Brooklyn community district 10; Brooklyn community district 11; Brooklyn community district 17; Manhattan community district 2; Manhattan community district 3; Manhattan community district 9; Manhattan community district 10; Manhattan community district 11; Manhattan community district 12; and Queens community district 2 and such other community districts as may be authorized pursuant to section 289 of the multiple dwelling law.

U202.3 Prohibited locations. An ADU shall not be permitted in a basement or cellar of a building in the following locations:

1. Within the special flood hazard area in accordance with Appendix G.
2. Within the 10-year rainfall flood risk area.
3. In Within the coastal flood risk area.
4. Within the 100-year rainfall flood risk area.

Exceptions:

1. A basement or cellar ADU shall be permitted for an eligible basement or cellar residence in the 100-year rainfall flood risk area in accordance with Section U202.12.
2. Construction of a basement or cellar ADU in the 100-year rainfall flood risk area shall only be permitted in accordance with rule of the department.

U202.3.1 Identification of flood hazard areas. Where an ADU is permitted in accordance with Section U202.3, the construction documents for the ADU shall include a statement to certify that the premises is:

1. Not located in any one of the following flood hazard areas:
 - 1.1 Special flood hazard area, in accordance with Section G201
 - i. Coastal A-zone.
 - ii. Coastal high-hazard area.
 - iii. A-zone.
 - 1.2 10-year rainfall flood risk area.
 - 1.3 Coastal flood risk area.

2. Located or not located in the 100-year rainfall risk area.

Each such statement shall be accompanied with the applicable flood area map.

U202.3.2 Variances. The board of standards and appeals shall hear and decide requests for variances from the requirements of Section U202.3 where a building is located in 10-year or 100-year rainfall flood risk areas or the coastal flood risk area, but is not located in a special flood hazard area in accordance with Appendix G. In reviewing an application for a variance, the board of standards and appeals shall consider the conditions described in Section G105.6, and shall issue such a variance in accordance with section G105.7.

U202.4 Applicability. Where permitted by this code, a basement or cellar ADU may be permitted if one of the following conditions is met:

1. In the program area, eligible basement or cellar residences may be made habitable in accordance with a local law for the year 2024, amending the administrative in relation to a pilot program to convert existing basement or cellar apartments to habitable dwelling units and Section U202.12.
2. An existing basement or cellar space in a one-family dwelling may be converted to one ADU in accordance with Sections U202.5 through U202.11.
3. An existing basement or cellar space in a two-family dwelling may be converted to one ADU in accordance with all applicable requirements of the *New York State Multiple Dwelling Law*. Such ADU shall be classified as a Group R-2 occupancy and comply with all the requirements of Group R-2 occupancy in this code.

U202.5 Minimum ceiling height. Notwithstanding Section 1208.2, all habitable rooms in basements shall have a minimum clear ceiling height of 7 feet. The minimum clear ceiling height of all habitable rooms in a cellar shall be 7 feet and 6 inches.

Exceptions:

1. Where approved by the fire department, in accordance with the *New York City Fire Code*, the minimum clear ceiling height of all habitable rooms in a cellar shall be 7 feet.
2. Where the primary dwelling is a fully detached one- or two- family dwelling, and all exterior walls are at least 3 feet from any lot line, the minimum clear ceiling height of all habitable rooms in a cellar shall be 7 feet.

U202.6 Window requirements. Each habitable room shall have at least one window with 6 square feet of openable area to provide natural ventilation as required pursuant to Section 1203.5.1.2.1. The total net glazed area of all windows shall be not less than 10 percent of the floor area of the room served, or 12 square feet (1.1 m²), whichever is greater. Such area may include glazed areas in doors providing light directly into such room.

U202.6.1 Portions of windows below grade. Portions of windows below grade plane may be included in calculations of such minimum net glazed area required to provide natural light where all the following conditions are met:

1. The window head is located not more than 6 inches below the lowest permitted projection below ceiling height; and
2. Such portions are surrounded by a window well or similar open area that:
 - 2.1 is at least 6 inches deeper than the bottom of the window;
 - 2.2 is at least 3 times as wide, in the direction perpendicular to the window, as the depth below grade plane of such window portions;
 - 2.3 is at least twice as wide, in the direction parallel to the window, including 6 inches wider on each side, as the depth below grade plane of such window portions; and
 - 2.4 is provided with a drain to prevent any ponding of storm water, in accordance with Chapter 11 of the *New York City Plumbing Code*.
3. No cantilever, permanent shading structure, or other obstruction, is less than 3 feet above the window head or protrudes more than 1 foot in the direction perpendicular to the window; and
4. No other encroachment or obstruction is within the window well, except as otherwise required by this code. Supplemental steps that provide access to the required yard, court, open space or street may also be permitted. Where provided, such steps shall be dimensioned in accordance with Section 1011.5 and shall include a landing at the bottom of such window well in accordance with Section 1011.6.

U202.7 Fire separation. An ADU in a basement or cellar shall be constructed with the following fire separations:

- 1. Boilers and furnaces.** Any boiler or furnace in such ADU must be enclosed and separated from all habitable spaces by a noncombustible fire barrier having at least a one-hour fire-resistance rating in accordance with Section 707, provided that any opening in such fire barrier shall be protected with a self-closing door.
- 2. Stairway enclosure.** Any stairway connecting more than one dwelling unit shall be provided with an enclosure in accordance with Section 713. Where the stairway is fully contained within the ADU and such ADU is fully sprinklered in accordance with Section U103.6.1, such stairway shall be permitted to be unenclosed.
- 3. Existing above grade unit.** The ADU must be separated from all other dwelling units by noncombustible construction having at least a one-hour fire-resistance rating meeting the requirements of Section 420.

U202.8 Means of egress. An ADU in a basement or cellar shall be provided with means of egress in accordance with this section.

U202.8.1 Emergency escape and rescue openings. All sleeping rooms shall be provided with at least one emergency escape and rescue opening in accordance with Section 1030.

U202.8.2 Means of egress from a basement ADU. An ADU in a basement shall be provided with at least one means of egress directly to the outdoors in accordance with Chapter 10, including access to a public way. The exterior door shall swing inward and be provided with landings on both the interior and exterior sides in accordance with Section 1010.1.6, excepted as provided in Section U202.8.4.

U202.8.3 Means of egress from a cellar ADU. A ADU in a cellar shall be provided with one means of egress in accordance with Section U202.8.1, and a second means of egress to the outdoors in accordance with Chapter 10, including access to the public way, even if compliance with such standards is not otherwise required by Chapter 10 or any other law. In addition, the following shall be provided:

1. The means of egress provided in accordance with Chapter 10 shall be provided with landings on both the interior and exterior sides of the door in accordance with Section 1010.1.6, excepted as provided in Section U202.8.4.
2. Such cellar shall be considered as a story above a grade plane for the purpose of complying with Chapter 9 and Chapter 10.

202.8.4 Landing exception. An exterior landing shall not be required where the landing or floor on the exterior side is no more than 7.75 inches below the top of threshold of the exit door, and the door does not swing over the landing or floor.

U202.9 Radon levels. No certificate of occupancy or temporary certificate of occupancy may be issued for an ADU located in a basement or cellar unless a certification is submitted to the commissioner that the level of radon in such ADU after the completion of construction is tested in accordance with, and meets the standards set forth in rules promulgated by the Department of Health and Mental Hygiene.

U202.10 Vapor levels. No certificate of occupancy or temporary certificate of occupancy shall be issued for an ADU located in a basement or cellar unless a qualified environmental professional submits a certification to the department that the vapor level, after the completion of construction, is in accordance with applicable law].

U202.11 Basic stormwater prevention requirements. An ADU located in a basement or cellar shall comply with the following:

1. Water sensor and alarm. Every habitable room shall be provided with at least one water sensor with backup battery power to warn the occupants in the event of a flood. The department may promulgate rules to supplement the requirement of such water sensors and alarms.

2. Emergency preparedness information. The owner shall post all required signage in a manner proscribed by the housing maintenance code and the rules of the department of housing preservation and development and shall notify any tenants about enrollment in an emergency alert system operated by the Office of Emergency Management in accordance with rules established by the department of housing preservation and development.

U202.12 Special requirements for certain basement or cellar ADUs. An inhabited eligible basement or cellar residence and an eligible basement or cellar residence in the program area shall comply with Article 7-D of the *New York State Multiple Dwelling Law*, a local law for the year 2024, amending the administrative in relation to a pilot program to convert existing basement or cellar apartments to habitable dwelling units, Sections U202.12.1 and U202.12.2, and rules of the department.

U202.12.1 Authorization for temporary residence. An authorization for temporary residence pursuant to a local law for the year 2024, amending the administrative in relation to a pilot program to convert existing basement or cellar apartments to habitable dwelling units shall not be issued by the commissioner unless it is shown that the ADU located in the basement or cellar provides for the following:

1. At least one means of egress in accordance with Section U202.8.1;
2. A minimum clear ceiling height in accordance with Section U202.5; and
3. Documentation of successful inspection that such ADU does not pose an immediate risk to the life or safety of any inhabitants, furnished by the department.

U202.12.2 Phased mitigation. An ADU that has been issued a authorization for temporary residence shall meet the following requirements in accordance with a local law for the year 2024, amending the administrative in relation to a pilot program to convert existing basement or cellar apartments to habitable dwelling units:

1. No later than three months after the authorization for temporary residence is issued:
 - 1.1 A smoke and carbon monoxide alarm in accordance with Section U103.6.2 and U103.6.3.
 - 1.2 Emergency preparedness notification in accordance with Section U202.11.
 - 1.3 Water sensor and alarm in accordance with Section U202.11.
2. No later than one year after the authorization for temporary residence is issued:
 - 2.1. Fire separation in accordance with Section U202.7.
 - 2.2. Automatic sprinkler system in accordance with Section U103.6.1.

- 2.3. A certification from the Department of Health and Mental Hygiene in accordance with Section U202.9 and a qualified environmental professional [in accordance with Section U202.10.
- 3. No later than ten years after the authorization for temporary residence is issued:
 - 3.1 The requirements of Section U103 and Sections U202.5 through U202.11.
 - 3.2. A temporary certificate of occupancy or final certificate of occupancy in accordance with this code.

SECTION BC U203

ADU SEPARATED BY A FIRE WALL FROM A TWO-FAMILY PRIMARY DWELLING

U203.1 Scope. An ADU separated from the primary two-family dwelling by a fire wall that is constructed of concrete or masonry in accordance with Section 706, shall be constructed in accordance with all applicable requirements of a Group R-3 occupancy of this code, except as provided by in Section U103 and Sections U203.2 through U203.7.

U203.1.1 Occupancy classification. Where the ADU is separated from the primary two-family dwelling by a fire wall that, both the ADU and the primary dwelling unit shall be classified as Group R-3 occupancy and comply with all applicable requirements of Group R-3 occupancy in this code.

U203.2 Subgrade space limitation. The ADU shall be located above the grade plane. The finished ground level of an under-floor space below the story above the grade plane shall be level with or higher than the outside finished ground level on at least one side.

U203.3 Separate building required. The ADU shall be constructed as a separate building from the primary dwelling. Both the ADU and the primary dwelling shall provide:

- 1. All vertical circulation and exit systems required by this code without entering the other building.
- 2. All fire protection systems required by this code without reliance on the other building. A shared water supply in accordance with Section U103.5.4 shall be permitted.

U203.3.1 Construction Class. The construction class of an attached ADU shall not be lower than the primary dwelling.

U203.4 Exterior walls. Construction, projections, openings and penetration of exterior walls of an ADU shall comply with Sections 602 and 705.

U203.5 Maximum building height. The maximum building height of the ADU shall be determined in accordance with Section U103.8.

U203.6 Type VA or VB construction in fire districts. Notwithstanding Section D105.1, an ADU completely or partially located inside the fire districts as established in Section D101.2, is permitted to be constructed as Type VA or VB in accordance with Section U103.8.

U203.7 Flood mitigation. The ADU shall be elevated to the highest level as determined below:

- 1. Where the premises is located within the special flood hazard Area, the lowest floor of the ADU shall be elevated to the design flood elevation in accordance with Appendix G.
- 2. Where the premises is located within the coastal flood Risk area defined by Section U202.2, the lowest floor of the ADU shall be elevated to a minimum of 3 feet above the highest adjacent grade to such ADU.
- 3. Where the premises is located within the 10-year rainfall flood risk area or 100-year flood risk area defined by Section U202.2, the lowest floor of the ADU shall be elevated to a minimum of 2 feet above the highest adjacent grade to such ADU.

The department may promulgate rules to supplement the requirement of flood mitigation applicable to an ADU in the coastal flood risk area, 10-Year rainfall flood risk area or 100-year rainfall flood risk area.

SECTION BC U204

ADU DETACHED FROM THE PRIMARY DWELLING**U204.1 Scope.** An ADU detached from the primary dwelling shall be constructed in accordance with all requirements of the Group R-3 occupancy in this code, except as provided by Section U103, Sections U203.2 and U203.4 through U203.7, and Section U204.2.

U204.1.1 Occupancy classification. Where the ADU is detached from the primary dwelling, both the ADU and the primary dwelling unit shall be classified as Group R-3 occupancy and comply with all applicable requirements of Group R-3 occupancy in this code.

U204.2 Egress arrangement. The ADU shall provide all vertical circulation and exit systems required by this code without entering the primary dwelling. The construction of an ADU shall not alter the egress requirements for the primary dwelling pursuant to Chapter 10.

§ 4. Section 503.2.4.1 of the New York City fire code, as amended by local law number 47 for the year 2022, is amended to read as follows:

503.2.4.1 Group R-3 occupancies set back 100 feet or less. The fire apparatus access road to a Group R-3 building with any main front entrance located more than 40 feet (12192 mm) but not more than 100 feet (30 480 mm) from the street line (as measured along the route of the fire apparatus access road) may be designed and constructed in compliance with the requirements of the Building Code for driveways where:

1. The driveway is designed and is used exclusively to provide access only to a single Group R-3 building and no more than 1 ancillary dwelling unit, and to no other buildings; and
2. The height of the Group R-3 building or an ancillary dwelling unit does not exceed 35 feet (10 668 mm) above the grade plane (with the terms "building height" and "grade plane" having the meanings set forth in Section BC 502.1 of the Building Code); and
3. The driveway provides access to the frontage space of each occupancy, except as otherwise provided in FC 504.1.2; and
4. The dwelling units are equipped with interconnected smoke alarms, in accordance with Section [907.2.10] 907.2.11 of the Building Code.

§ 5. Section 504.1.2 of the New York City fire code, as amended by local law number 47 for the year 2022, is amended to read as follows:

504.1.2 Occupancies with separate entrances. When a building contains more than one occupancy or a semi-attached or detached ancillary dwelling unit, and separate entrances are provided for individual occupancies, there shall be a main front entrance for each such occupancy, and a separate frontage space shall be provided for each main front entrance, except that a second frontage space is not required for a two-family Group R-3 occupancy or a dwelling unit ancillary to a one-family or two-family Group R-3 occupancy if unobstructed access, 5 feet (1524 mm) in width, is provided to the rear yard and to the main front entrance of any dwelling unit from either side of the building that is not directly accessible from the public street, fire apparatus access road, or driveway. An open accessory parking area not less than 5 feet (1524 mm) in width shall be sufficient to constitute unobstructed access to the rear yard, regardless of the presence of parked vehicles in such parking area.

504.1.2.1 Detached ancillary dwelling units. A detached ancillary dwelling unit is not required to provide frontage space if access to the main front entrance of the detached ancillary dwelling unit is provided in accordance with the requirements for unobstructed access set forth in FC 504.1.2.

§ 6. This local law shall take effect on the same date that a local law of the city of New York for the year 2024, amending the administrative code of the city of New York, in relation to a pilot program to convert existing basement or cellar apartments to habitable dwelling units, takes effect.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 1129

By Council Members Williams, Ossé, Rivera, Brooks-Powers, Banks, Stevens, Hanks and Ariola.

A Local Law to amend the administrative code of the city of New York, in relation to complaints to 311 about overhead wires

Be it enacted by the Council as follows:

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-311 to read as follows:

§ 23-311 Complaints related to overhead wires. a. Definitions. For the purposes of this section, the term “department” means the department of information technology and telecommunications.

b. The department shall make guidance available on the 311 customer service center website to assist the public in determining whether an overhead wire is an electrical wire or a non-electrical wire. Such guidance shall also include information about how to report a problem with an overhead electrical wire directly to a responsible electric utility company.

c. The department shall implement and maintain through its 311 customer service center the capability for the public to file complaints under the category of “non-electric overhead wire issues,” including on its website, mobile device platforms, and any other platform on which the center routinely utilizes categories to sort complaints. Such issues may include damaged or dangling non-electrical overhead wires.

d. Upon receipt of a complaint filed pursuant to subdivision c of this section, the department shall identify the cable provider that is responsible for repair and maintenance of the non-electric wires that are the subject of the complaint. The complaint shall be considered closed once the department has given the name of the cable provider to the complainant.

§ 2. Subdivision a of section 23-304 of the administrative code of the city of New York, as added by local law number 8 for the year 2020, is amended to read as follows:

a. The department of information technology and telecommunications shall implement and maintain on its 311 [citizen] customer service center website and mobile device platforms the capability for the public to file a complaints under the category of “illegal parking.”

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

Referred to the Committee on Technology.

Res. No. 651

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.1755-C/A.2720-B, to establish a temporary state commission to conduct a feasibility study on the formation and control of a state public bank.

By Council Members Williams and Riley.

Whereas, According to 2021 data from the Department of Consumer and Worker Protection, 305,700 households in New York City have no bank account, or are “unbanked”; and

Whereas, The 9.4 percent unbanked rate among New York City households exceeds the 4.5 percent nationwide rate; and

Whereas, Since 2015, eight of the nine New York City neighborhoods with the highest unbanked rates have been consistently predominantly Black or Hispanic neighborhoods; and

Whereas, Since 2015, eight of the nine New York City neighborhoods with the highest unbanked rates have been among those with the highest poverty rates and lowest median household incomes; and

Whereas, A public bank is a financial institution created by the state for the public benefit of the community; and

Whereas, A public bank is capable of facilitating banking services to economically disadvantaged communities, providing affordable credit lines, loans, and other such financial tools to small businesses, homebuyers, and prospective college students; and

Whereas, The state of North Dakota has operated a public bank, the Bank of North Dakota, since 1919; and

Whereas, The Bank of North Dakota has made a profit every year since its founding while offering affordable loans to students, farmers, and small businesses; and

Whereas, New York State Senator James Sanders Jr. has introduced S.1755-C, now pending in the New York State Senate, and New York State Assembly Member Crystal Peoples-Stokes has introduced companion bill A.2720-B, now pending in the New York State Assembly, which would establish a temporary commission to determine what benefits a public bank owned by the state of New York or by a public authority constituted by the state of New York can provide; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.1755-C/A.2720-B, to establish a temporary state commission to conduct a feasibility study on the formation and control of a state public bank.

Referred to the Committee on Finance.

Res. No. 652

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.1814, to impose an additional tax on certain non-primary residence class one and class two properties in New York City.

By Council Member Williams.

Whereas, The availability of affordable housing is a necessary factor for a thriving New York City and critical to providing essential shelter, financial stability, and economic mobility for New Yorkers; and

Whereas, According to the Furman Center, the number of residential units authorized by new building permits fell to 16,348 in 2023, a 76.2 percent decline and the lowest amount since 2016; and

Whereas, According to reporting by the New York Times, the number of City residents under 20 years of age dropped by 186,000 in 2023 as families cite leaving due to inaccessibility of affordable housing; and

Whereas, These statistics suggest that new affordable housing supply is not keeping up with demand; and

Whereas, According to the 2023 New York City Housing and Vacancy Survey (“HVS”), which is sponsored by the Department of Housing Preservation and Development and conducted every three years, the City’s vacancy rate is 1.41 percent, well below the five percent that the City and State’s rent regulation laws define as a housing emergency and one of the lowest on record in six decades of conducting the survey; and

Whereas, According to the 2023 HVS, 58,810 units of housing were not available for rent or sale because they were held for “seasonal, recreational, or occasional use” such as pied-à-terres; and

Whereas, This number represents 26 percent of all units not available for rent or sale in the 2023 HVS; and

Whereas, Encouraging units that are vacant but not available for rent or sale to become available is one way to use the City’s housing stock more efficiently and thereby increase the effective housing stock; and

Whereas, High volumes of pied-à-terres can also decrease neighborhood livability, leading to a “ghost town” effect where streets lose vibrancy and retail businesses lose out on potential customers; and

Whereas, Assembly Member Deborah Glick has introduced A.1814 in the New York State Assembly (“Assembly Bill A.1814”), which would authorize New York City to impose a graduated, additional property tax on certain non-primary residences with a five-year average market value of \$5 million or more or on condominium and co-operative dwelling units with an assessed value or assessed value attributable to a tenant-stockholder, respectively, of \$300,000 or more; and

Whereas, Such a tax would increase the availability and affordability of housing by providing a disincentive for keeping housing units vacant for use as pied-à-terres; and

Whereas, Assembly Bill A.1814 would authorize the City to impose, administer, collect, and enforce such a tax in the same manner as other property taxes which fund the City annual budget; and

Whereas, Such revenue could be used to directly increase the City’s affordable housing programs; and

Whereas, According to 2023 estimates by the New York City Comptroller’s Office, imposing an additional property tax on high-value residences whose owners are not using the property as their primary residence could generate an average of \$258 million per fiscal year in additional tax revenue from Fiscal Year 2025 through Fiscal Year 2027; and

Whereas, Taxing pied-a-terres has become increasingly common in major cities around the world, including in Paris, Vancouver, and Singapore; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.1814, to impose an additional tax on certain non-primary residence class one and class two properties in New York City.

Referred to the Committee on Finance.

Res. No. 653

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.7871-A/A.9673-A, to create a pilot program for implementation of local land value taxation.

By Council Members Williams, Riley and Stevens.

Whereas, Under New York State law, the real property tax in New York City is levied on properties according to their placement in one of four classes; and

Whereas, Real property in New York City is taxed on its assessed value of the land plus any improvements; and

Whereas, Land that is vacant or not fully developed to the extent permitted by the applicable zoning laws and regulations has a lower assessed value and thereby lower taxes; and

Whereas, This method of assessment creates incentive to leave land unimproved or underimproved to avoid a higher real property tax bill; and

Whereas, A 2022 analysis by the Altus Group and Wall Street Journal found 77,000 lots in New York City that were either vacant or developed to less than half of the permitted zoning for that lot, 96% of which were zoned for residential use; and

Whereas, The Council recognizes that confronting the housing and affordability crisis in the City requires creating more new homes for New Yorkers; and

Whereas, According to the United States Federal Highway Administration’s Office of Performance and Innovative Finance (“OPIF”), a land value tax is an alternative form of property taxation which levies a tax on the value of the land parcel in a given tax lot based on available municipal improvements such as transit, parks, and schools, disregarding any buildings that may have been constructed upon it; and

Whereas, A land value tax would encourage development and discourage speculative land investment by making it more costly to leave a lot empty or underdeveloped while making it less costly to build out to the limits of the available zoning; and

Whereas, Land value taxation has been permitted in Pennsylvania since 1913, and is currently in use in fifteen municipalities; and

Whereas, In 2023, the mayor of Detroit proposed adopting a land value tax and the Buffalo city council adopted a resolution to study the implementation of a land value tax; and

Whereas, New York State Senator Rachel May has introduced S.7871-A, now pending in the New York State Senate, and New York State Assembly Member Alex Bores has introduced companion bill A.9673-A, now pending in the New York State Assembly, which would direct the New York State Department of Taxation and Finance to establish a pilot program for implementation of local land value taxation; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, S.7871-A/A.9673-A, to create a pilot program for implementation of local land value taxation.

Referred to the Committee on Finance.

Res. No. 654

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.8593/S.6420, in relation to foreclosure of certain rental properties.

By Council Members Williams, Riley and Stevens.

Whereas, Many property owners rely on rental income to fund mortgage payments and property maintenance; and

Whereas, When tenants can't pay rent, it disrupts the rental ecosystem: property owners risk mortgage defaults, banks face higher loan risks, housing may suffer from poor maintenance, and local governments might lose tax revenue; and

Whereas, Pre-foreclosure begins when a homeowner misses several mortgage payments, prompting the lender to issue a notice of default, warning of possible foreclosure if the issue is not resolved; and

Whereas, In New York State, the mortgage holder must send a 90-day pre-foreclosure notice before starting foreclosure, via regular and certified mail; and

Whereas, According to Property Shark, a website that covers real estate trends, residential properties in New York City that received pre-foreclosure notices increased citywide in 2024 from 479 in the first quarter to 603 in the second quarter; and

Whereas, New York is a judicial foreclosure state, meaning mortgage lenders must sue borrowers in court in order to foreclose on mortgaged property; and

Whereas, If a lender wins such a lawsuit, the mortgaged property can be auctioned to repay the debt; and

Whereas, Property owners facing foreclosure due to unpaid rents need an opportunity to collect back rents before foreclosure; and

Whereas, A.8593, introduced by Assembly Member Clyde Vanel and pending in the New York State Assembly, and S.6420, introduced by State Senator Leroy Comrie and pending in the New York State Senate, would allow property owners to collect back rents to make their mortgage payments by ensuring that property owners facing foreclosure due to loss of rent payments cannot enter into a state of foreclosure until a special proceeding resolves any rent issues; and

Whereas, By allowing property owners to collect back rents before foreclosure, the State can help preserve the rental housing ecosystem and protect property owners from financial ruin; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, A.8593/S.6420, in relation to foreclosure of certain rental properties.

Referred to the Committee on Housing and Buildings.

Res. No. 655

Resolution calling on the New York State Legislature to reintroduce and pass, and the Governor to sign, legislation in relation to establishing a task force to study and report on the potential implementation of blockchain technology in state record keeping, information storage, and service delivery.

By Council Members Williams, Menin and Gutiérrez.

Whereas, A blockchain is an encoded digital ledger comprised of data records collected in a chain, that cannot be changed or deleted by a single actor and instead is verified and managed using automation and shared governance protocols; and

Whereas, Blockchain technology could simplify the management of trusted information, making it easier for government agencies to access and use critical public-sector data while maintaining the security of this information; and

Whereas, West Virginia utilized a blockchain-based voting system during its 2018 midterm elections, enabling military members and eligible overseas citizens to securely submit absentee ballots through a blockchain-enabled mobile app, which saw 144 voters across 31 countries successfully participate in the November election; and

Whereas, in 2020 the Vermont Agency of Agriculture, Food & Markets agreed to a 5-year deal for a blockchain-based app and web portal which securely manages hemp registration, licensing, and crop tracking to document where, when, and to whom a plant and its derivative products move; and

Whereas, Chief Technology Officer for New York City, Matthew Fraser, testified on February 15, 2023 at the New York City Council's Committee on Technology hearing on "Cryptocurrency and Blockchain Technology in New York City" that the New York City Office of Technology and Innovation ("OTI") has already started taking proactive steps in relation to blockchain technology, including exploring potential municipal use cases and recruiting blockchain policy advisors; and

Whereas, Despite the potential benefits, local technology advocacy groups have raised concerns around the legitimacy, security, and necessity of blockchain technology; and

Whereas, New York City is home to some of the largest public-sector data repositories in the state, containing critical information on housing, healthcare, law enforcement, and financial records, and could benefit from state research on enhanced methods for data security, transparency, and efficiency in record keeping; and

Whereas, Further research is necessary to determine the potential benefits and risks of adopting blockchain technology for municipal use, and the timeliness of this research is of utmost importance given OTI's proactive approach to blockchain technology; and

Whereas, A.2566, introduced by Assembly Member Clyde Vanel, and companion bill S.5564, introduced by State Senator Leroy Comrie, seek to establish a task force to study and report on the potential implementation of blockchain technology in state record keeping, information storage, and service delivery; and

Whereas, The report published by the task force established by A.2566/S.5564 would provide this needed research by presenting insights into the opportunities and risks associated with using blockchain technology, a comparison of various blockchain technologies, and examples of how other cities and organizations are leveraging blockchain for record keeping, information storage, or service delivery; and

Whereas, The findings and recommendations from the proposed state task force could help guide New York City's own blockchain policies and programs, supporting OTI's proactive approach to exploring and potentially implementing blockchain solutions for secure data management and transparency in municipal operations or exposing potential issues that come with the adoption of the technology; and

Whereas, A.2566/S.5564 has not been reintroduced since the 2023-2024 State legislative session; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to reintroduce and pass, and the Governor to sign, legislation in relation to establishing a task force to study and report on the potential implementation of blockchain technology in state record keeping, information storage, and service delivery.

Referred to the Committee on Technology.

Preconsidered L.U. No. 191

By Council Member Brannan:

Sunset Gardens: Block 729, Lot 72, Brooklyn, Community District No. 7, Council District No. 38.

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

Preconsidered L.U. No. 192

By Council Member Brannan:

Harbor Hill: Block 837, Lot 1, Brooklyn, Community District No. 7, Council District No. 38.

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

Preconsidered L.U. No. 193

By Council Member Brannan:

Three Arts Club: Block 1246, Lot 49, Manhattan, Community District No. 7, Council District No. 6.

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

Preconsidered L.U. No. 194

By Council Member Brannan:

Eastchester Heights: Block 4712, Lot 1; Block 4713, Lot 1; Block 4720, Lot 1; Block 4721, Lot 17; Block 4722, Lot 12, Bronx, Community District No. 12; Council District No. 12.

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

Preconsidered L.U. No. 195

By Council Member Brannan:

551 West 149th Street: Block 2081, Lot 10, Manhattan, Community District No. 9, Council District No. 7.

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

Preconsidered L.U. No. 196

By Council Member Brannan:

142 West 139th Street: Block 2007, Lot 59, Manhattan, Community District No. 10, Council District No. 9.

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

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****Monday, November 25, 2024**Committee on Higher Education

Eric Dinowitz, Chairperson

Oversight - CUNY's Response to the Lippman Report.

Council Chambers – City Hall.....10:00 a.m.

Committee on Mental Health, Disabilities and Addiction

Linda Lee, Chairperson

Int 986 - By Council Members Joseph, Restler, Cabán, Banks, Narcisse, Sanchez, Ung, Brannan, Stevens, Ossé, Nurse, Hudson, Menin, Hanif and Ariola - **A Local Law** in relation to a pilot program to involve mental health professionals and professional candidates in student wellness clubs in public middle and high schools.**Int 989** - By Council Members Lee, Restler, Brannan and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to student wellness club toolkits.**Int 996** - By Council Members Stevens, Restler, Brannan and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a peer-to-peer mental health training program.**Int 1103** - By Council Members Ayala, Restler, Hanif and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to community outreach regarding the availability of mental health counseling in response to violent and traumatic incidents.

Committee Room – City Hall.....10:00 a.m.

Committee on Technology

Jennifer Gutiérrez, Chairperson

Int 138 - By Council Members Brooks-Powers, Brewer, Hudson and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to sign language public service announcements for persons who are deaf or hard of hearing on LinkNYC kiosks.**Int 197** - By Council Members Gutiérrez, Restler, De La Rosa, Ayala, Avilés, Sanchez, Williams, Louis, Won, Rivera, Abreu, Brannan, Schulman, Ung, Nurse, Hudson, Brewer, Gennaro and Paladino - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring text to 911 and next generation 911 to be available in the designated citywide languages**Int 646** - By Council Members Riley, Stevens, Hanif, Won, Feliz, Salaam, Gennaro, Hanks, Brewer, Farías, Cabán, Hudson, Williams, Avilés, Ossé, Brooks-Powers, Schulman and Marmorato - **A Local Law** to amend the administrative code of the city of New York, in relation to accessibility for the deaf, hard of hearing, or deaf-blind community in the implementation of text-to-911

Committee Room – City Hall.....1:00 p.m.

Monday, December 2, 2024Committee on Health

Lynn C. Schulman, Chairperson

Oversight - HealthyNYC**Int 641** - By Council Members Riley, Schulman, Abreu, Gutiérrez, Stevens, Won, Narcisse, Feliz, Salaam, Gennaro, Farías, De La Rosa, Restler, Williams, Krishnan, Brannan, Avilés, Ossé, Brooks-Powers, Hudson, Marte, Hanks, Sanchez, Hanif, Louis, Banks, Ung, Nurse, Cabán, Joseph, Zhuang, Menin, Bottcher, Dinowitz, Salamanca, Moya and Marmorato - **A Local Law** to amend the administrative code of the city of New York, in relation to nutrition standards and beverage options for children's meals served in food service establishments.**Int 1047** - By Council Members Abreu, Schulman, Louis, Gutiérrez, Ossé, Menin, Nurse, Williams, Hanks, Krishnan, Sanchez and Carr - **A Local Law** in relation to establishing a sleep apnea screening pilot program and public education and outreach campaign.

Council Chambers – City Hall.....10:00 a.m.

Wednesday, December 4, 2024Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – 250 Broadway, 16th Floor..... 11:30 a.m.

Committee on Education jointly with the
Committee on Women and Gender Equity

Rita Joseph, Chairperson

Farah N. Louis, Chairperson

Oversight - Providing Comprehensive Sex Education as part of Health Education.**Int 1057** - By Council Members Joseph, Ossé, Hanif, Narcisse, Brooks-Powers, Riley, Gutiérrez, Restler, Schulman, Nurse, Krishnan, Hudson and Ariola - **A Local Law** to amend the administrative code of the city of New York, in relation to student journalism programming at the city's high schools.**Res 94** - By Council Members Hanif, Schulman, Hudson, Avilés, Farías and Louis (by request of The Bronx Borough President) - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, S.2584A/A.6616, which would require comprehensive sexuality instruction for students in grades K-12 which addresses age and developmentally appropriate physical, mental, emotional and social dimensions of human sexuality and reflects the national sexuality education standards.**Res 251** - By Council Members Riley, Stevens, Won, Feliz, Salaam, Farías, De La Rosa, Williams, Sanchez, Banks, Brewer, Krishnan, Hudson, Hanks, Joseph, Schulman, Ossé, Marmorato, Vernikov and Paladino (in conjunction with the Bronx Borough President) - **Resolution** calling on the New York State Education Department to allow a lifeguard certification to substitute for Physical Education Credit for high school seniors aged 17 years and older.**Res 373** - By Council Member Louis - **Resolution** calling upon the New York City Department of Education to require age-appropriate human trafficking curriculum and instruction for students in grades K-12.

Council Chambers – City Hall.....1:00 p.m.

Committee on Governmental Operations,
State & Federal Legislation

Lincoln Restler, Chairperson

Oversight - Evaluating the Board of Elections' Performance in the 2024 General Election & Preparation for June 2025 Elections.**Int 293** - By Council Members Menin, Avilés, Lee, Gutiérrez, Farías, Salaam, Abreu, Schulman, the Public Advocate (Mr. Williams), Brewer, Ung, Won, Marte, Hudson, Nurse, Banks, Rivera and Louis (by request of the Manhattan Borough President) - **A Local Law** to amend the New York city charter, in relation to prohibiting the dissemination of materially deceptive audio or visual media in local elections.**Int 441** - By Council Members Stevens, Restler, Zhuang, Schulman, Menin, Salaam, Marte, Hanif, Won, Bottcher, Gennaro, Cabán, Williams, Narcisse, Banks, Louis, Avilés, Joseph, Brooks-Powers and Marmorato -**A Local Law** to amend the administrative code of the city of New York in relation to improving young adults' access to voter registration materials by requiring the department of education of the city of New York and the board of elections of the city of New York to provide students with registration materials in appropriate languages and to track and report on the efficacy of distributing registration materials to students.**Int 565** - By Council Members Brewer, Hanif, Ung, Restler, Hudson, Cabán, Rivera, Menin, Sanchez, Yeger, Brooks-Powers, Banks, Schulman, Ayala, Hanks, Ossé, Krishnan, Gennaro, Narcisse and Louis - **A Local Law** to amend the New York city charter, in relation to providing survivors of domestic violence with guidance on making voter registration records confidential and voting by special ballot

Int 1111 - By Council Members Schulman, Restler, Hudson and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to adjustment of contribution and expenditure limits to account for two-year council terms.

Proposed Res 189-A - By Council Members Ung, Krishnan, Williams, Nurse, Rivera, Cabán, Avilés, Hudson, Brewer, Banks and Louis - **Resolution** calling on the New York State Legislature to pass, and the voters to approve, an amendment to the New York State Constitution to move New York City elections to even-numbered years.

Res 322 - By Council Members Lee, Gennaro, Krishnan, Schulman, Ariola, Cabán, Abreu, Farías, Brannan, Menin, Won, Hudson and Avilés - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A.642/S.1215, which directs the Queens Board of Elections to provide language assistance in Bengali, Punjabi and Hindi.

Committee Room – City Hall.....1:00 p.m.

Thursday, December 5, 2024

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged the fatal stabbing of three New Yorkers on November 18, 2024 and the shooting of NYPD Officer Rich Wong and a 26-year old woman by a gunman on November 19, 2024. She noted the negative impact that such horrific crimes had on every one and that New Yorkers deserved to feel safe in their city. The Speaker (Council Member Adams) commended the Police Department for their ongoing efforts in keeping New Yorkers safe. She also noted that the Council would continue working to improve public safety in a comprehensive matter for every neighborhood.

The Speaker (Council Member Adams) acknowledged the presence in the balcony of New Yorker and Harlem resident Ms. Gloria Dickerson. She noted that Ms. Dickerson was turning 77 years old that day. Those assembled in the Chambers applauded in appreciation.

The Speaker (Council Member Adams) wished everyone a happy and safe Thanksgiving holiday spent with loved ones. She thanked those assembled in the Chambers and their respective teams for their hard work in serving their constituents and the people of the City of New York.

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Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Fariás) adjourned these proceedings to meet again for the Stated Meeting on Thursday, December 5, 2024.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of November 21, 2024 on the New York City Council website at <https://council.nyc.gov>.

