

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, September 16, 2020, 1:47 p.m.

held remotely via video-conference

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

Council Members

Corey D. Johnson, *Speaker*

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

At the time of this virtual Stated Meeting, there was one vacant seat on the Council in the 37th District (Brooklyn) pending the swearing-in of the certified winner of a November 3, 2020 General Election.

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

After consulting with the City Clerk and Clerk of the Council (Mr. McSweeney), the presence of a quorum was announced by the Public Advocate (Mr. Williams).

There were 50 Council Members marked present at this virtual Stated Meeting.

INVOCATION

The Invocation was delivered by Rabbi Joseph Potasnik, Executive Vice President, New York Board of Rabbis, 171 Madison Avenue, Suite 1602, New York, N.Y. 10016.

Thank you.

Firstly, I want to say that,
[what] Cardinal O'Connor years ago told me
that the difference between Jews and Catholics is the following.
Catholics leave and don't say goodbye.
Jews say goodbye and don't leave.
And I think all of us recognize
that we are both Jewish and Catholic, Christian,
we're not going to say goodbye to this city
and we're certainly not going to leave this city.

The prayer begins

God of all faiths
let us remember
a city council chamber in the Midwest
that has no electricity.
If you want illumination,
you have to bring a lantern
to brighten the area in which you stand.
We live today at a time
where we see too many darkened places in our city
because of COVID, crime, and conflict.
This is a time for all of us
to bring our lanterns of leadership
into the public arena.
Doctors speak of PTSD,
which impairs the ability to perform properly,
but we have also seen examples of "PTSG",
post-traumatic stress growth,
where courageous people
confront the challenges of the day.
Some step back and do little,
while others step forward
and do so much to better our world.
May we remember a religious law which teaches us
that if you lose a possession
and you give up hope of finding it,
it belongs to the finder.
But if you do not lose hope
it still belongs to you.
We will not lose hope

in a city that belongs to all of us.
No one can locate
the exact location of Mount Sinai,
but everybody knows
where Mount Moriah is situated in Jerusalem
because the holy, that is the holy site
where the temple was built.
God, what we remember is what we build together,
with the light of our lanterns
and our loving loyalty
to our city and to one another.
Amen.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) noted that September 16th marked a milestone for New York City as classes resumed for 1.1 million public school students. He wished a safe and healthy school year to all the students and their families, as well as to teachers, principals, and school staff. The Speaker (Council Member Johnson) again thanked Council Member and Education chair Mark Treyger for his leadership in forwarding a safe school re-opening plan.

The Speaker (Council Member Johnson) acknowledged the anniversary and commemoration of September 11th. He noted that this year's anniversary reminded him of how resilient New Yorkers had been after 9/11 and through the first six months of this pandemic. He added that we as a city were at our best when we came together and looked out for one another. The Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York had reached 23,758 as of September 15, 2020. On behalf of the Council, he offered his deep condolences to the families and loved ones of those who were lost to the virus.

The Speaker (Council Member Johnson) acknowledged the death of several more first responders to 9/11-related illnesses: Utah Unified Fire Authority Firefighter and thirty-one year veteran Christopher Cage died on August 29, 2020; FDNY Firefighter Timothy Burke, 51, died on September 11, 2020; NYPD Detective Peter Gianfrancesco, 52, died on September 2, 2020; and retired Con Edison worker and foreman John S. Mula, 81, died on August 30, 2020.

The Speaker (Council Member Johnson) acknowledged the death of a New York City construction worker who died during the course of his employment. Marcos Rodriguez, 25, lost his life on September 3, 2020 while working at a Brooklyn Navy Yard construction site. On behalf of the Council, the Speaker (Council Member Johnson) wished to send his condolences to Mr. Rodriguez's family and loved ones.

The Speaker (Council Member Johnson) acknowledged the death of senior Brooklyn Assistant District Attorney Sarah Pitts. ADA Pitts, 25, was struck and killed by a vehicle on September 7, 2020 while riding her bicycle. The Speaker (Council Member Johnson) noted that her death was another tragic reminder of the need for safer streets.

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Treyger moved that the Minutes of the Stated Meeting of August 27, 2020 be adopted as printed.

LAND USE CALL-UPS

M-251

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

Pursuant to Sections 11.20(b-d) of the Council Rules and Section 197-d(b)(3) of the New York City Charter, the Council hereby resolves that the actions of the City Planning Commission on related Application No. C 200083 POK (1510 Broadway) shall be subject to Council review. This item is related to Application Nos. N 200082 ZRK.

Coupled on Call-up vote.

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

Present but Not Voting (PNV) – Torres.

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

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil and Human Rights

Report for Int. No. 1603-A

Report of the Committee on Civil and Human Rights in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the use of certain credit information in the rental or leasing of affordable units by a developer.

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2215), respectfully

REPORTS:

I. INTRODUCTION

On September 16, 2020, the Committee on Civil and Human Rights, chaired by Council Member Eugene, held a vote on Proposed Introduction Bill Number 1603-A (Int. 1603-A), in relation to the use of certain credit information in the rental or leasing of affordable units by a developer. In 2019, the Committee heard a previous version of the bill, and testimony was received from the New York City Commission on Human Rights, advocacy groups and other stakeholders. This testimony, along with developments caused by the COVID-19 pandemic, have informed the changes to the bill. The bill passed with no amendments, with four in the affirmative, no negatives, and no abstentions.

II. BACKGROUND

Over the past few years, personal debt in America has ballooned. According to the Federal Reserve Bank of New York, US household debt increased to a record \$13.86 trillion in the second quarter of 2019 – the 20th consecutive quarter with an increase.¹ More recently, US household debt increased [\\$155 billion, or 1.1 percent, to reach \\$14.3 trillion in the first quarter of 2020.](#)² This debt is largely comprised of mortgage and home equity debt, as well as student, auto, and credit card debt.³ Medical debt, which can often represent smaller amounts of debt, is also a massive financial problem for many people. For example, a 2017 poll revealed that 45% of Americans would have a difficult time paying an unexpected \$500 medical bill.⁴ Medical issues are the most common driver of personal bankruptcy filings in 2019.⁵ Moreover, the Trump Administration has recently rolled back several consumer protections⁶ and has made changes that will make it easier for lenders to target vulnerable populations, thereby increasing the chances that people will end up with debt that they cannot afford.

¹ Federal Reserve Bank of New York “Total household debt climbs for 20th straight quarter as mortgage debt and originations rise”, August 13, 2019, available at: <https://www.newyorkfed.org/newsevents/news/research/2019/20190813>

² Federal Reserve Bank of New York “Household debt and credit”, 2020, available at: <https://www.newyorkfed.org/microeconomics/hhdc/background>

³ Federal Reserve Bank of New York “Total household debt climbs for 20th straight quarter as mortgage debt and originations rise”, August 13, 2019, available at: <https://www.newyorkfed.org/newsevents/news/research/2019/20190813>.

⁴ National Bankruptcy Forum “10 statistics about US medical debt that will shock you”, December 14, 2017, available at: https://www.natlbankruptcy.com/us-medical-debt-statistics/#3_A_500_unexpected_medical_bill_is_too_much_to_pay_for_many_people.

⁵ Hillary Hoffower “Staggering medical bills are the biggest driver of personal bankruptcies in the US. Here’s what you need to know if you’re thinking about filing for bankruptcy”, *Business Insider*, June 25, 2019, available at: <https://www.businessinsider.com/causes-personal-bankruptcy-medical-bills-mortgages-student-loan-debt-2019-6>.

⁶ Renae Merle and Tracy Jan “Trump is systematically backing off consumer protections, to the delight of corporations”, March 6, 2018, *The Washington Post*, available at: https://www.washingtonpost.com/business/economy/a-year-of-rolling-back-consumer-protections/2018/03/05/e11713ca-0d05-11e8-95a5-c396801049ef_story.html.

Credit Scores

Personal debt and financial history has a major impact on a person's credit scores, which are seen as the primary indicator of financial stability. However, these scores have a variety of flaws and, when used to consider the qualifications of a loan or rental applicant, a misleading score can unfairly harm the applicant. Furthermore, some consumers do not have a strong credit history because their transactions are too old or few, and are therefore considered "credit invisible."⁷ According to the National Consumer Law Center, about 15% of African American and Latin consumers have no credit history and about 12% of these populations are un-scorable. This is compared to 9% and 7% of white consumers, respectively.⁸

Other studies highlight the racial discrepancies in credit scores. For instance, a 2006 study on credit trends in the United States by the Brookings Institution found that counties with a higher concentration of communities of color are more likely to have lower average credit scores than predominantly white counties.⁹ In the 552 counties with a very low typical score (scores of 560 to 619), the study found that about 19% of the population is Latin and another 28% is Black. Conversely, in the 270 counties with very high average credit scores (scores of 700-719), only about 5.1% of the population is Latin and just 1.1% are Black.¹⁰

Meanwhile, the findings of a 2012 report by the Consumer Financial Protection Bureau examining credit scores for about 200,000 consumers largely mirrored this demographic trend, finding that the median FICO score for consumers in zip codes largely made up of minorities, was in the 34th percentile, while it was in the 52nd percentile for zip codes with smaller minority populations.¹¹ Though the Brookings report was careful to note that credit calculation formulas do not include any racial data, and though it avoided suggesting a bias in credit calculations or a causal relationship between race and credit scores, it stated that the association reflected "the numerous, historical disparities between races in the access to and availability of high quality education, well-paying jobs, and access to loans, among other factors."¹²

A study from the University of California at Berkeley also found that algorithmic credit scoring using big data is no better than humans at evening the playing field when it comes to determining home mortgage interest rates.¹³ Both online and human lenders earn 11 to 17 percent higher profits off minority borrowers by charging African Americans and Latin consumers steeper rates, the study said. Black and Latin consumers pay 5.6 to 8.6 basis points higher interest on home purchase loans than their white or Asian counterparts with similar credit profiles – regardless of whether they obtained their loans through a face-to-face process or online.¹⁴

⁷ National Consumer Law Center "Credit invisibility and alternative data: Promises and perils", July, 2019, available at: <https://www.nclc.org/issues/issue-brief-credit-invisibility-and-alternative-data.html>.

⁸ National Consumer Law Center "Credit invisibility and alternative data: Promises and perils", July, 2019, available at: <https://www.nclc.org/issues/issue-brief-credit-invisibility-and-alternative-data.html>.

⁹ Matt Fellowes "Credit scores, reports, and getting ahead in America", Brookings Institute, May 2006, available at: https://www.brookings.edu/wp-content/uploads/2016/06/20060501_creditscores.pdf.

¹⁰ Id, p. 10.

¹¹ Consumer Financial Protection Bureau "Analysis of differences between consumer- and creditor-purchased credit scores", September 2012, available at: https://files.consumerfinance.gov/f/201209_Analysis_Differences_Consumer_Credit.pdf.

¹² Matt Fellowes "Credit scores, reports, and getting ahead in America", Brookings Institute, May 2006, available at: https://www.brookings.edu/wp-content/uploads/2016/06/20060501_creditscores.pdf, p. 10.

¹³ Robert Bartlett, Adair Morse, Richard Stanton and Nancy Wallace "Consumer-lending discrimination in the FinTech era", UC Berkeley, May 2019, available at: http://faculty.haas.berkeley.edu/morse/research/papers/discrim.pdf?_ga=2.121403336.1118020112.1568045540-149990245.1566586085.

¹⁴ Id.

Credit Scores and Affordable Housing in NYC

Currently, landlords of buildings that fall under many city affordable housing programs are permitted to take an applicant's FICO credit score into consideration.¹⁵ However, landlords of units administered through HPD or the Housing Development Corporation may not reject applicants based solely on that credit score. If an applicant's credit score is below a certain level, landlords may reject them for filing for a bankruptcy within the past 12 months; or for having open or unsatisfied delinquencies, collections, money judgments and liens exceeding \$5,000 in total without working to address liabilities through a financial recovery program. Medical and student debts are now excluded from this total.¹⁶ In August 2019, the HPD modified its Marketing Handbook to allow rental applicants to opt out of credit checks by providing evidence of 12 months' complete rent payments.¹⁷

In order to mitigate some of the problems associated with credit scores and personal debts, Int. 1603-A goes further than these existing policies by barring developers leasing affordable units through a Department of Housing Preservation and Development-supervised lottery from considering an applicant's or any member of their household's credit scores, consumer debt judgements, collection accounts, student loan debt or medical debt, other than delinquent debt that exceeds \$12,000.

With the ongoing COVID-19 pandemic, many New Yorkers are finding themselves in dire financial straits and potentially out of housing when moratoriums on evictions expire. Int. 1603-A serves as protection for vulnerable tenants by increasing their ability to obtain affordable housing.

III. BILL ANALYSIS OF INT. NO. 1603-A

Section one of the bill adds new section 26-2901 and 26-2902 to the Administrative Code. Section 26-2901 defines the terms affordable unit, city financial assistance, collection account, consumer credit history, consumer credit report, consumer debt judgment, delinquent debt, department, developer, medical debt, receives and student loan debt. An affordable unit is a dwelling unit for which rent is restricted under an affordable housing program, and which receives some form of city financial assistance. City financial assistance includes monies allocated, conveyed or expended by the city, but does not include any as-of-right benefits. A collection account is a debt sold or referred for collection. Consumer credit history is a tenant's creditworthiness, credit standing, credit capacity or payment history, as indicated by credit reports or information obtained directly from a tenant. Consumer debt judgment is a debt judgment rendered by a court but does not include a judgment of foreclosure and sale on a residential mortgage. Delinquent debt is a collection account or consumer debt judgment, but does not include medical debt or student loan debt. A developer is an entity that receives city financial assistance that is expected to exceed \$1 million, for the rental or leasing of affordable units.

New section 26-2902 prohibits developers of affordable housing units from considering a prospective tenant's credit score, consumer debt judgements, collection accounts, student loan debt or medical debt, other than delinquent debt that exceeds \$12,000, in the rental or lease of an affordable unit receiving city financial assistance. New section 26-2902 also prohibits developers of affordable housing units from considering the consumer credit history of any other member of a prospective tenant's household in the rental or lease of an affordable unit receiving city financial assistance, and requires disclosure of the process and criteria by which the consumer credit history of the prospective tenant will be evaluated.

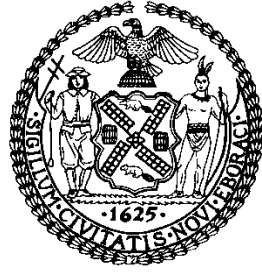
This bill would take effect one year after it becomes law, and would apply only to the receipt of city financial assistance pursuant to an agreement between the department of housing preservation and development and the developer executed after such date.

¹⁵ NYC Housing Connect "Marketing Handbook: Policies and procedures for resident selection and occupancy", July, 2018, available at: <http://www.nychdc.com/content/pdf/Developers/Marketing%20handbook%202018.pdf>.

¹⁶ Id.

¹⁷ NYC Department of Housing Preservation & Development "Revisions to section 5-6 and 5-7 of the HPD-HDC Marketing Handbook", August 28, 2019, available at: <https://www1.nyc.gov/assets/hpd/downloads/pdf/developers/marketing-guidelines-update-08-2019.pdf>.

(The following is the text of the Fiscal Impact Statement for Int. No. 1603-A:)



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

PROPOSED INT. NO. 1603-A

COMMITTEE: Civil and Human Rights

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the use of certain credit information in the rental or leasing of affordable units by a developer.

Sponsors: By Council Members Levine, Kallos, Lander, Constantinides, Rosenthal, Ayala and Louis.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1603-A would prohibit a developer from using or considering any credit score, consumer debt judgment, collection account, medical debt or student loan debt in the rental or lease of affordable housing units that receive city financial assistance. In addition, the bill would prohibit a developer, in the rental or lease of an affordable housing unit that receives city financial assistance, from (i) using the consumer credit history of anyone other than the designated representative of a household or (ii) failing to disclose the process and criteria by which the consumer credit history of the designated representative will be evaluated.

EFFECTIVE DATE: This local law would take effect one year after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because existing resources would be used to enforce the legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
 Department of Housing Preservation & Development

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst
 Sarah Gastelum, Principal Financial Analyst

ESTIMATE REVIEWED BY: Eisha Wright, Unit Head
 Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on June 13, 2019 as Intro. No. 1603 and was referred to the Committee on Civil and Human Rights (Committee). A hearing was held by the Committee on September 18, 2019, and the legislation was laid over. The legislation was amended and the amended version, Proposed Intro. No. 1603-A, will be voted on by the Committee at a hearing on September 16, 2020. Upon successful vote by the Committee, Proposed Intro. No. 1603-A will be submitted to the full Council for a vote on September 16, 2020.

DATE PREPARED: September 14, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1603-A:)

Int. No. 1603-A

By Council Members Levine, Kallos, Lander, Constantinides, Rosenthal, Ayala, Louis, Chin, Barron, Eugene, Rivera and Adams.

A Local Law to amend the administrative code of the city of New York, in relation to the use of certain credit information in the rental or leasing of affordable units by a developer

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 29 to read as follows:

**CHAPTER 29
CONSUMER CREDIT HISTORY**

§ 26-2901 Definitions. As used in this chapter, the following terms have the following meanings:

Affordable unit. The term “affordable unit” means a dwelling unit, as such term is defined in the New York city building code, for which the rent is restricted to make such unit affordable for occupants thereof pursuant to the affordability requirements of a department program, or a federal or state program administered by the department, in which city financial assistance is provided. The term “affordable unit” does not include a dwelling unit that is reserved for occupancy by the superintendent of the building containing such unit or a dwelling unit for which city financial assistance is provided for a program authorized by section 4852 of title 42 of the United States code.

City financial assistance. The term “city financial assistance” means any loans, grants, tax credits, tax exemptions, tax abatements, subsidies, mortgages, debt forgiveness, land conveyances for less than appraised value, land value or other thing of value allocated, conveyed or expended by the city other than as-of-right assistance, tax abatements or benefits, including but not limited to, a tax exemption pursuant to section 420-c, 421-a or 489 of the real property tax law, or any assistance provided to a developer for the rental or leasing of affordable units, the amount of which is based on an evaluation of as-of-right assistance, tax abatement or benefits for which such developer would have been eligible.

Collection account. The term “collection account” means a debt sold or referred by a creditor to a third party, or to an internal collection department, for collection.

Consumer credit history. The term “consumer credit history” means a tenant’s creditworthiness, credit standing, credit capacity, or payment history, as indicated by: (i) a consumer credit report; or (ii) information a developer, or a representative of such developer, obtains directly from a tenant regarding (1) details about credit accounts, including the tenant’s number of credit accounts, late or missed payments, charged-off debts, items in collections, credit limit, prior credit report inquiries, or (2) bankruptcies, judgments or liens.

Consumer credit report. The term “consumer credit report” means any written or other communication of any information by a consumer reporting agency that bears on a consumer’s creditworthiness, credit standing, credit capacity or credit history.

Consumer debt judgment. The term “consumer debt judgment” means a judgment rendered by a court relating to a debt incurred primarily for a personal, family or household purpose, but does not include a judgment of foreclosure and sale on a residential mortgage.

Delinquent debt. The term “delinquent debt” means a collection account or consumer debt judgment, and does not include medical debt, student loan debt or any collection account or consumer debt judgment arising from medical debt or student loan debt.

Department. The term “department” means the department of housing preservation and development.

Developer. The term “developer” means an individual, sole proprietorship, partnership, joint venture, corporation or other entity that receives city financial assistance for the rental or leasing of affordable units, provided that such city financial assistance is expected to have a total present financial value of \$1,000,000 or more at the time of receipt of such assistance. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from the city.

Medical debt. The term “medical debt” means a debt arising from the receipt of medical services, products or devices.

Receives. The term “receives” means the execution of a written instrument that sets forth the provision of city financial assistance to a developer by the city.

Student loan debt. The term “student loan debt” means money borrowed for educational expenses and owed to a financial or lending institution.

§ 26-2902 Use of credit information. a. It shall be unlawful for a developer to use or consider any credit score, consumer debt judgment, collection account, student loan debt, or medical debt of a tenant or prospective tenant in the rental or lease of an affordable unit, except for delinquent debt of greater than \$12,000 in the aggregate, of a tenant or prospective tenant.

b. It shall be unlawful for a developer, in connection with the rental or lease of an affordable unit to any tenant or prospective tenant, to (i) use or consider any consumer credit history of any member of such tenant or prospective tenant’s household other than the member of such tenant or prospective tenant’s household designated by such household to represent such household in all matters pertaining to the rental or lease of such unit or (ii) fail to disclose, in writing, to such designee the process and criteria by which such designee’s consumer credit history will be evaluated. Notwithstanding any provision herein to the contrary, for purposes of the rental or lease of an affordable unit in a rental development organized pursuant to article two of the private housing finance law, the person named on the waiting list for such rental development shall be the designee for any consumer credit history for such tenant or prospective tenant’s household.

§ 3. This local law takes effect one year after it becomes law and shall only apply to the receipt of city financial assistance after such effective date, except that the department may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

MATHIEU EUGENE, *Chairperson*; DANIEL DROMM, BRADFORD S. LANDER, INEZ D. BARRON, *Committee on Civil and Human Rights*, September 16, 2020 (Remote Hearing).

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

Report of the Committee on Consumer Affairs and Business Licensing

Report for Int. No. 823-B

Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law in relation to allowing food service establishments to charge a COVID-19 recovery charge.

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on April 25, 2018 (Minutes, page 1606), respectfully

REPORTS:

I. INTRODUCTION

On September 16, 2020, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Cohen, held a vote on Proposed Introduction Bill Number 823-B (Int. 823-B), in relation to allowing food service establishments to charge a COVID-19 recovery charge. In 2018, the Committee heard a previous version of the bill, and testimony was received from the Department of Consumer and Worker Protections (DCWP, formerly the Department of Consumer Affairs), trade and industry groups, and other relevant stakeholders. This testimony, along with developments caused by the COVID-19 pandemic, informed changes to the bill that the Committee voted on. The bill passed with no amendments, with six in the affirmative, one in the negative, and no abstentions.

II. BACKGROUND

In late December of 2019, a new virus, SARS-CoV-2, was detected in Wuhan, China and by January 30, 2020, the World Health Organization (WHO) declared that COVID-19, the disease caused by the SARS-CoV-2 virus, was now a Public Health Emergency of International Concern (PHEIC).¹ As of September 11, 2020, COVID-19 has infected over 28 million people across 213 countries and territories, and has killed over 917,000 people.² In the United States alone, there have been over six million infections and over 192,000 deaths.³ As of September 11, 2020, New York has had over 441,000 infections and over 33,000 deaths, many of which took place in our City.⁴

The progressive nature by which the virus spreads has caused governments across the globe to shutdown businesses, schools, religious and cultural institutions, and mandate various levels of social isolation. While this has seemingly helped to limit the spread of the virus, stay-at-home orders have had a catastrophic impact on economic markets, in particular small businesses such as restaurants, which only thrive through regular patronage from their customers.

The Impact on Restaurants Amid the COVID-19 Crisis

In New York, Governor Andrew Cuomo issued an executive order – New York State on PAUSE (PAUSE) – that closed all on-site, non-essential businesses, effective March 22, 2020, to help stop the spread of SARS-

¹ World Health Organization “Rolling updates on coronavirus disease (COVID-19)”, Updated April 18, 2020, available at: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>

² Worldometer “Countries where COVID-19 has spread”, Updated August 11, 2020 at 14:24 GMT, available at: <https://www.worldometers.info/coronavirus/countries-where-coronavirus-has-spread/>.

³ Johns Hopkins University of Medicine, Coronavirus Resource Center, Updated September 11, 2020, available at: <https://coronavirus.jhu.edu/>.

⁴ *Id.*

CoV-2.⁵ Restaurants and bars were permitted to operate statewide; however, they were only allowed to make sales through take-out and delivery.⁶

As New Yorkers stayed home to stop the spread of the virus, consumer spending declined in the City. While restaurants were open for take-out and delivery, they experienced drastic revenue declines. According to an April 2020 report from the New York State Restaurant Association, sales declined 79 percent in the first ten days of April compared to the same period in 2019, and New York State restaurants were expected to lose \$3.6 billion in sales revenue in April alone.⁷ Just over half (51 percent) of all restaurants had been able to move their operations online, and unemployment rates in this sector skyrocketed, as 80 percent of restaurant workers lost their jobs.⁸

The experiences of individual restaurant owners exemplify the challenges the industry faces to remain stable throughout the pandemic. For instance, business for all of June at the Nugget Spot, a restaurant on East 14th Street in Manhattan, equaled “one good Thursday” before the pandemic.⁹ Meanwhile, Havana Central’s takeout and delivery business in Times Square equaled about three percent of its former revenue.¹⁰ Outdoor dining provided only a small boost to the restaurant, as revenue is up to ten percent of its pre-COVID total.¹¹ According to Mark Fox, owner of The Ragtrader, a restaurant on 36th Street in the Garment District, 70 percent of his customer base were commuters on their way home from their jobs, 20 percent were tourists, and ten percent were those shopping at retail stores in the area.¹² The future of this industry, after the impact of COVID-19 remains precarious and uncertain. According to Eater NY writer Tanay Warekar, “This is definitely a life-altering situation for the restaurant industry in New York and I don’t think things will probably ever go back to the way they were, even though things may normalize to some extent.”¹³

Even as New York City has advanced through Governor Cuomo’s phased re-openings, restaurants continue to struggle. As restaurants have experienced drastic revenue declines, a majority of restaurant owners have been unable to pay their commercial rents. The Hospitality Alliance surveyed over 500 restaurants, bars, nightclubs and event venues in NYC about their rent obligations in June. The resulting report found that approximately 80 percent of respondents did not pay their full rent in June, while over 70 percent of landlords did not waive rent payments for restaurants, bars and clubs.¹⁴ The Hospitality Alliance produced another nearly identical survey in July. It found that 83 percent of respondents did not pay their full July rent, up from 80 percent in June, and around 71 percent of landlords did not waive rent payments.¹⁵

As restaurants continue to face challenges paying their fixed monthly expenses without their pre-COVID-19 revenues, many across the City have closed down. According to an August 2020 report by the City Comptroller, 187,000 of the 758,000 private sector jobs that have been lost in the City through June came from the food services industry.¹⁶ At least 2,800 small businesses closed permanently from March 1 through July 10, including over 1,280 restaurants.¹⁷ These closures have affected restaurants of all sizes across the City, including Lucky Strike, a Soho “neighborhood institution” and the four-story McDonald’s flagship store in Times

⁵ Governor Andrew Cuomo “Governor Cuomo signs the ‘New York State on PAUSE’ executive order”, March 20, 2020, available at: <https://www.governor.ny.gov/news/governor-cuomo-signs-new-york-state-pause-executiveorder>

⁶ “Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction under Recent Executive Orders”, Empire State Development, <https://esd.ny.gov/guidance-executive-order-2026>

⁷ New York State Restaurant Association “Restaurant industry impact survey: New York State”, April, 2020, available at: https://www.nysra.org/uploads/1/2/1/3/121352550/restaurant_industry_impact_survey_new_york_state_2_.Pdf

⁸ *Id.*

⁹ Greg David, “NYC Restaurants Struggle to Stay Open with Loans — and Time — Running Out”, *The City*, July 19, 2020, <https://www.thecity.nyc/2020/7/19/21330266/new-york-restaurants-closing-ppp-loans-food>

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Josh Russel, “New York City’s Iconic Restaurant Industry Struggles to Survive the Pandemic”, *Courthouse News Service*, May 31, 2020, <https://www.courthousenews.com/new-york-citys-iconic-restaurant-industry-struggles-to-survive-the-pandemic/>

¹⁴ “June 2020 Rent Survey”, NYC Hospitality Alliance, available at: <https://thenycalliance.org/information/june-2020-rent-survey-results>

¹⁵ “July 2020 Rent Report”, NYC Hospitality Alliance, available at: <https://thenycalliance.org/information/july-2020-rent-report>.

¹⁶ “Save Main Street: A Crash Program to Help Save NYC Small Businesses”, New York City Comptroller Scott M. Stringer, August 5, 2020, available at: https://comptroller.nyc.gov/wp-content/uploads/documents/Save_Main_Street_8_5_20.pdf

¹⁷ *Id.*

Square.¹⁸ Iconic City restaurants that have been in business in their respective neighborhoods for many years have closed permanently: Sarabeth’s on the Upper East Side (20 years), the Copacabana (80 years), kosher deli Jay and Lloyd’s (28 years), La Caridad 78 (52 years) and the Irish Cottage (60 years) are some examples.¹⁹ The outlook is similarly dire if mandatory social distancing measures on restaurants continue. One model suggests that, if the City’s accommodation and food services industry experiences “frequent, blunt lockdowns” in 2021, revenue would be 53 percent lower than the same time period in 2019. Even less severe restrictions would result in a 43 percent reduction in revenue for the industry as compared with 2019.²⁰

As restaurants have shut their doors, the livelihoods they generate for both the restaurant workers and business owners have disappeared. A May 2020 report from the New York City Independent Budget Office projected that a total of 115,000 leisure and hospitality jobs would be lost by October 2020,²¹ and that even if distancing restrictions are relaxed, industries with “strong ties to tourism,” such as hospitality, would continue to lose jobs due to a decline in foreign tourists.²² The Partnership for New York City report classifies an estimated 679,000 accommodation and food service jobs as vulnerable to loss – the most of any sector in the city.²³ The closure of City businesses will leave households “struggling to feed their families and pay rent,”²⁴ and the impact of job loss in the City may disproportionately fall on Black, Hispanic and Asian residents; one report estimates that they hold 40-50 percent of the total jobs at risk of loss due to the COVID-19 pandemic.²⁵ The survival of the restaurant industry is essential to ensure the City can have a strong, equitable economic recovery from the financial collapse caused by the pandemic.

In addition to providing employment opportunities to New Yorkers, the restaurant industry generates tens of millions of dollars for the City through tax collection. In Fiscal Year 2019, the City gained over \$21.9 million from general sales taxes at restaurants and other eating establishments.²⁶ Twenty percent of the City’s revenue came from personal income tax, which may be significantly lower in future years than it was in FY19 due to the job losses caused by the closure of many City restaurants.²⁷

Restaurants also contribute immensely to the culture of the City. According to Hannah Goldfield, a food critic for the *New Yorker*, “Restaurants, and the people who work in and around them, are essential to the fabric and the functioning of New York, and of society.”²⁸ NYC’s 27,000 restaurants span across the City’s boroughs and neighborhoods, delivering a variety of global cuisines that match the City’s diversity.

Until restaurants can reopen to full-capacity indoor seating, they are unlikely to generate the revenue they produced pre-COVID-19, and therefore government involvement is necessary to help save the restaurant industry. The City’s Open Restaurants program provided a major boost to the restaurant industry. While around 9,700 restaurants are participating in the program, that represents only a third of total restaurants in the City.²⁹ Even with the City’s expansion of outdoor dining options, and limited indoor dining opportunities starting on

¹⁸ Eater Staff, “A Running List of NYC Restaurants That Have Permanently Closed during the COVID-19 Crisis”, *Eater*, NY, Updated August 6, 2020, <https://ny.eater.com/2020/5/8/21248604/nyc-restaurant-closings-coronavirus>; see also Nikko Duren, “NYC Restaurant Closings”, *The Infatuation*, <https://www.theinfatuation.com/features/nyc-restaurant-closings>.

¹⁹ *Id.*

²⁰ “A Call for Action and Collaboration”, Partnership for New York City, July 2020, pg. 15, <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>.

²¹ New York City Independent Budget Office, *Tumbling Tax Revenues, Shrinking Reserves, Growing Budget Gaps: New York City Faces Substantial Fiscal Challenges in the Weeks and Months Ahead*, May 2020, pg. 5, available at: <https://ibo.nyc.ny.us/iboreports/tumbling-tax-revenues-shrinking-reserves-growing-budget-gaps-new-york-city-faces-substantial-fiscal-challenges-in-the-weeks-and-months-ahead-may-2020.pdf>.

²² *Id.* at pg. 6.

²³ “A Call for Action and Collaboration”, Partnership for New York City, July 2020, pg. 34, <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>. See also McKinsey & Company, “Lives and livelihoods: Assessing the near-term impact of COVID-19 on US workers,” April 2, 2020, <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/lives-and-livelihoods-assessing-the-near-term-impact-of-covid-19-on-us-workers> (projecting that the food services industry has the highest number of vulnerable jobs nationwide – Exhibit 3).

²⁴ “A Call for Action and Collaboration”, Partnership for New York City, July 2020, pg. 58, <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>

²⁵ *Id.*

²⁶ *Id.* at page 39

²⁷ *Id.*

²⁸ Hannah Goldfield, “A New York Restaurant World Reduced to Takeout and Delivery”, *The New Yorker*, March 27, 2020, <https://www.newyorker.com/magazine/2020/04/06/a-new-york-restaurant-world-reduced-to-takeout-and-delivery>

²⁹ Erika Adams, “Outdoor Dining Will Return Next Year, Mayor Says”, *NY Eater*, August 3, 2020, <https://ny.eater.com/2020/8/3/21352532/outdoor-dining-extended-nyc>.

September 20, the number of seated diners at restaurants is down 88 percent compared to before the pandemic hit New York.³⁰

IV. LEGISLATIVE ANALYSIS

Int. 823-B would allow food service establishments to charge a temporary surcharge of a maximum of 10% of a customer's total bill during the COVID-19 emergency. This surcharge may only apply to on-premises dining, including indoor or outdoor dining. It may not apply to take-out or delivery orders. A food service establishment does not include pushcarts, stands or vehicles, or chain restaurants with 15 or more locations nationally.

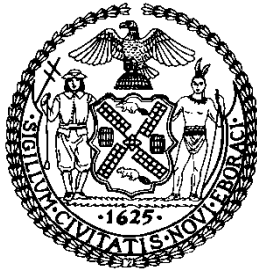
Prior to imposing a surcharge, a food service establishment must conspicuously disclose the amount of the surcharge to a prospective consumer before any item is ordered by placing it at the bottom of each menu page, or, if no menus are used, the disclosure must be placed wherever menu items are listed. The disclosure must be in writing, clear and conspicuous, and must be in a font size similar to the surrounding text. Furthermore, the disclosure must clearly state that the COVID-19 recovery charge is a surcharge and not a gratuity for employees. Finally, it must be in English or any other language used in the document where the surcharge is disclosed, unless such language is used solely in the names of menu items.

The surcharge must be referred to as the "COVID-19 Recovery Charge" or "COVID Charge," whenever it appears in a disclosure or on a bill or receipt, and cannot be referred to by any other name. A food service establishment may not impose the COVID-19 recovery charge in addition to a charge for the administration of a banquet, special function, or package deal pursuant to section 146-2.19 of subpart 146-2 of part 146 of subchapter B of chapter II of title 12 of the compilation of codes, rules and regulations of the state of New York.

A violation of any provision of this local law is subject to a civil penalty of \$50 up to \$350.

This bill goes into effect immediately and remains in effect as long as there is a COVID-19 state of emergency declared by the Governor that is in effect in the City, and restaurants are prohibited from operating at maximum capacity. This local law expires 90 days after restaurants can resume operating at full capacity.

(The following is the text of the Fiscal Impact Statement for Int. No. 823-B:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO NO. 823-B

COMMITTEE: Consumer Affairs and Business Licensing

TITLE: A Local Law in relation to allowing food service establishments to charge a COVID-19 recovery charge. **SPONSORS:** Council Members Borelli, Cumbo, Powers, Koslowitz, Cornegy, Kallos and Constantinides.

SUMMARY OF LEGISLATION: Restaurants have struggled since the onset of COVID-19 and the associated in-person dining restrictions went into effect, forcing many out of business with many others barely surviving. However, current rules prohibit restaurants from charging any fees other than the listed price of food and drink, even if such surcharge is clearly disclosed. This bill would help restaurants by temporarily allowing them to add a "COVID-19 Recovery Charge" of up to 10% of a customer's total bill for on-premises dining only. The menu

³⁰ "Indicators of Progress", Manhattan Chamber of Commerce, <https://www.nycindicators.com/>.

and bill would need to clearly disclose this charge. This surcharge would be permitted until 90 days after full indoor dining is once again permitted. The violation of “COVID-19 Recovery Charge” rules would be punishable by payment of a civil penalty in the amount of \$50 to \$350.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
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 an impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
Mayor’s Office of Legislative Affairs
Department of Consumer and Worker Protection

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 823 on April 25, 2018 and was referred to the Committee on Consumer Affairs and Business Licensing (Committee). The Committee heard the legislation on June 21, 2018, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. 823-B, will be considered by the Committee on September 16, 2020. Upon a successful vote by the Committee, Proposed Int. 823-B will be submitted to the full Council for a vote on September 16, 2020.

DATE PREPARED: September 9, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 823-B:)

Int. No. 823-B

By Council Members Borelli, Cumbo, Powers, Koslowitz, Cornegy, Kallos, Constantinides, Chin and Rose

A Local Law in relation to allowing food service establishments to charge a COVID-19 recovery charge

Be it enacted by the Council as follows:

Section 1. Temporary COVID-19 recovery charge. a. Definitions. For purposes of this subchapter, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Food service establishment. The term “food service establishment” has the same meaning as set forth in section 81.03 of the health code of the city of New York, except that it does not include pushcarts, stands, vehicles, or a food service establishment that is part of a chain with 15 or more locations nationally doing business under the same name and offering for sale substantially the same menu items.

Stated price. The term “stated price” means the amount that a consumer owes for an individual listed item. The term “stated price” does not include any additional charge that was not included in the pricing of an individual listed item.

Surcharge. The term “surcharge” means a charge imposed in addition to the stated price of individual listed items. The term “surcharge” does not include tax, gratuity, tip or a charge for the administration of a banquet, special function, or package deal pursuant to section 146-2.19 of subpart 146-2 of part 146 of subchapter B of chapter II of title 12 of the compilation of codes, rules and regulations of the state of New York.

b. A food service establishment may impose a surcharge of no more than 10% of a consumer’s total bill, to be known as the “COVID-19 Recovery Charge.”

c. The COVID-19 recovery charge may be imposed for on-premises dining only. Such surcharge may be imposed for indoor or outdoor dining but may not be imposed for takeout or delivery orders.

d. A food service establishment that imposes the COVID-19 recovery charge must conspicuously disclose the amount of such surcharge to a prospective consumer before any item is ordered by placing it at the bottom of each menu page supplied to the consumer. If no menus are used, the disclosure must be placed wherever food and beverage choices are listed. The disclosure must be:

1. Written;
2. Explicit that the COVID-19 recovery charge is a surcharge, not a gratuity for employees;
3. Clear and conspicuous;
4. Included on each page of any document, whether in paper or electronic format, that lists prices for the consumer, including but not limited to any paper or electronic menu;
5. In English, as well as in any other language used in the document upon which the surcharge is disclosed, unless such language is used solely in the names of items; and
6. In a font size similar to surrounding text.

e. A final consumer bill, and receipt if a receipt is provided, shall disclose the COVID-19 recovery charge and the total dollar amount attributable to such surcharge.

f. A food service establishment shall not give the COVID-19 recovery charge any other name, and shall reference such charge as the “COVID-19 Recovery Charge” on all disclosures required by this section, except that such charge may be referred to as the “COVID Charge” on any final consumer bill or receipt.

g. A food service establishment may not impose the COVID-19 recovery charge in addition to a charge for the administration of a banquet, special function, or package deal pursuant to section 146-2.19 of subpart 146-2 of part 146 of subchapter B of chapter II of title 12 of the compilation of codes, rules and regulations of the state of New York.

h. The provisions of this section apply only during the period in which a state disaster emergency has been declared by the governor of the state of New York in response to the outbreak of COVID-19, such declaration is in effect in the city and all food service establishments in the city are prohibited from operating at the maximum indoor occupancy, and for a period of 90 days thereafter.

i. The department of consumer and worker protection may promulgate such rules as are necessary to carry out the provisions of this subchapter, including, but not limited to, rules related to the form and manner of disclosures related to the COVID-19 recovery charge.

j. Enforcement. The violation of this subchapter, or any rule promulgated thereunder, shall be punishable by payment of a civil penalty in the amount of \$50 to \$350.

§ 2. This local law takes effect immediately.

ANDREW COHEN., *Chairperson*; MARGARET S. CHIN, PETER A. KOO, KAREN KOSLOWITZ, JUSTIN BRANNAN, KALMAN YEGER; Committee on Consumer Affairs and Business Licensing, September 16, 2020 (Remote Hearing).

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

Report of the Committee on Governmental Operations

Report for Int. No. 1874-A

Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to permitting interested parties to receive notification of items published in the City Record.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on February 11, 2020 (Minutes, page 256), respectfully

REPORTS:

I. INTRODUCTION

On September 16, 2020, the Committee on Governmental Operations, chaired by Council Member Fernando Cabrera, held a second hearing and a vote on: Int. No. 1874-A, sponsored by Council Member Chin, in relation to permitting interested parties to receive notification of items published in the City Record and Int. No. 1878-A, sponsored by Council Member Powers, in relation to the city administrative procedure act. Int. 1874-A was approved by the Committee with six votes in the affirmative, zero in the negative. Int. 1878-A was approved by the Committee with five votes in the affirmative, one vote in the negative.

II. LEGISLATIVE ANALYSIS FOR INT. NO. 1874-A

Int. No. 1874-A (Chin) would permit individuals to sign up to receive notifications pertaining to items in the City Record. The City Record newspaper is the official publication for city government notices, including public hearings, meetings, court notices, property dispositions, procurements, and agency rules.¹ The City Record Online (“CROL”) is a fully-searchable database of notices published in the City Record newspaper.² The City Record and CROL are both published by the Department of Citywide Administrative Services.³ Currently, CROL allows individuals to sign up to receive an e-mail notification whenever a specific agency publishes a notice in the City Record. Individuals can limit such notifications based on the category of notice (for example, public hearing, agency rule, or procurement notice).

Int. No. 1874-A would codify and expand upon CROL’s existing notification system. Under this bill, individuals who sign up to receive CROL notifications would have the option to be notified only with respect to

¹ See N.Y.C. Charter § 1066 (requiring publication).

² N.Y.C. DEP’T OF CITY ADMIN. SERV., THE CITY RECORD ONLINE, <https://a856-cityrecord.nyc.gov> (last visited Sep. 13, 2020).

³ See N.Y.C. Charter § 1066.

items affecting their selected community board district. In addition, individuals would be able to see a brief description of each agency as they are signing up to receive notifications.

This bill would take effect 180 days after becoming law.

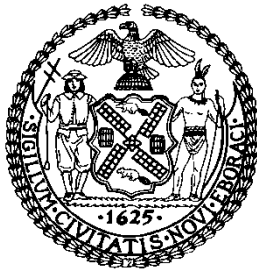
III. LEGISLATIVE ANALYSIS FOR INT. NO. 1878-A

Int. No. 1878-A (Powers) amends the City Administrative Procedure Act (“CAPA”). City agencies generally have the authority to adopt rules to effectuate the laws they are responsible for implementing. CAPA establishes the process an agency must follow when proposing and adopting such rules.⁴ Because the rulemaking process under CAPA often spans a period of several weeks or more, local laws often include a provision authorizing the administering agency to commence the rulemaking process and adopt any necessary rules prior to the local law’s effective date so that the rules and law can take effect simultaneously.

Int. No. 1878-A would eliminate the need for such a provision. It would establish a default rule authorizing agencies to adopt rules pursuant local laws that have not yet gone into effect. The bill would also add a provision to clarify that any rule adopted pursuant to a local law that has not yet gone into effect may not become effective until the effective date of the relevant local law.

This bill would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1874-A:)



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

PROPOSED INT. NO. 1874-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to permitting interested parties to receive notification of items published in the City Record.

SPONSORS: Council Members Chin, Kallos and Yeger.

SUMMARY OF LEGISLATION: Proposed Int. No. 1874-A would permit individuals to sign up to receive email notifications on items in the City Record. The purpose of this legislation is to increase public access to up-to-date information about City political processes.

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

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

⁴ See N.Y.C. Charter §§ 1041-1047.

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
 Mayor’s Office of Legislative Affairs
 Department of Citywide Administrative Services
 Office of Management and Budget

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
 John Russell, Unit Head
 Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1874 on February 11, 2020 and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on February 12, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Int. No. 1874-A, will be considered by the Committee on September 16, 2020. Upon a successful vote by the Committee, Proposed Int. No. 1874-A will be submitted to the full Council for a vote on September 16, 2020.

DATE PREPARED: August 20, 2020.

(For text of Int. No. 1878-A and its Fiscal Impact Statements, please see the Report of the Committee on Governmental Operations for Int. Nos. 1878-A printed in these Minutes; for text of Int. No. 1874-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1874-A and 1878-A.

(The following is the text of Int. No.1874-A:)

Int. No. 1874-A

By Council Members Chin, Kallos, Yeger, Rivera and Dromm.

A Local Law to amend the administrative code of the city of New York, in relation to permitting interested parties to receive notification of items published in the City Record

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-107 to read as follows:

§ 23-107 *Notification of items in City Record.* a. *The website of the City Record shall permit individuals to sign up to receive e-mail notifications relating to information published in the City Record.*

b. *Such website shall:*

1. *Permit individuals to limit their receipt of such notifications by, at minimum, relevant agency, affected community board district and category, such as public hearings, agency rules and procurement notices; and*
2. *Include a short description of the core functions of each available agency.*

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

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS, KALMAN YEGER; Committee on Governmental Operations, September 16, 2020 (Remote Hearing).

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

Report for Int. No. 1878-A

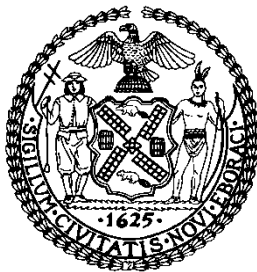
Report of the Committee on Governmental Operations in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to the city administrative procedure act.

The Committee on Governmental Operations, to which the annexed proposed amended local law was referred on February 11, 2020 (Minutes, page 262), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Governmental Operations for Int. No. 1874-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1878-A:



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

PROPOSED INTRO NO. 1878-A

COMMITTEE: Governmental Operations

TITLE: A Local Law to amend the New York city charter, in relation to the city administrative procedure act. **SPONSORS:** Council Members Powers and Kallos.

SUMMARY OF LEGISLATION: This bill would amend the City Administrative Procedure Act to grant New York City agencies, as a default, express authority to promulgate rules before a local law's effective date. The Council

would retain the power to prohibit or require pre-effective date rulemaking. The bill would clarify that no rule adopted pursuant to one or more provisions of a local law shall become effective until the effective date of the section or sections of the local law that added such provision or provisions.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council as Intro. No. 1878 on February 11, 2020 and was referred to the Committee on Governmental Operations (Committee). The Committee heard the legislation on February 12, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation, Proposed Intro. 1878-A, will be considered by the Committee on September 16, 2020. Upon a successful vote by the Committee, Proposed Int. 1878-A will be submitted to the full Council for a vote on September 16, 2020.

DATE PREPARED: August 20, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1878-A:)

Int. No. 1878-A

By Council Members Powers, Kallos and Dromm.

A Local Law to amend the New York city charter, in relation to the city administrative procedure act

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 1043 of the New York city charter, as amended by local law number 42 for the year 1989, is amended to read as follows:

a. Authority. *1.* Each agency is empowered to adopt rules necessary to carry out the powers and duties delegated to it by or pursuant to federal, state or local law. No agency shall adopt a rule except pursuant to this section. Each such rule shall be simply written, using ordinary language where possible.

2. Subject to paragraph 1 of subdivision f, each agency may adopt rules necessary to carry out the power and duties delegated to it by a local law that has not yet gone into effect, except as otherwise provided by law.

§ 2. Paragraph 1 of subdivision f of section 1043 of the New York city charter, as amended by local law number 42 for the year 1989, subdivision f as relettered by local law number 46 for the year 2010, is amended to read as follows:

1. No rule shall be effective until

(a) the rule is filed by the agency with the corporation counsel for publication in the Compilation,

(b) the rule and a statement of basis and purpose is transmitted to the council for its information,

(c) *in the case of a rule adopted pursuant to one or more provisions of a local law, the effective date of the section or sections of the local law that added such provision or provisions, and*

[(c)] (d) the rule and a statement of basis and purpose have been published in the City Record and thirty days have elapsed after such publication. The requirement that thirty days shall first elapse after such publication shall not apply where a finding that a substantial need for the earlier implementation of a program or policy has been made by the agency in writing and has been approved by the mayor prior to the effective date of the rule and such finding and approval is contained in the notice.

§ 3. This local law takes effect immediately.

FERNANDO CABRERA, *Chairperson*; BEN KALLOS, ALAN N. MAISEL, BILL PERKINS, KEITH POWERS; Committee on Governmental Operations, September 16, 2020 (Remote Hearing).

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

Report of the Committee on Housing and Buildings

Report for Int. No. 1853-A

Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, local Law in relation to requiring the department of buildings to report on the safety and feasibility of authorizing building exterior wall examinations by unmanned aircraft systems

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 23, 2020 (Minutes, page 124), respectfully

REPORTS:

INTRODUCTION

On September 16, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 1853-A, in relation to requiring the department of buildings (“DOB”) to report on the safety and feasibility of authorizing building exterior wall examinations by unmanned aircraft systems (i.e. “drones”). This bill was first heard on January 27, 2020. More information about this bill, along with the materials for that hearing, can be found at <https://on.nyc.gov/3hCBykh>.

Int. No. 1853-A

Int. No. 1853-A would require DOB to conduct a study of the safety and feasibility of allowing drones to conduct building façade inspections. A report of the study’s findings would be due on October 31, 2021.

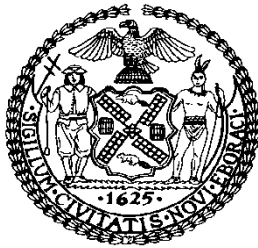
This legislation would take effect immediately.

Update

On Wednesday, September 16, 2020, the Committee adopted Int. No. 1853-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

Accordingly, this Committee recommends its adoption.

(The following is the text of the Fiscal Impact Statement for Int. No. 1853-A:)



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

PROPOSED INTRO. NO: 1853-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law in relation to requiring the department of buildings to report on the safety and feasibility of authorizing building exterior wall examinations by unmanned aircraft systems.

SPONSORS: Council Members Cornegy, Kallos, Vallone, Rosenthal, Brannan, Ayala, Louis and Chin.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1853-A would require the Department of Buildings to study the safety and feasibility of conducting building façade inspections using unmanned aircraft systems (i.e. “drones”) and submit the findings of such study to the Mayor and the Speaker of the Council by October 31, 2021.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the Department of Buildings would use existing resources to implement the provisions of this local law.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

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

ESTIMATE PREPARED BY: Luke Zangerle, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on January 23, 2020 as Intro. No. 1853 and was referred to the Committee on Housing and Buildings. A hearing was held by the Committee on Housing and Buildings on January 27, 2020 and the bill was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 1853-A, will be considered by the Committee on Housing and Buildings on September 16, 2020. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on September 16, 2020.

DATE PREPARED: September 14, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1843-A:)

Int. No. 1853-A

By Council Members Cornegy, Kallos, Vallone, Rosenthal, Brannan, Ayala, Louis, Chin, Grodenchik and Rivera.

A Local Law in relation to requiring the department of buildings to report on the safety and feasibility of authorizing building exterior wall examinations by unmanned aircraft systems

Be it enacted by the Council as follows:

Section 1. The department of buildings shall conduct a study of the safety and feasibility of authorizing the use of unmanned aircraft systems, in conjunction with physical examinations and close-up inspections, for

critical examinations of a building's exterior walls, required by section 28-302.2 of the administrative code of the city of New York. The department shall consider, but not be limited to, the following subjects:

a. Whether authorizing such examinations to be conducted with the use of unmanned aircraft systems would: (i) be prohibited by any provision of law, rules and regulations, policies or directives of the federal aviation administration; (ii) conflict with any rules, regulations or policies of any New York state or city agencies; (iii) provide any increase in pedestrian safety over that afforded by current building examination practices; (iv) reduce the use of sidewalk sheds and scaffolding citywide; and (v) provide any economic benefits through cost savings or job creation; and

b. Whether there are any other obstacles or concerns related to authorizing such examinations to be conducted through the use of unmanned aircraft systems, including but not limited to safety and privacy issues such as surveillance, data security and data retention.

§ 2. The department shall issue a report of the study's findings to the mayor and the speaker of the council upon completion of such study, which shall be no later than October 31, 2021.

§ 3. This local law takes effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, MARGARET S. CHIN; HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, FARAH N. LOUIS; Committee on Housing and Buildings; September 16, 2020 (Remote Hearing).

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

GENERAL ORDER CALENDAR

Report for L.U. No. 663 & Res. No. 1423

Report of the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions in regard to the discharge from further consideration of 20205414 HAM (2274 Adam Clayton Powell ANCP – UDAAP/Article XI) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 24 West 132nd Street (Block 1729, Lot 45); 37 West 138th Street (Block 1736, Lot 23); 202 West 133rd Street (Block 1938, Lot 38); 2274 Adam Clayton Powell Jr. Boulevard (Block 1939, Lot 34), Borough of Manhattan, Council District 9, Community District 10.

The Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions, to which the annexed Land Use item was referred on May 28, 2020 (Minutes, page 1024) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20205414 HAM

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption for property located at 24 West 132nd Street (Block 1729, Lot 45); 37 West 138th Street (Block 1736, Lot 23); 202 West 133rd Street (Block 1938, Lot 38); 2274 Adam Clayton Powell Jr. Boulevard (Block 1939, Lot 34), Council District 9.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for the project which will provide sixty (60) affordable cooperative dwelling units and one (1) storefront commercial space.

PUBLIC HEARING

DATE: May 27, 2020

Witnesses in Favor: Four

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 10, 2020

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

In Favor:

Adams, Koo, Miller, Treyger.

Against: Abstain:

Barron None

COMMITTEE ACTION

No meeting scheduled. Pursuant to Section 11.60 of the Rules of the Council, the statutory deadline for Council action being September 16, 2020, the matter is deemed discharged from further consideration by the Committee and its subcommittees.

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

Res. No. 1423

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 24 West 132nd Street (Block 1729, Lot 45); 37 West 138th Street (Block 1736, Lot 23); 202 West 133rd Street (Block 1938, Lot 38); 2274 Adam Clayton Powell Jr. Boulevard (Block 1939, Lot 34), Borough of Manhattan; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 10, Borough of Manhattan (Preconsidered L.U. No. 663; 20205414 HAM).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 19, 2020 its request dated May 13, 2020 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 24 West 132nd Street (Block 1729, Lot 45); 37 West 138th Street (Block 1736, Lot 23); 202 West 133rd Street (Block 1938, Lot 38); 2274 Adam Clayton Powell Jr. Boulevard (Block 1939, Lot 34), Community District 10, Borough of Manhattan (the "Disposition Area or Exemption Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;

4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on May 27, 2020; and

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

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on May 19, 2020, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. All of the value of the property in the Disposition 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 later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon 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 between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("Exemption") shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Disposition Area is not being operated in accordance with the requirements of the

regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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, or (iv) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area 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 herein, the Exemption shall prospectively terminate.

- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** AFFORDABLE NEIGHBORHOOD COOPERATIVE PROGRAM
- 2. **PROJECT:** 2274 Adam Clayton Powell Jr. Blvd. Cluster
- 3. **LOCATION:**

- a. **BOROUGH:** Manhattan
- b. **COMMUNITY DISTRICT:** 10
- c. **COUNCIL DISTRICT:** 9

d. DISPOSITION AREA:	<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
	1729	45	24 West 132 Street
	1736	23	37 West 138 Street
	1938	38	202 West 133 Street
	1939	34	2274 Adam Clayton Powell Jr Blvd.

- 4. **BASIS OF DISPOSITION PRICE:** Nominal (\$1.00 per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value (“Land Debt”) with a term of up to sixty (60) years following cooperative conversion. The remaining balance of the Land Debt may be forgiven in the final year of that period.

- 5. TYPE OF PROJECT:** Rehabilitation
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 4 Multiple Dwellings
- 7. APPROXIMATE NUMBER OF UNITS:** 60
- 8. HOUSING TYPE:** Cooperative. If units remain unsold at the end of the marketing period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then Sponsor may operate the building as rental housing in accordance with the written instructions of HPD.
- 9. ESTIMATE OF INITIAL PRICE:** The cooperative interests attributable to occupied apartments will be sold to the existing tenants for \$2,500 per apartment. The cooperative interests attributable to vacant apartments will be sold for a price affordable to families earning no more than 165% of the area median income.
- 10. INCOME TARGETS:** The Disposition Area contains partially occupied buildings which will be sold subject to existing tenancies. After sale, units must be resold in compliance with federal regulations, where applicable. Units not subject to such regulation may be resold to purchasers with annual household incomes up to 165% of the area median.
- 11. PROPOSED FACILITIES:** One (1) storefront commercial space at 2274 Adam Clayton Powell Jr. Blvd.
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Type II
- 14. PROPOSED TIME SCHEDULE:** Approximately 36 months from closing to cooperative conversion.

ADRIENNE E. ADAMS, *Chairperson*; PETER A. KOO, I. DANEEK MILLER, MARK TREYGER; Subcommittee on Landmarks, Public Sitings and Dispositions, September 10, 2020 (Remote Hearing).

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

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

- | | |
|--------------------------------------|--|
| (1) Int 823-B - | Allowing food service establishments to charge a COVID-19 recovery charge. |
| (2) Int 1603-A - | The use of certain credit information in the rental or leasing of affordable units by a developer. |
| (3) Int 1853-A - | Department of Buildings to report on the safety and feasibility of authorizing building exterior wall examinations by unmanned aircraft systems. |
| (4) Int 1874-A - | Permitting interested parties to receive notification of items published in the City Record. |
| (5) Int 1878-A - | City administrative procedure act. |
| (6) L.U. 663 & Res 1423 - | App. 20205414 HAM (2274 Adam Clayton Powell ANCP – UDAAP/Article XI) Borough of Manhattan, Council District 9, Community District 10. |

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

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

Present but Not Voting (PNV) – Torres.

The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with Council Member Torres considered as Present but Not Voting (PNV). The legislative items below have their own individual votes with Council Member Torres considered as Present but Not Voting as well:

The following was the vote recorded for **Int. No. 823-B**:

Affirmative – Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Adams and Lander – **2**.

Abstention – Gibson – **1**.

The following was the vote recorded for **Int. No. 1603-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Borelli, Holden, Ulrich, and the Minority Leader (Council Member Matteo) – **4**.

The following was the vote recorded for **Int. No. 1878-A**:

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

Negative – Yeger – **1**.

The following was the vote recorded for **LU No. 663 & Res. No. 1423**:

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

Negative – Barron – **1**

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 823-B, 1603-A, 1853-A, 1874-A, and 1878-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 1410-A

Report of the Committee on Education in favor of approving, as amended, a Resolution calling on the Department of Education to only open school buildings that have met the health and safety standards prescribed in the UFT 50-item checklist and implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including UFT, CSA, and DC37.

The Committee on Education, to which the annexed amended resolution was referred on August 27, 2020 (Minutes, page 1749), respectfully

REPORTS:**Introduction**

On Wednesday, September 16, 2020, the Committee on Education, chaired by Council Member Mark Treyger, held a vote on Resolution Number 1410-A, sponsored by Council Member Mark Treyger. The Committee previously heard testimony on this resolution¹ from the parents, students, educators, advocates, unions, and other members of the public. On September 16, 2020, the Committee passed Resolution Number 1410-A by a vote of fourteen in the affirmative, one in the negative, with zero abstentions.

Background

The first human cases of COVID-19, the disease caused by the SARS-CoV-2 virus (coronavirus), were reported in December 2019 in Wuhan City, China.² Since then, the coronavirus has infected millions of people across the world with John Hopkins University of Medicine reporting that there were over 25 million cases of coronavirus and nearly 860,000 coronavirus deaths globally as of September 2, 2020.³ While the first case of coronavirus in New York State (NYS) was reported in New York City (NYC) on March 1, 2020, there has been over 435,000 coronavirus positive cases and over 25,000 coronavirus related fatalities across the state as of September 1, 2020.⁴

¹ Hearing held on September 3, 2020.

² World Health Organization (WHO). "Coronavirus disease 2019 (COVID-19) Situation Report – 94," April 23, 2020. Accessed at: https://www.who.int/docs/default-source/coronaviruse/situation-reports/20200423-sitrep-94-covid-19.pdf?sfvrsn=b8304bf0_2.

³ John Hopkins University of Medicine. "Covid-19 Dashboard by the Center for Systems Science and Engineering at John Hopkins University," Sept. 2, 2020. Accessed at: <https://coronavirus.jhu.edu/map.html>.

⁴ New York City Emergency Management, "NYC Covid-19 Senior Leadership Brief," Aug. 27, 2020.

New York State Guidance on School Reopening

Recognizing how quickly the coronavirus spreads,⁵ during the onset of the first case reaching NYS, Governor Andrew Cuomo took measures to curb the spread including requiring non-essential businesses, organizations, and institutions to close its buildings, with many choosing to operate remotely. While the Governor signed an executive order on March 16 to close school buildings for two weeks by March 18, 2020,⁶ NYC's public school system closed its school buildings to students on March 16, 2020, shifting the City's 1.1 million students to fully remote learning.⁷ On April 7, 2020, Governor Cuomo signed Executive Order No. 202.14, which extended and directed schools to stay closed through April 29.⁸ The Governor's final action with relation to keeping school buildings closed was on May 17, 2020, when he signed Executive Order No. 202.28 which mandated that all schools in the state would remain closed for the remainder of the 2019-20 school year.⁹ Additionally, the Governor set forth a four phase re-opening plan for the state, with phase four permitting the reopening of higher education and pre-K to grade 12 schools.¹⁰

One of the most pertinent questions facing every school district in the country is whether or when school buildings will reopen for in-person instruction the 2020-2021 school year. Reopening options have ranged from fully reopening school buildings to a hybrid model which mixes in-person learning and remote learning and finally, full remote instruction. There has been contentious debate in the city from educators, parents, students and advocates about how and if NYC public school buildings should reopen.

New York State Board of Regents and State Education Department

The New York State Board of Regents conducted four virtual regional reopening task force meetings between June 15 and June 24.¹¹ From these meetings, the Regents in collaboration with the New York State Education Department (NYSED) created a framework to provide schools "with the flexibility they will need to develop and implement creative solutions to their unique, local circumstances."¹² This framework, which was released on July 13, 2020, considered in-person instruction, remote instruction and a combination of the two.¹³ The framework was incorporated into guidance that include actions that schools are required to take and best practice recommendations.¹⁴ Topics covered include:

- Health and safety;
- Facilities;
- Nutrition
- Social-emotional well-being;
- School schedules;

⁵ The coronavirus primarily spreads from person to person through respiratory droplets emitted when an infected individual sneezes or coughs.

⁶ Governor Andrew M. Cuomo Press Release. "Governor Cuomo Signs Executive Order Closing Schools Statewide for Two Weeks." March 16, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-signs-executive-order-closing-schools-statewide-two-weeks>.

⁷ Mayor Bill de Blasio Press Release. "New York City to Close All School Buildings and Transition to Remote Learning," March 15, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/151-20/new-york-city-close-all-school-buildings-transition-remote-learning>

⁸ Executive Order No. 202.4 (signed March 16, 2020) ordered all schools in New York State until April 1. Executive Order No. 202.11 (signed March 26, 2020) extended the school closure until April 15. Executive Order No. 202.14 (signed April 7, 2020) extended the school closure until April 29. Executive Order No. 202.18 (signed April 16, 2020) extended the school closure until May 15. *See* <https://www.governor.ny.gov/executive-orders>.

⁹ *Id.*

¹⁰ The State of New York. "Phase Four Industries." Accessed at: <https://forward.ny.gov/phase-four-industries>.

¹¹ New York Education Department. "School Reopening Plans." Accessed at: <http://www.nysed.gov/reopening-schools/school-reopening-plans>.

¹² New York State Education Department. "Recovering, Rebuilding, and Renewing: The Spirit of New York's Schools Reopening Guidance." Accessed at: <http://www.nysed.gov/common/nysed/files/programs/reopening-schools/nys-p12-school-reopening-guidance.pdf>.

¹³ *Id.*

¹⁴ *Id.*

- Budget and fiscal;
- Attendance and chronic absenteeism; and
- Technology and connectivity.¹⁵

Schools had to meet the requirements as outlined by the Regents and NYSED, and also ensure that plans met the requirements as outlined by the State’s health officials.

New York State Department of Health

On July 13, 2020, the New York State Department of Health (DOH) issued *Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public Health Emergency*.¹⁶ This guidance document, which covers public and private schools, their employees, students, contractors and parents/guardians of students, provides context for individual school districts in developing reopening plans for this fall, in conjunction with the NYSED guidance issued on the same day.¹⁷ The guidance indicates that every school district was required to submit their reopening plans for approval to both DOH and NYSED.¹⁸ Each district developing their plans, at a minimum, had to cover the following criteria:

- Reopening of school facilities for in-person instruction;
- Monitoring of health conditions;
- Containment of potential transmission of COVID-19; and
- Closure of school facilities and in-person instruction, if necessitated by widespread virus transmission.¹⁹

The guidance covers not only aspects of in-person learning, but also transportation, ventilation, contact tracing, food services and an additional range of items that districts must consider and incorporate into their school reopening plans.²⁰ Plans were due to the State by July 31.²¹

Finally, the Governor also imposed an infection rate threshold that would determine if schools were permitted to resume in-person learning in September.²² Schools in a region can reopen if that region’s “daily infection rate remains below 5 percent or lower using a 14-day average since unPAUSE was lifted.”²³ Schools will close “if the regional infection rate rises above 9 percent, using a 7-day average, after August 1.”²⁴ On August 7, 2020, Governor Cuomo announced that schools across the entire state were permitted to resume in-person learning in September based on infection rates in each of the State’s regions.²⁵

New York City Department of Education’s Reopening Plan

On Wednesday, July 8, 2020, Mayor de Blasio and Chancellor Carranza unveiled their school reopening plan, “Blended Learning,” for NYC public schools.²⁶ The plan called for blended learning, a combination of onsite instruction and remote learning for students.²⁷ The plan also detailed the use of Personal Protective

¹⁵ *Id.*

¹⁶ New York State Department of Health. “Pre-K to Grade 12 Master Guidance.” Accessed at:

https://www.governor.ny.gov/sites/governor.ny.gov/files/atoms/files/Pre-K_to_Grade_12_Schools_MasterGuidance.pdf.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ Governor Andrew M. Cuomo Press Release. “Governor Cuomo Announces New Data-Driven Guidance for Reopening Schools.” July 13, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-announces-new-data-driven-guidance-reopening-schools>.

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ Governor Andrew M. Cuomo Press Release. “Governor Cuomo Announces That, Based on Each Region’s Infection Rate, Schools Across New York State are Permitted to Open This Fall.” August 7, 2020. Accessed at: <https://www.governor.ny.gov/news/audio-rush-transcript-governor-cuomo-announces-based-each-regions-infection-rate-schools-across>.

²⁶ ABC 7 Eyewitness News. “Reopen News: Mayor, chancellor outline NYC Schools reopening plan for fall.” July 8, 2020. Accessed at: <https://abc7ny.com/new-york-city-schools-reopen-school-nyc-coronavirus/6306451/>.

²⁷ New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

Equipment (PPE) and social distancing requirements for schools. According to the plan, all schools will be provided PPE at no cost to the individual school this including face masks, hand sanitizer and disinfectant; every school will be deep cleaned each night with electrostatic sprayers; HVAC inspection and improvement; and isolation rooms for those students that become sick.²⁸ In releasing these plans, the Mayor also announced that, if 3% or more of New Yorkers who are tested for COVID-19 are found to have the virus after school buildings are reopened, school buildings will close again, and 100% of learning will be remote for every student.²⁹ The schedule released with the plan is as follows³⁰:

- July 8: All principals provided with scheduling options
- July 8: School budgets released to principals
- July 15: Parent portal opens for families to sign up for fully remote instruction
- July 16: First virtual Family Information Session
- August 7: Deadline for families to opt for fully-remote instruction and staff to submit medical accommodation.

In a DOE survey of parents on learning preference, launched in late July, DOE reported that approximately 264,000—or 26%—chose full remote learning.³¹ When surveyed earlier in the summer on their learning preference, DOE received approximately 400,000 responses— 75% of which indicated a desire to return to in-person learning.³² Finally, on July 16, the Mayor announced that the City would be providing free childcare for 100,000 children in the fall to “provide relief for families who cannot stay home or find alternate care for their children on days they are not in school buildings.”³³ The Mayor and Chancellor set a school reopening date of September 10, 2020.

On Tuesday, September 1, 2020, Mayor Bill de Blasio, Chancellor Richard Carranza and United Federation of Teachers (UFT) president, Michael Mulgrew, announced a delay to the reopening of NYC public schools.³⁴ According to the deal reached, the 2020-21 school year will be moved from Thursday, September 10 to Wednesday, September 16 in which all students will begin remote instruction to be introduced to online learning for the year.³⁵ In-person learning in school buildings will begin for hybrid learning students on Monday, September 21.³⁶ Teachers will report to buildings on September 8 as originally scheduled and will have six total citywide professional development days to coordinate, collaborate and prepare for blended learning.³⁷ Finally, with respect to testing, there will be a medical monitoring program where random monthly testing will be conducted of school community members in a process approved by City health care experts and the UFT’s medical advisors.³⁸ This is in addition to the City’s free medical testing program for all NYC residents.

The hybrid schedule set forth below includes five models to be adopted by NYC public schools—two of these models are exclusively for District 75 schools.³⁹

²⁸ *Id.*

²⁹ New York City Department of Education. “Update for Families on Health and Safety Protocols.” August 3, 2020. Accessed at: <https://www.schools.nyc.gov/about-us/news/chancellor-s-message-for-families>.

³⁰ ABC 7 Eyewitness News. “Reopen News: Mayor, chancellor outline NYC Schools reopening plan for fall.” July 8, 2020. Accessed at: <https://abc7ny.com/new-york-city-schools-reopen-school-nyc-coronavirus/6306451/>.

³¹ New York City Department of Education. “Update on Family Learning Preference Survey.” August 18, 2020. Information on file with committee staff. *Note: In the remote learning survey, DOE made the no response - default choice blended learning. Therefore there is an unknown bias towards blended learning (source: City Council Data Analytics Team).*

³² *Id.*

³³ Mayor Bill de Blasio Press Release. “Mayor de Blasio Announces Free Childcare for 100,000 Students in the Fall.” July 16, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/page>.

³⁴ Mayor Bill de Blasio Press Release. “Mayor de Blasio, Chancellor Carranza, and Labor Reach Agreement to Reopen New York City Schools.” September 1, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/627-20/mayor-de-blasio-chancellor-carranza-labor-reach-agreement-reopen-new-york-city-schools#/0>.

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>

Student Group Rotation Models

Model 1: Alternating days with rotating Mondays, two in-person student groups

This model is available for elementary, middle, and high schools.⁴⁰ It assumes that a school can accommodate 50 percent of its student population who participate in in-person learning.⁴¹ In this model, there are two in-person student groups and one fully remote student group.⁴² Students in this model will receive in-person learning for the same two days each week and alternating Mondays which results in five days of in-person instruction for each student over the course of two weeks.⁴³

Model 1 Student Rotation Chart⁴⁴

Week	Monday	Tuesday	Wednesday	Thursday	Friday
	Group D (All-Remote)				
One	Group A	Group A	Group B	Group A	Group B
Two	Group B	Group A	Group B	Group A	Group B

Week	Monday	Tuesday	Wednesday	Thursday	Friday
	Group D (All-Remote)				
One	Group A	Group A	Group A	Group B	Group B
Two	Group B	Group A	Group A	Group B	Group B

Model 2: One to two days per week in alternating weeks, three in-person student groups

Model 2 is available for elementary middle and high schools, although it is “Chancellor Recommended” for middle schools.⁴⁵ This model assumes that a school can accommodate one third of its students who participate in in-person learning.⁴⁶ This model has a three-week cycle that will repeat.⁴⁷ For each group there will be one consistent day of the week that students attend in-person learning with Monday and Tuesday rotating between groups. Students will receive in-person instruction 1-2 days per week for a total of 5 days every 3 weeks.⁴⁸

⁴⁰ *Id.*

⁴¹ *Id.* New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

⁴⁵ New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ *Id.*

Model 2 Student Rotation Chart⁴⁹

Week	Monday	Tuesday	Wednesday	Thursday	Friday
	Group D (All-Remote)				
One	Group A	Group B	Group A	Group B	Group C
Two	Group B	Group C	Group A	Group B	Group C
Three	Group C	Group A	Group A	Group B	Group C

Model 3: Six day rotation with one to two days per week, three in-person student groups

This model is only available to middle and high schools, and it assumes that a school can accommodate one third of its students participating in in-person learning.⁵⁰ In this model, there are three in-person student groups and one fully remote student group.⁵¹ This model uses a six day rotation schedule, allowing students to receive in-person learning two days and remote learning four days in a six day cycle.⁵²

Model 3 Student Rotation Chart⁵³

Model 3A

Mon.	Tues.	Wed.	Thurs.	Fri.	Mon.
Group D (Remote)					Group D
Group A	Group B	Group C	Group A	Group B	Group C

6-Day Rotation

Model 3B

Mon.	Tues.	Wed.	Thurs.	Fri.	Mon.
Group D (Remote)					Group D
Group A	Group A	Group B	Group B	Group C	Group C

6-Day Rotation

Model 4: Every other week, two in-person student groups

This model is available to District 75 schools only.⁵⁴ It assumes that a school can serve at least half of its students who participate in in-person learning.⁵⁵ In this model, there are either two or three in-person student

⁴⁹ New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

⁵⁰ New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

⁵¹ *Id.*

⁵² *Id.*

⁵³ New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

⁵⁴ New York City Department of Education. “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

⁵⁵ *Id.*

groups and one fully remote student group.⁵⁶ This model has students in school every other week, with a potential for some groups to be in-person five days a week every week dependent on student need.⁵⁷ Students will receive in-person instruction for five days every other week.⁵⁸ An optional third group will receive in-person instruction every week in-person.⁵⁹

Model 4 Student Rotation Chart⁶⁰

Model 4A

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
1	Group A	Group A	Group A	Group A	Group A
2	Group B	Group B	Group B	Group B	Group B

Model 4B

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
	Group C				
1	Group A	Group A	Group A	Group A	Group A
2	Group B	Group B	Group B	Group B	Group B

In-Person Instruction

Model 5: Two to three days per week (rotating Monday), two in-person student groups

Like model 4, model 5 is available to district 75 schools only.⁶¹ In this model, there are two in-person student groups and one fully remote student group, and a potential for a fully in-person group.⁶² Students will receive in-person learning on two consecutive days per week—Tuesdays and Wednesdays for one group and Thursday and Fridays for the other group—with groups alternating Mondays.⁶³ These students will participate in remote learning for non-in person days. An optional third group will receive in-person instruction consistently in-person.⁶⁴ Students who receive two in person instruction days per week will receive additional in-person time on alternating Mondays.⁶⁵

⁵⁶ *Id.*

⁵⁷ *Id.*

⁵⁸ *Id.*

⁵⁹ *Id.*

⁶⁰ New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

⁶¹ *Id.*

⁶² New York City Department of Education, “School Scheduling Models.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

⁶³ *Id.*

⁶⁴ *Id.*

⁶⁵ *Id.*

Model 5 Student Rotation Chart⁶⁶**Model 5A**

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
1	Group A	Group A	Group A	Group B	Group B
2	Group B	Group A	Group A	Group B	Group B

Model 5B

Week	Mon.	Tues.	Wed.	Thurs.	Fri.
	Group D (Remote)				
Group C					
1	Group A	Group A	Group A	Group B	Group B
2	Group B	Group A	Group A	Group B	Group B

In-Person Instruction

Notably, all of the models allow for a group of students to engage in complete remote learning, and on days when students aren't engaging in in-person learning, it is expected that they are learning remotely.⁶⁷ Additionally, school administrators were permitted to request an exception to the proposed programming models for the following reasons:

- The recommended models are not feasible given space, staffing, family choice and expected in-person attendance.
- Schools have unique programmatic needs that must be addressed, to better meet the needs of the community and the proposed exception has staff and parental support.⁶⁸

DOE Safety Precautions

Mayor de Blasio and Chancellor Carranza introduced a list of safety precautions the administration would take to safely reopen schools.⁶⁹ First the DOE committed to not reopening (and closing) school buildings if the percent of positive coronavirus tests in NYC exceeds three percent using a seven day rolling average.⁷⁰ The administration also committed to providing nursing coverage for schools serving kindergarten through 12th grade through a NYC Health + Hospitals nursing contract for 400 full-time onsite nurses.⁷¹ Notably, DOE's more than 2,000 early childhood care programs and new Learning Bridges childcare programs will receive two layers of nursing coverage including 100 contracted nurses to provide geographic coverage and additional tele-health nursing providers that will be available to staff through a hotline.⁷² Recently, the administration announced that they encourage schools to use outdoor space for classes that require additional spacing based on public health

⁶⁶ New York City Department of Education Elected Official Briefing – Schools Reopening Plan, July 8, 2020.

⁶⁷ New York City Department of Education. "School Scheduling Models." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>.

⁶⁸ *Id.*

⁶⁹ New York City Department of Education. "School Scheduling Models." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

⁷⁰ *Id.*

⁷¹ *Id.*

⁷² *Id.*

guidance.⁷³ DOE also committed to providing schools with supplies to protect students and staff from COVID-19, including soap, hand sanitizer, disinfectants, and thermometers.⁷⁴

DOE’s Building Safety Measures

In addition to the aforementioned plans, in its Health and Safety Plan, DOE set forth several building safety measures it would take to make school buildings safer.⁷⁵ These measures include allowing schools to modify or reconfigure spaces to comply with physical distancing rules, and requiring schools to have a designated isolation room to utilize if a student exhibits COVID-19 symptoms.⁷⁶ The DOE is currently improving ventilation in school buildings including repairing windows, repairing HVAC systems, and replacing air filters in buildings with central HVAC systems.⁷⁷ The Department also announced that throughout the school year it would do the following:

- Provide adequate cleaning and disinfection supplies or plan to procure those supplies.
- Require deep cleanings to be completed on a nightly basis, including with the use of electrostatic sprayers.
- Improve HVAC systems to ensure proper ventilation.
- Set-up enhanced cleaning in classrooms, bathrooms, and for high touch areas such as doorknobs and shared equipment such as laptops.
- Provide teachers with cleaning supplies for classrooms.⁷⁸

DOE’s Testing and Tracing Plan

The DOE also announced a testing and tracing protocol to prevent the spread of the coronavirus in schools.⁷⁹ DOE staff will be asked to take a COVID-19 test before the first day of school, and school staff will be given priority access for free testing at 34 city-operated testing sites with expedited results.⁸⁰ DOE is also requiring individuals from the school community to stay home if they feel sick and if they have symptoms that are consistent with COVID-19.⁸¹ If a student feels sick while in school they will be isolated until they are picked up from school, and staff who exhibit COVID-19 symptoms will be asked to leave the school building promptly.⁸²

The following scenarios and protocols were set forth by DOE which will warrant a classroom or school closure:

DOE’s Scenario Planning for Classrooms and full School Closures⁸³

Conclusion of Investigation	During Investigation	Post Investigation
A. One confirmed case	Close Classroom	Classroom remains closed for 14 days; students and staff in close contact with positive case self-quarantine for 14 days.
B. At least 2 cases linked together in school, same classroom	Close Classroom	Classroom remains closed for 14 days; students and staff in close contact with positive cases self-quarantine for 14 days

⁷³ *Id.*

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ *Id.*

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Id.*

C. At least 2 cases linked together in school, different classrooms	Close school	Classrooms of each case remain closed and quarantined, additional school members are quarantined based on where the exposure was in the school (e.g., the locker room);
D. At least 2 cases linked together by circumstances outside of school (i.e., acquired infection by different setting and source)	Close school	School opens post investigation, classrooms remain closed for 14 days
E. At least 2 cases not linked but exposure confirmed for each one outside of school setting	Close school	School opens post investigation, classrooms remain closed for 14 days
F. Link unable to be determined	Close school	Close school for 14 days

When a student is quarantining at home, DOE expects that they participate in remote learning if they are healthy enough to do so.⁸⁴ If a school building is closed, the school will inform families that the schools will reopen by 6pm on the night before about the status of reopening the following morning.⁸⁵ DOE will not reopen school buildings unless public health experts inform them that it is safe to do so.⁸⁶

DOE Key Dates Timeline⁸⁷

- June 12 – Return to School Survey 2020 launched
- Week of June 22 – Schools are asked to conduct building walkthroughs with their School Leadership Teams to evaluate building capacity
- July 8 – DOE announces preliminary school reopening plan for 2020-2021 school year
- July 14 – DOE launches a series of family and student information sessions
- July 16 – Mayor announces free childcare for 100,000 students the fall
- July 23 – DOE announces new guidance to schools regarding physical education, arts, and the program model exception process
- July 31 – DOE announces test and trace protocols for the 2020-2021 school year in partnership with the Department of Health and Mental Hygiene (DOHMH), Health + Hospitals, the NYC Test + Trace Corps
- August 3 – DOE sends families an update on criteria to open schools and keep them open, what happens if someone gets sick, and overall health and safety protocols for every school
- August 6 – DOE asks families that have opted for full remote learning if they wish to change their decision
- August 13 – The Mayor and Chancellor announce that there will be a nurse in every school building on the first day of school

Issues and Concerns

There have been growing concerns about the DOE's decision to reopen school buildings on September 10, 2020 with many skeptics questioning if it is safe to do so. Notably, as previously mentioned, the Department pushed the reopening of school buildings back 10 days. NYC is the only large school district in the nation

⁸⁴ *Id.*

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ Department of Education Intergovernmental Affairs Elected Officials Updates. Information on file with committee staff.

planning to reopen its school buildings this fall.⁸⁸ Los Angeles, for example, is planning to begin the school year remotely, and the district announced a projected \$150 million contact and trace system for its 500,000 students and 75,000 employees.⁸⁹ On the other hand, advocates question if New York City has enough funding to ensure that school buildings have appropriate cleaning supplies and protective gear to last beyond the first month of school.⁹⁰

Additionally, it took massive public pressure for DOE to close school buildings and even when buildings closed for students on March 16, 2020, the department did not close buildings for staff until March 23. While it is challenging to determine where staff contracted the coronavirus, as of June 22, 2020, 79 DOE employees, including 31 teachers, 28 paraprofessionals, two administrators lost their lives to coronavirus-related illness.⁹¹ For example, the DOE is currently being criticized for its airflow test in which custodial staff place toilet paper at the end of a stick to determine air flow in classrooms.⁹²

In addition to the aforementioned issues and concerns, major school unions raised additional concerns about DOE's reopening plan.

Concerns Raised by the Council of School Supervisors and Administrators

On Wednesday, August 12, 2020, the Council of School Supervisors and Administrators (CSA), sent a letter to Mayor de Blasio and Chancellor Carranza urging a delay to the planned September 10 reopening of NYC public school buildings. In the letter, the CSA contends that more time before the start of in-person learning will allow basic questions to be answered. Some of those questions include: i) when will nurses be hired for schools in need; ii) how will school communities be notified of repairs to ventilation systems; iii) when will schools receive PPE equipment and other safety equipment; and iv) when will guidance be issued to address students with disabilities and special needs.⁹³

Finally, the letter addressed the approval time for individual school plans. Individual school plans were due the week of August 10, and by the time plans are approved, school leadership teams would “have less than 15 working days to prepare for the arrival of students without much of the necessary guidance and training in place.”⁹⁴

Concerns Raised by the United Federation of Teachers

In response to the CSA letter, the UFT issued a statement on August 12, on “the need to delay reopening of school buildings.”⁹⁵ On August 20, the UFT released its own school safety plan.⁹⁶ The checklist include topics such as PPE and safety supplies; ventilation; nurses; signage; and food.⁹⁷ In developing this checklist, the UFT stated that any school building “that fails to meet these guidelines should be off-limits to children, parents and teachers until the problems are corrected.”⁹⁸ The UFT also “vowed to go to court or take a job action — including a strike — if the city attempts to reopen any school building that does not meet the criteria in a safety plan created

⁸⁸ Christina Vega, “NYC teachers union ups the pressure to delay school reopening, demanding COVID-19 tests for students and staff,” Aug. 19, 2020. Accessed at <https://ny.chalkbeat.org/2020/8/19/21376206/nyc-teachers-union-demanding-covid-tests>.

⁸⁹ *Id.*

⁹⁰ Christina Vega and Amy Zimmer, “Toilet paper on a stick? It’s just one way to test ventilation in NYC schools,” Aug. 26, 2020. Accessed at <https://ny.chalkbeat.org/2020/8/26/21403495/tissue-paper-test-ventilation-nyc-schools>

⁹¹ New York City Department of Education, “COVID-19 Reporting.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/school-scheduling-models>

⁹² Christina Vega and Amy Zimmer, “Toilet paper on a stick? It’s just one way to test ventilation in NYC schools,” Aug. 26, 2020. Accessed at <https://ny.chalkbeat.org/2020/8/26/21403495/tissue-paper-test-ventilation-nyc-schools>

⁹³ Letter on file with committee staff.

⁹⁴ *Id.*

⁹⁵ United Federation of Teachers, “UFT on the need to delay reopening of school buildings.” August 12, 2020. Accessed at: <https://www.uft.org/news/press-releases/uft-on-need-delay-reopening-school-buildings>.

⁹⁶ United Federation of Teachers, “UFT School Health and Safety Reports.” Accessed at: <https://www.uft.org/sites/default/files/attachments/coronavirus-school-checklist.pdf>.

⁹⁷ *Id.*

⁹⁸ United Federation of Teachers. “Teachers union, medical experts, elected officials, and parent and community groups: Individual schools deemed unsafe must remain closed. August 19, 2020. Accessed at: <https://www.uft.org/news/press-releases/teachers-union-medical-experts-elected-officials-and-parent-and-community-groups-individual-schools>.

by the union.”⁹⁹ Additionally the union also urged both teachers and children, when possible, to immediately get a COVID-19 antibody test.¹⁰⁰ In releasing their plan, the UFT contends that “those who cannot get such a test or test negative for antibodies will need to get a test for the active coronavirus in the 10 days before their school reopens and those who test positive will attend school remotely.”¹⁰¹

Conclusion

Today’s hearing will provide an opportunity for students, parents, teachers, unions and other educational stakeholders to raise their concerns about DOE’s reopening plan.

UPDATE: On Wednesday, September 16, 2020, the Committee passed Resolution Number 1410-A by a vote of fourteen in the affirmative, one in the negative, with zero abstentions.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Res. No. 1410-A:)

Res. No. 1410-A

Resolution calling on the Department of Education to only open school buildings that have met the health and safety standards prescribed in the UFT 50-item checklist and implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including UFT, CSA, and DC37.

By Council Members Treyger, Cumbo, Chin, Constantinides, Levin, Reynoso, Rivera, Brannan, Cohen, Kallos, Gjonaj, Lancman, Ampry-Samuel, Vallone, Rose, Menchaca, Cabrera, Salamanca, Rosenthal, Richards, Moya, Holden, Cornegy, Levine, Gibson, Ayala, Adams, Van Bramer, Maisel, Koslowitz, Torres, Dromm, Grodenchik, Louis, Lander, Rodriguez, Powers, Barron and the Public Advocate (Mr. Williams).

Whereas, On March 1, 2020, New York City (NYC) announced its first case of coronavirus disease 2019 (COVID-19) as a result of infection with severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2); and

Whereas, On March 3, 2020 New York State announced the first case of COVID-19 community spread leading to 1,000 people asked to quarantine after an infected resident attended a service in a congregate space in Westchester County;

Whereas, The Centers for Disease Control reports that SARS-CoV-2 primarily spreads from person to person through respiratory droplets emitted when an infected individual sneezes or coughs; and

Whereas, On March 11, 2020, the World Health Organization declared the rapid spreading of the SARS-CoV-2 causing the disease COVID-19 a global pandemic; and

Whereas, To curb the spread of the coronavirus, NYC’s public school system closed its school buildings to students on March 16, 2020, and on March 23, 2020 to teachers, shifting the City’s 1.1 million students to fully remote learning for the remainder of the 2019-20 academic school year; and

Whereas, As of June 22, 2020, 79 Department of Education (DOE) employees, including 31 teachers, 28 paraprofessionals, two administrators, as well as other members of the school community, including bus drivers and other school staff, lost their lives to coronavirus-related illness; and

Whereas, As of August 25, 2020 NYC reported 23,666 deaths due to COVID-19; and

⁹⁹ United Federation of Teachers, “UFT threatens actions if unsafe school buildings open.” August 20, 2020. Accessed at: <https://www.uft.org/news/news-stories/uft-threatens-actions-if-unsafe-school-buildings-open>.

¹⁰⁰ United Federation of Teachers. “Teachers union, medical experts, elected officials, and parent and community groups: Individual schools deemed unsafe must remain closed. August 19, 2020. Accessed at: <https://www.uft.org/news/press-releases/teachers-union-medical-experts-elected-officials-and-parent-and-community-groups-individual-schools>.

¹⁰¹ *Id.*

Whereas, On August 20, 2020, New York City Emergency Management reported that there were over 22 million COVID-19 positive cases globally and nearly 230,000 COVID-19 positive cases in NYC; and

Whereas, School districts in other states, including Georgia and Indiana, that opened their school buildings in August 2020 had to close their buildings due to widespread transmission of COVID-19; and

Whereas, In June and July 2020, many colleges and universities, including the City University of New York, announced that they will provide online instruction for the fall 2020 semester to curb the spread of COVID-19; and

Whereas, On August 31, 2020 SUNY Chancellor Jim Malatras issued an order to shut down the SUNY Oneonta campus for two weeks and asked students and professors to go to full time remote learning for two weeks after the number of positive cases exceeded the threshold of number positive cases that would trigger a campus shut down; and

Whereas, On July 31, 2020, the City announced that it would reopen its school buildings in September with a hybrid schedule that includes a combination of onsite instruction and remote learning for students; and

Whereas, New York City is the only large school district in the country that is planning to reopen its school buildings this fall; and

Whereas, The City's school reopening plan has not yet ensured that every school building in the City has been deemed safe and equipped with enough supplies and staff to curb the spread of the virus; and

Whereas, Families can choose to opt their children out of in-person learning and into fully remote learning; and

Whereas, Teachers can apply to teach remotely if they have underlying health conditions, but cannot if a family member has co-morbidities; and

Whereas, The de Blasio Administration has introduced a list of safety precautions it plans to take to reopen schools, including providing personal protective equipment (PPE) and cleaning supplies to all schools, providing access to a full-time nurse in every school building, and closing (or not reopening) school buildings if the infection rate of positive COVID-19 cases in NYC reaches three percent or above; and

Whereas, The de Blasio Administration has also stated that the City will prioritize free COVID-19 testing and expedite results for school staff, that the NYC Test + Trace Corps will investigate confirmed cases of COVID-19, and that the DOE will implement cleaning and quarantines when confirmed cases are reported in a school; and

Whereas, However, several news outlets, school administrators, teachers, and parents have reported that the implementation of such plans and protocols may be inadequate, and that the de Blasio Administration has not provided clear guidance or sufficient resources to school-based staff; and

Whereas, On August 12, 2020, the City's school administrators, represented by the Council of School Supervisors and Administrators, delivered a letter to the de Blasio Administration questioning the lack of adequate planning for school buildings to reopen and requesting a delay to the start of in-person learning; and

Whereas, During an August 19, 2020 press conference, United Federation of Teachers (UFT) president Michael Mulgrew, representing the teachers of the City, indicated that while teachers prefer and want in-person learning, individual school buildings should not reopen on September 10, 2020 unless they meet stringent health and safety standards proposed by the union; and

Whereas, The UFT proposed a three-point health and safety plan that would require that each school: pass the UFT's comprehensive safety review on PPE, ventilation, school nurse staffing, eating areas, and hallway movement; have a COVID-19 building response team responsible for implementing the procedures needed to keep the virus at bay and to isolate and deal with it quickly if there is a case; mandate that every child and adult be tested for the virus before entering a school building whether it be an antibody or diagnostic test and create a system of random, repeated COVID testing of every school community; and

Whereas, The number of families opting to have their students receive fully remote instruction in the fall continues to grow, hitting 366,553 on September 1, 2020, and as of that date, approximately 15% of teachers requested to teach remotely; and

Whereas, According to a poll released on August 20, 2020 by The Education Trust–New York, across New York State, only 47% of Black parents and 61% of Latinx parents reported that their child will attend in-person instruction this fall where given the option, versus 74% of White parents; and

Whereas, According to the same poll, for families who are choosing to have their children learn from home, concerns of contracting COVID-19 were reported to be a major factor in their decision-making; and

Whereas, On September 1, 2020 the administration reached an agreement with labor organizations representing school personnel including UFT, CSA, and DC37 requiring all New York City public school buildings remain closed to students until September 21, while final safety arrangements are completed, including the assignment of a school nurse to every building, ventilation checks and the presence of sufficient protective and cleaning supplies; and a system of random, monthly testing of every school community to detect asymptomatic spread; and

Whereas, The agreement also mandates that the decision on whether to re-open a school building to students will be based on the UFT 50-item safety checklist, including social distancing of student desks, the availability of masks and face shields, and a room-by-room review of ventilation effectiveness; and

Whereas, School buildings or rooms that do not meet safety standards will remain closed; and

Whereas, The agreement also called on teachers working in school buildings that have been classified as safe to report to school buildings on September 8 to work with their colleagues to plan and develop strategies for the blended remote/in-person instruction that will be the learning method for the overwhelming majority of the city's public-school students; and

Whereas; After consulting with independent medical and public health experts, the epidemiologists assured that pre-school COVID-19 testing is useful but that the results soon go out of date and instead recommended, as much more effective, that the administration implement a mandatory robust system of repeated random COVID-19 testing of adults and students;

Whereas, All of the terms of the agreement were incorporated in an amendment to the city's reopening schools plan submitted to the state; now, therefore, be it,

Resolved, That the Council of the City of New York calls on the New York City Department of Education to only open school buildings that have met the health and safety standards prescribed in the UFT 50-item checklist and implement a medically recommended mandatory randomized COVID-19 testing program for adults and students in all school buildings as agreed upon by the administration and the labor organizations representing school personnel including UFT, CSA, and DC37.

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, STEPHEN L. LEVIN, DEBORAH L. ROSE, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, ERIC A. ULRICH; Committee on Education, September 16, 2020 (Remote Hearing).

Pursuant to Rule 8.50 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) declared the Resolution to be adopted.

The following 2 Council Members formally noted their intention to vote negative on this item:
Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 2070

By Council Members Borelli and Kallos.

A Local Law to amend the New York city building code, in relation to requiring building wrap on certain supported scaffolds

Be it enacted by the Council as follows:

Section 1. Section BC 3314 of the New York city building code is amended by adding a new section 3314.31 to read as follows:

3314.31 Building wrap on certain supported scaffolds. *Building wrap shall be installed on supported scaffolds in accordance with the requirements of Sections 3314.31.1 through 3314.31.5.*

3314.31.1 Scope. *The requirement in Section 3314.31 shall apply to all supported scaffolds for which a permit is required pursuant to Section 3314.2 and which have been in place more than 365 days after the date of the installation inspection report completed pursuant to Section 3314.4.3.3.*

Exception: *The requirement in Section 3314.31 shall not apply where safety netting systems are required pursuant to Section 3308.*

3314.31.2 Approved building wrap. *The term “building wrap” means a material designed to cover supported scaffolds and is printed with an aesthetically consistent rendering of the building’s facade. Building wrap shall not include any illumination, electronic signage, protrusions or projections. All building wrap shall comply with the New York city construction codes, including the building code, and other applicable requirements.*

3314.31.3 Illumination prohibited. *Building wrap shall not be illuminated.*

3314.31.4 Required signs unobstructed. *Building wrap shall not obscure any sign required to be posted pursuant to Section 3301.9.*

3314.31.5 Installation. *Building wrap shall be installed in conformity with rules promulgated by the department in consultation with the public design commission.*

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Housing and Buildings.

Res. No. 1415

Resolution calling on the New York State Legislature to pass and the Governor to sign S.8328/A.10445, requiring the New York city transit systems to provide twenty-four hour service unless a declared state of emergency is in effect.

By Council Members Brannan, Kallos, Yeager and the Public Advocate (Mr. Williams).

Whereas, The Metropolitan Transportation Authority (MTA) is North America's largest transportation network and is made up of the nation's largest bus fleet, and more subway and commuter rail cars than all other United States transit systems combined; and

Whereas, The MTA serves approximately 15.3 million people across a 5,000-square-mile travel area surrounding New York City (NYC) including Long Island, southeastern New York State, and southwestern Connecticut, providing over 2.6 billion trips per year; and

Whereas, Included among the MTA's main operating agencies are: MTA NYC Transit (known as the NYC Transit Authority), which operates NYC's subway systems, the Staten Island Railway, NYC buses, and paratransit service within NYC; MTA Bus, which operates local, express and Select Bus Service routes in the Bronx, Brooklyn and Queens; MTA Long Island Rail Road (LIRR), which operates the largest commuter railroad in America, extending from three major NYC terminals-Penn Station, Flatbush Avenue and Hunterspoint Avenue- through a transfer hub at Jamaica, Queens to the east end of Long Island; and MTA Metro-North Railroad, which operates the second largest commuter railroad in the nation, with main lines-the Hudson, Harlem and New Haven-running northward out of Grand Central Terminal into the suburbs of New York and Connecticut; and

Whereas, For decades, the MTA has served billions of people by providing a variety of transit options, however, since the COVID-19 pandemic, and the resulting need for social distancing and remote work, ridership on MTA's systems has dramatically decreased; and

Whereas, According to the MTA's Day-By-Day Ridership Numbers, as of August 5, 2020: total estimated subway ridership was 1,335,725, a 75.7% decrease from 2019's Weekday/Saturday/Sunday Average (2019's Average); total estimated bus ridership was 1,296,100, a 40% decrease from 2019's Average; total estimated LIRR ridership was 58,000, a 81% decrease from 2019's Average; total estimated Metro-North Railroad ridership was 36,900, a 86% decrease from 2019's Average; and total estimated Access-A-Ride ridership was 18,299, a 36.1% decrease from 2019's Average; and

Whereas, To accommodate the decreases in ridership, the MTA modified its transit schedule during the first months of the pandemic, including a historic change to close the NYC subway system overnight, beginning May 6, 2020, from one a.m. to five a.m. in order to thoroughly clean and disinfect it, which had never occurred before in the system's history; and

Whereas, The MTA's transit systems provide essential transportation to millions of people, including those that lack the ability to utilize other means of transportation, so it is vital, especially for workers who utilize late-night transit services to get to and from work, that once the worst impacts of COVID-19 have subsided and the declared state of emergency in New York has been lifted, that daily, twenty-four hour transit service is restored; and

Whereas, S.8328, sponsored by New York State Senator Brad Hoylman, and A.10445, sponsored by New York State Assemblymember Robert Carroll, would require the New York city transit systems to provide twenty-four hour service on its transit systems unless a declared state of emergency is in effect; and

Whereas, The legislation would ensure that the COVID-19 pandemic does not leave an irreparable mark on the city, and that, in its recovery and beyond, NYC continues to move towards having a more equitable and connected transit system; 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.8328/A.10445, requiring the New York city transit systems to provide twenty-four hour service unless a declared state of emergency is in effect.

Referred to the Committee on Transportation.

Int. No. 2071

By Council Members Cabrera, Kallos and Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to the regulation of non-tobacco smoking products and the operation of non-tobacco hookah establishments

Be it enacted by the Council as follows:

Section 1. Subdivision aaa of section 17-502 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended to read as follows:

aaa. “[Non-tobacco] *Class A non-tobacco hookah establishment*” means an establishment that, as of the date of enactment of the local law that added this subdivision, generated fifty percent or more of its total annual gross sales during the preceding calendar year from the on-site sale of non-tobacco smoking products, and that has a permit issued by the department pursuant to section 17-513.5.

§ 2. Section 17-502 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended by adding a new subdivision bbb to read as follows:

bbb. “*Class B non-tobacco hookah establishment*” means an establishment that generates less than fifty percent of its total annual gross sales during the preceding calendar year from the on-site sale of non-tobacco smoking products, and that has a permit issued by the department pursuant to section 17-513.5.

§ 3. Subdivision d of section 17-513.1 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended to read as follows:

d. Any entity that in good faith believes itself to be a *class A non-tobacco hookah establishment* shall have 180 days from the effective date of the local law that added this subdivision to apply to the department for a permit as a *class A non-tobacco hookah establishment*. No permit application shall be approved by the department for any entity that fails to meet any requirement for a permit contained in subdivision g of section 17-513.5. During the period of time from the effective date of the local law that added this subdivision until the expiration of 180 days, no provision of the local law that added this subdivision, except for the provisions of this section, shall apply to such entity.

§ 4. Section 17-513.5 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended to read as follows:

§ 17-513.5 Non-tobacco hookah establishments.

a. It shall be unlawful for a person to operate a *class A or class B non-tobacco hookah establishment* without a permit from the department.

b. 1. A permit issued to a *class A non-tobacco hookah establishment* pursuant to this section shall be valid for one year.

2. A permit issued to a *class B non-tobacco hookah establishment* pursuant to this section shall be valid for two years.

c. 1. A permit issued to a *class A non-tobacco hookah establishment* pursuant to this section is not assignable or transferrable.

2. A permit issued to a *class B non-tobacco hookah establishment* pursuant to this section is assignable or transferrable where a new owner of such establishment notifies the department within five business days and receives approval for such assignment or transfer.

d. 1. Where any person becomes the beneficial owner of 10 percent or more of the stock of [an organization] a *class A non-tobacco hookah establishment* to which a permit has been granted pursuant to this section, if such person previously did not hold at least a 10 percent interest, such permit shall immediately become void.

2. Where any person becomes the beneficial owner of 25 percent or more of the stock of a *class B non-tobacco hookah establishment* to which a permit has been granted pursuant to this section, if such person previously did not hold at least a 25 percent interest, such owner shall notify the department within five business days.

e. 1. Any permit issued pursuant to this section shall immediately become void upon the addition or termination of any general partner or upon the dissolution of a partnership that owns a class A non-tobacco hookah establishment.

2. Upon the addition or termination of any general partner or upon the dissolution of a partnership that owns a *class B non-tobacco hookah establishment*, the department shall review any permit for compliance with the requirements of this section. The department may rescind a permit based upon the findings of such review.

f. The department may charge a fee of \$25 for a permit issued pursuant to this section.

g. To obtain and renew a permit issued pursuant to this section for a *class A or class B* non-tobacco hookah establishment, a person shall demonstrate that:

1. [such] *Such class A* non-tobacco hookah establishment: (a) generated 50 percent or more of its total annual gross sales during the preceding calendar year from the on-site sale of non-tobacco smoking products; and

[2. such non-tobacco hookah establishment] (b) has been operating as a non-tobacco hookah establishment since at least the date of enactment of the local law that created this section, and has not expanded its size or changed its location on or after the date of enactment of the local law that added this section;

2. *Such class B non-tobacco hookah establishment generated less than 50 percent of its total annual gross sales during the preceding calendar year from the on-site sale of non-tobacco smoking products;*

3. [such] *Such class A or class B* non-tobacco hookah establishment has not been found to have served shisha containing tobacco or nicotine, in violation of subdivision a of section 17-508 or subdivision 1 of section 1399-s of the public health law, after the effective date of the local law that added this section;

4. [such] *Such class A or class B* non-tobacco hookah establishment does not owe a civil penalty for a violation of any provision of this chapter or of chapter 7 of title 17; and

5. [the] *The* permit of such *class A or class B* non-tobacco hookah establishment issued pursuant to this section has not been revoked pursuant to subdivision l of section 17-508 or subdivision b of section 17-716.

§ 5. Subdivision b of section 17-716 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended to read as follows:

b. Any person who violates subdivision a of section 17-719 shall be liable for a civil penalty of two hundred dollars for the first violation, and not more than two hundred dollars for each additional violation found on the same day; and five hundred dollars for the second violation and each subsequent violation at the same place of business. A proceeding to recover any such civil penalty shall be commenced by the service of a notice of violation returnable to the office of administrative trials and hearings or any tribunal established within any agency of the city designated to conduct such proceedings. When a person has been found to be in violation of subdivision a of section 17-719 on [two] *three* or more occasions at a *class A or class B* non-tobacco hookah establishment, the commissioner shall revoke the *class A or class B* non-tobacco hookah establishment permit issued to such person pursuant to section 17-513.5.

§ 6. Section 17-719 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended to read as follows:

§ 17-719 Requirements relating to non-tobacco hookah establishments.

a. 1. It shall be unlawful for a person to permit an individual under 21 years of age to enter a *class A* non-tobacco hookah establishment during operating hours. Entry into such *class A* non-tobacco hookah establishment shall be permitted only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least 21 years of age. Such identification need not be required of any individual who reasonably appears to be at least 30 years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the granting of permission to enter such [an] *class A* establishment to an individual under 21 years of age.

2. *It shall be unlawful for a person to permit an individual under 21 years of age to enter a class B non-tobacco hookah establishment during the operating hours when non-tobacco shisha is available for consumption or sale as described in subdivision c of this section. Entry into such class B non-tobacco hookah establishment during such operating hours shall be permitted only to an individual who demonstrates, through a driver's license or other photographic identification card issued by a government entity or educational institution, that the individual is at least 21 years of age. Such identification need not be required of any individual who reasonably appears to be at least 30 years of age, provided, however, that such appearance shall not constitute a defense in any proceeding alleging the granting of permission to enter such class B establishment to an individual under 21 years of age.*

b. [Non-tobacco] *All class A and class B non-tobacco* hookah establishments, as defined in section 17-502, shall clean and sanitize the interior of the bowl, stem, hose, base, and any other part of paraphernalia provided to customers for smoking non-tobacco smoking products, as defined in section 17-502, in accordance with rules promulgated by the department.

c. It shall be unlawful for a class B non-tobacco hookah establishment to allow the purchase or consumption of non-tobacco shisha on the premises of such establishment before 10:00 p.m. or after 4:00 a.m.

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

Referred to the Committee on Health.

Int. No. 2072

By Council Members Constantinides, Kallos, Chin, Rosenthal, Louis, Rivera and Barron.

A Local Law to amend the administrative code of the city of New York in relation to greenhouse gas emissions reduction methods and outreach and education

Be it enacted by the Council as follows:

Section 1. Section 28-320.3.7 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to read as follows:

§ 28-320.3.7 Reports required to be filed by owner. By May 1, 2025, and by May 1 of every year thereafter, the owner of a covered building shall file with the department a report, certified by a registered design professional, prepared in a form and manner and containing such information as specified in rules of the department, that for the previous calendar year such building is either:

1. In compliance with the applicable building emissions limit established pursuant to section 28-320.3; or
2. Not in compliance with such applicable building emissions limit, along with the amount by which such building exceeds such limit.

§ 28-320.3.7.1 Extension of time to file report. An owner may apply for an extension of time to file an annual report required by section 28-320.3.7 in accordance with this section and the rules of the department. An extension may be granted where the owner is unable to file the certified report by the scheduled due date despite such owner's good faith efforts, as documented in such application. An extension granted pursuant to this section shall not modify the owner's obligation to comply with the applicable emission limits for such calendar year.

§ 28-320.3.7.2 Reporting on compliance by the department. *By November 1, 2025 and November 1 of every year thereafter, the office of building energy and emissions performance shall submit a report to the mayor and the speaker of the city council regarding compliance with this section, including, but not limited to:*

1. *Methods used by buildings to meet the emissions limits established where such buildings were previously not in compliance, including retrofitting the building and purchasing clean energy, disaggregated by method and further disaggregated by number of buildings; and*
2. *The total number of buildings in each occupancy group and the number of buildings in compliance with emissions limits, disaggregated by occupancy group.*

§ 2. Section 28-320.5 of the administrative code of the city of New York, as added by local law number 97 for the year 2019, is amended to add a new section 28-320.5.1 to read as follows:

§ 28-320.5 Outreach and education. The office of building energy and emissions performance shall establish and engage in outreach and education efforts to inform building owners about building emissions limits, building

emissions intensity limits and compliance with this article. The materials developed for such outreach and education shall be made available on the office's website. Such outreach shall include a list of city, state, federal, private and utility incentive programs related to energy reduction or renewable energy for which buildings reasonably could be eligible. The office of building energy and emissions performance shall also provide outreach, education, and training opportunities for buildings' maintenance and operations staff.

§ 28-320.5.1. Reporting on outreach and education. The office of building energy and emissions performance shall submit a report to the mayor and the speaker of the council by February 1, 2021 and by February 1 in every year thereafter, detailing all outreach and education made available to building owners, building maintenance and operations staff, building tenants and the public including, but not limited to information provided about incentive programs and other sources of funding. Such report shall also include the number of staff members working at the office of building energy and emissions performance.

§ 3. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 2073

By Council Members Constantinides, Kallos and Adams.

A Local Law to amend the administrative code of the city of New York, in relation to pedestrian crossing guidelines and right of way

Be it enacted by the Council as follows:

Section 1. Section 19-195 of the administrative code of the city of New York is amended to read as follows

§19-195 Pedestrian *crossings and* control signals

a. When pedestrian control signals are in operation, exhibiting symbols of a walking person, upraised hand, or upraised hand with a pedestrian countdown display, or any other internationally recognized representation concerning the movement of pedestrians, such signals shall indicate as follows:

1. Steady walking person. Pedestrians facing such signal may proceed across the roadway in the direction of such signal, and other traffic shall yield the right of way to such pedestrians.

2. Flashing upraised hand or flashing upraised hand with pedestrian countdown display. Pedestrians facing such signal are advised that there may be insufficient time to cross the roadway. Pedestrians already in the roadway [shall] *are advised to* proceed to the nearest sidewalk or safety island in the direction of such signal. Other traffic shall yield the right of way to pedestrians proceeding across the roadway within the crosswalk towards such signal for as long as such signal remains flashing.

3. Steady upraised hand.[No pedestrians shall start to cross the roadway in the direction of such signal] *Pedestrians facing such a signal are advised that vehicle traffic has the right of way and pedestrians entering the roadway while this signal is displayed will be at risk of injury due to vehicle traffic;* provided, however that any pedestrians who have partially completed their crossing on a steady walking person signal or any flashing upraised hand signal [shall] *are advised to* proceed to the nearest sidewalk or safety island in the direction of such signal while such steady upraised hand signal is showing.

b. *Pedestrians may cross any roadway at any point other than within a marked or unmarked crosswalk provided that pedestrians are advised to yield the right of way to all vehicles upon the roadway.*

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

Referred to the Committee on Transportation.

Int. No. 2074

By Council Members Dromm and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to construction noise on holidays

Be it enacted by the Council as follows:

Section 1. Section 24-222 of the administrative code of the city of New York is amended to read as follows:

§ 24-222 After hours and weekend limits on construction work. Except as otherwise provided in this subchapter, it shall be unlawful to engage in or to cause or permit any person to engage in construction work other than on weekdays between the hours of 7 a.m. and 6 p.m., *provided that such weekday is not also a holiday on which alternate side of the street parking rules are suspended pursuant to section 19-163.* A person may however perform construction work in connection with the alteration or repair of an existing one or two family owner-occupied dwelling classified in occupancy group J-3 or a convent or rectory on Saturdays, [and] Sundays *and a weekday that is also a holiday on which alternate side of the street parking rules are suspended pursuant to section 19-163* between the hours of 10 a.m. and 4 p.m. provided that such dwelling is located more than 300 feet from a house of worship.

§ 2. This local law takes effect immediately.

Referred to the Committee on Environmental Protection.

Int. No. 2075

By Council Members Eugene, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to providing public school students with mobile hotspot devices

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new title 34 to read as follows:

Title 34: Department of Information Technology and Telecommunications

Chapter 1: General Provisions

§ 34-101 *Definitions. As used in this title, the following terms have the following meanings:*

Commissioner. The term “commissioner” means the commissioner of information technology and telecommunications.

Department. The term “department” means the department of information technology and telecommunications.

Mobile hotspot device. The term “mobile hotspot device” means an ad hoc wireless access point that is created by a dedicated hardware device.

Student. The term “student” means any pupil under the age of 21 as of September first of the academic period being reported, who does not have a high school diploma and who is enrolled in a district school within the city district, not including pre-kindergarten students.

§ 34-102 *Mobile hotspot devices. In consultation with the department of education and any other agency the commissioner deems necessary, the department shall provide every student with a mobile hotspot device. Such distribution shall be subject to terms and conditions as determined by the commissioner in consultation with the department of education.*

Chapter 2: Reporting

§ 34-201. *Reporting on mobile hotspot devices. a. On or before December 1, 2021, and annually thereafter, the department shall submit to the mayor and speaker of the council and post on the department's website a mobile hotspot device report reflecting information from September 1 of the year in which the report is issued, which shall include, but not be limited to, the following:*

1. *The number of mobile hotspot devices in the custody of the department and the date on which the count was conducted;*
2. *The number and total cost of new mobile hotspot devices purchased by the department since the date of the last report submitted pursuant to this section. The department shall also list the reasons for the purchase of new mobile hotspot devices;*
3. *The number of mobile hotspot devices no longer in the custody of the department since the date of the last report submitted pursuant to this subdivision and the reason for such loss of custody;*
4. *The number of mobile hotspot devices loaned to the department of education; and*
5. *The annual cost to the department to maintain an inventory of mobile hotspot devices. Such cost shall be further disaggregated by repair cost and general maintenance cost.*

b. On August 1, 2022, and annually thereafter, the department shall submit to the mayor and speaker of the council and post on the department's website a mobile hotspot device report which shall include, but not be limited to, the following:

1. *The number of mobile hotspot devices in the custody of the department and the date on which the count was conducted; and*
2. *The number of mobile hotspot devices returned by the department of education since the end of the academic year in the year which the report required pursuant to this subdivision is issued. If such number differs from the number in paragraph 4 of the report required pursuant to subdivision a of this section, a detailed explanation of why the numbers differ.*

c. The reports required pursuant to this section shall be archived for three years on the department's website and shall remain publicly available.

Chapter 3: Rules

§ 34-301. *The commissioner may promulgate rules for the implementation of this title.*

§ 2. This law takes effect 180 days after it becomes law.

Referred to the Committee on Technology.

Int. No. 2076

By Council Members Eugene, Rivera and Chin.

A Local Law in relation to requiring the commissioner of buildings to recommend updates to the construction codes to facilitate the conversion of buildings into temporary hospitals in the event of a pandemic or other public health emergency

Be it enacted by the Council as follows:

Section 1. No later than 180 days after the effective date of this local law, the commissioner of buildings shall submit to the city council proposed amendments that the commissioner of buildings determines should be made to the New York city construction codes to facilitate the use of buildings in the city as temporary hospitals during the prevalence of a pandemic, epidemic or other public health emergency. The commissioner of buildings

shall collaborate with the commissioner of health and mental hygiene, and may collaborate with any other person with relevant expertise, to develop such proposed amendments.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1416

Resolution calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

By Council Members Eugene and Kallos.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, and by mid-June 2020, there were more than eight million cases reported across the world, with more than 400,000 deaths linked to the disease; and

Whereas, At the same time, the United States (U.S.) continues to lead in the number of confirmed COVID-19 cases worldwide, with more than two million positive cases and 116,000 deaths; and

Whereas, Many countries are struggling to deal with the ever-evolving COVID-19 pandemic, so much so that the United States Department of State has issued a global “Level 4 – Do Not Travel” warning, as of March 31, 2020, recommending that all U.S. citizens avoid all international travel due to the virus; and

Whereas, The possibility of disease transmission remains as the U.S. Department of Homeland Security (DHS) continues to conduct international deportations; and

Whereas, Deportees pose a risk to both the U.S. and the countries receiving them, many of which are ill-equipped to handle large-scale COVID-19 outbreaks; and

Whereas, In the case of detained individuals, U.S. Immigration and Customs Enforcement (ICE) facilities have been rife with COVID-19 clusters, raising the risk that if detained individuals are deported, they could infect individuals in their countries of origin; and

Whereas, In standards governing detention facilities, the U.S. Center for Disease Control (CDC) has advised that transfers should be restricted unless absolutely necessary, as transfers of detained individuals risk spreading the virus; and

Whereas, Against CDC standards, DHS has transferred and deported thousands of people in its custody to their countries of origin since the onset of the pandemic; and

Whereas, As part of its removal procedure, ICE conducts a “visual screening consistent with its own guidance,” and checks body temperatures prior to boarding airplanes, which are insufficient protocols for determining if a person is infected with SAR-CoV-2; and

Whereas, International advocates including Amnesty International have called on DHS Acting Secretary Chad Wolf to halt deportations for domestic and international public health; and

Whereas, One in five COVID-19 cases in Guatemala were individuals recently deported from the United States, by the end of April; and

Whereas, By mid-June, individuals deported to at least five different countries have tested positive for COVID-19 following removal proceedings; and

Whereas, Simultaneously, the Trump administration has coerced countries to assist in the United States’ immigration policy by accepting deportees at the risk of visa denials and access to ventilators; and

Whereas, Nationally, 24,713 detained individuals remain in ICE custody, and in the New York City-area, there have been over 6,000 new removal orders filed in immigration courts in 2020 alone, with a backlog of immigration court cases well over 102,000; and

Whereas, While more than 100 detained individuals in New York City-area ICE facilities have been released on case-by-case basis, ICE continues to deport individuals contravening expert guidance, putting immigrant New Yorkers at risk of infection, and risking further transmissions internationally; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

Referred to the Committee on Immigration.

Res. No. 1417

Resolution calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.

By Council Members Eugene, Kallos and Chin.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019; by August 2020, there were more than 22 million cases reported across the world and more than 780,000 deaths linked to the disease; and

Whereas, In New York City, there were more than 227,000 confirmed cases of COVID-19 and more than 19,000 confirmed deaths from the disease by August 2020; and

Whereas, In order to help slow the spread of the virus, New York Governor Cuomo signed the New York State on PAUSE executive order that, amongst other things, closed all non-essential businesses effective March 22, 2020; and

Whereas, Early assessments of the devastating economic impact of the pandemic estimate that New York City may lose as many as 1.2 million jobs, including 27 percent of all private sector and independent contractor jobs; and

Whereas, Foreign-born New Yorkers are particularly vulnerable to job loss during the pandemic: while 49 percent of all private sector jobs were held by foreign-born workers, foreign-born workers account for 54 percent of those who lost jobs; and

Whereas, In 2019, the U.S. issued 8.7 million non-immigrant visas, which include employment-based visas; and

Whereas, Employment-based visas are issued under specific criteria including listing the employer, and require recipients to re-apply should circumstances warrant any changes of employment; and

Whereas, Washington D.C.-based think tank, Niskanen Center, estimates that as many as 250,000 foreign-born workers on temporary visas seeking green cards could have fallen out of lawful status by June 2020; and

Whereas, With widespread layoffs and staff furloughs, hundreds of thousands of foreign-born individuals who were formerly active members of the U.S. workforce, could find themselves losing lawful work authorization and resident status; and

Whereas, The Trump Administration has already issued two different actions to limit access to employment-based visas during the pandemic, through Presidential Proclamations on April 22, 2020 and on June 22, 2020; and

Whereas, These actions have been met by harsh criticism from multiple sectors, including the technological industry, and have already led to the separation of families, including at least 1,000 Indian nonimmigrant work-related based visas; and

Whereas, The Trump Administration has continued to prioritize the deportation of foreign-born nationals, unhindered by the pandemic; and

Whereas, The foreign-born workforce is critical to the economic recovery in the U.S. broadly, but especially in the New York City, where 65.5 percent of the City's foreign-born residents participate in the labor force; and

Whereas, It is imperative that a moratorium on removal proceedings be put into effect for individuals who retained lawful status tied to their employer up until the start of COVID-19 pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls on United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.

Referred to the Committee on Immigration.

Res. No. 1418

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.

By Council Members Eugene, Kallos and Chin.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, by August 2020, there were more than 22 million cases reported across the world and more than 780,000 deaths linked to the disease; and

Whereas, In New York City, there were more than 227,000 confirmed cases of COVID-19 and more than 19,000 confirmed deaths from the disease by August 2020; and

Whereas, In order to help slow the spread of the virus, New York Governor Cuomo signed the New York State on PAUSE executive order that, amongst other things, closed all non-essential businesses effective March 22, 2020; and

Whereas, Early assessments of the pandemic's devastating economic impact estimate that New York City may lose as many as 1.2 million jobs, including 27 percent of all private sector and independent contractor jobs; and

Whereas, Nationally, foreign-born individuals account for 17 percent of the national workforce, but a larger share (19 percent) of the coronavirus-response frontline occupations, or six million individuals across essential industries such as: healthcare (17 percent foreign-born), essential retail and wholesale (18 percent foreign-born), manufacturing (26 percent foreign-born), agriculture, forestry, fishing and hunting (27 percent foreign-born), transportation (34 percent foreign-born), and scientific research and development (22 percent foreign-born); and

Whereas, Nationally, a disproportionate share of foreign-born individuals, one-in-five, are employed in industries facing major lay-offs as compared to 17 percent of their U.S.-born counterparts; and

Whereas, In New York, the foreign-born share of the health care workforce (37 percent) is twice the national average, with high rates of foreign-born registered nurses (29 percent), and the highest share of home health aides (75 percent); and

Whereas, Hardest-hit industries with over-representation of a foreign-born workforce includes accommodations and food services (22 percent foreign-born), personal Services and private households (30 percent foreign-born), and Building Services (38 percent foreign-born), among others; and

Whereas, Foreign-born workers have lower incomes and larger families, on average, than their U.S.-born counterparts working in the same industries, with half the rate of health insurance; and

Whereas, Foreign-born New Yorkers who have not become naturalized citizens have significantly lower median earnings, less than \$30,000, as compared to \$48,000 for U.S.-born New Yorkers; and

Whereas, Foreign-born individuals experienced greater increased in unemployment in the first months of the pandemic than U.S.-born workers, with Latinos experiencing the highest rates of unemployment; and

Whereas, In 2019, the U.S. issued 8.7 million non-immigrant visas, which include employment-based visas; and

Whereas, Employment-based visas are issued under very specific criteria including listing the employer, and require recipient to re-apply should circumstances warrant any changes of employment; and

Whereas, Washington D.C.-based think tank, Niskanen Center, estimates that as many as 250,000 foreign-born workers on temporary visas seeking green cards could have fallen out of lawful status by June 2020; and

Whereas, With widespread layoffs and staff furloughs, hundreds of thousands of foreign-born individuals, formerly active members of the U.S. workforce, could find themselves losing lawful work authorization and resident status; and

Whereas, The Trump Administration has already issued two different actions to limit access to employment-based visas during the pandemic, through Presidential Proclamations on April 22, 2020 and on June 22, 2020 and

Whereas, These actions have been met by harsh criticism from multiple sectors, including the technological industry, and have already led to the separation of families, including at least 1,000 Indian nonimmigrant work-related based visas; and

Whereas, New York City, once considered the epicenter of the global pandemic, has long championed the rights of its immigrant residents, currently more than 3 million strong; and

Whereas, The City's economic recovery will not be possible without full participation of all New Yorkers, and most especially its foreign-born workforce; and

Whereas, In order to maintain the strength of the City's foreign-born workforce, the federal government must create a solution to provide temporary work and residency authorization for foreign-born individuals who have been laid off or furloughed due to the COVID-19 pandemic; 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 that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.

Referred to the Committee on Immigration.

Int. No. 2077

By Council Members Holden, Yeger and Adams

A Local Law to amend the administrative code of the city of New York, in relation to the number of steps to submit service requests or complaints on the 311 website and mobile application

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 23-305 to read as follows:

§ 23-305 Service requests or complaints. Any website or mobile device application used by the 311 customer service center for the intake of service requests or complaints from the public shall allow the direct submission of such request or complaint by a member of the public with no more than four steps to input such request or complaint.

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

Referred to the Committee on Technology.

Int. No. 2078

By Council Members Lancman, Kallos and Chin

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of correction from recording privileged communications

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-161 to read as follows:

§ 9-161 Prohibition on recording privileged communications. The department shall not record or copy any written, audio, or visual communications, including telephone calls, email messages, letters, video conference meetings, and in-person meetings, between an incarcerated individual and a privileged individual. For the purposes of this section, the term “privileged individual” means any person who, as a result of their relationship with an incarcerated individual, is entitled to confidential communication under Article 45 of the Civil Practice Law & Rules.

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 2079

By Council Member Lancman

A Local Law to amend the New York city charter, in relation to creating a board of juvenile detention

Be it enacted by the Council as follows:

Section 1. Chapter 24-b of the New York city charter is amended by adding a new section 620 to read as follows:

§ 620. Board of juvenile detention. a. There shall be a city board of juvenile detention to consist of nine members. Members shall be appointed for a term of six years. Vacancies shall be filled for the remainder of the unexpired term. Three members shall be appointed by the mayor, three by the council, and three by the mayor on the nomination jointly by the presiding justices of the appellate division of the supreme court for the first and second judicial departments. Members of the board may be reimbursed for expenses incurred in the performance of their duties. The chairperson of the board shall be designated from time to time by the mayor from among its members. Members of the board may be removed by the mayor for cause and after a hearing at which they shall be entitled to representation by counsel. Any member whose term expires or who leaves the board for any reason shall have their position filled by the entity by whom they were appointed.

b. The board shall adopt rules to govern its own proceedings. The board may appoint an executive director to serve at its pleasure with such duties and responsibilities as the board may assign, and other professional, clerical, and support personnel within appropriations for such purpose. The commissioner shall designate such of the agency's stenographic, clerical and other assistance to the board as may be necessary for the proper performance of its functions. The commissioner may attend meetings of the board but shall not be a member of it.

c. The board, or by written designation of the board, any member of it, the executive director, or other employee, shall have the following powers and duties regarding the agency's juvenile detention facilities and operations:

- 1. The inspection and visitation at any time of all institutions and facilities;*
- 2. The inspection of all books, records, documents, and papers;*

3. *The preparation for submission to the mayor, the council, and the commissioner of proposals for capital planning and improvements; studies and reports concerned with the development of the agency's juvenile detentional program planning; and studies and reports in regard to methods of promoting closer cooperation of custodial, probation, and parole agencies of government and the courts; and*

4. *The evaluation of agency performance.*

d. The board, annually and at such other times as it may determine, shall submit to the mayor, the council, and the commissioner reports, findings and recommendations in regard to the matters within its jurisdiction.

e. The board shall establish minimum standards for the care, custody, juvenile detention, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of the agency; and it shall promulgate such minimum standards in rules and regulations after giving the mayor and commissioner an opportunity to review and comment on the proposed standards, or amendments or additions to such standards.

f. The board shall establish procedures for the hearing of grievances, complaints or requests for assistance (1) by or on behalf of any person held or confined under the jurisdiction of the agency or (2) by any employee of the agency. The board, or by written designation, a member of the board or the executive director, may conduct hearings, or study or investigate any matter within the jurisdiction of the agency, and the board may make recommendations and submit reports of its findings to the appropriate authorities.

g. Within the scope of its authority pursuant to this section, the board may compel the attendance of witnesses, require the production of books, accounts, papers and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. The board may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority pursuant to this section.

§ 2. This local law shall take effect 6 months following its ratification by the voters of New York city in a referendum to be held in the general election next following its enactment.

Referred to the Committee on Criminal Justice.

Preconsidered Int. No. 2080

By Council Members Levin, Kallos, Adams, Yeger, Rosenthal and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to online access to rental assistance program status

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-144 to read as follows:

§ 21-144 *Online access to rental assistance program status. a. Definitions. For purposes of this section, the term "rental assistance" means the rental assistance program established in chapter 10 of title 68 of the rules of the city of New York.*

b. Online access. Within 180 days of the effective date of this section, the commissioner shall make the status of a rental assistance application or renewal request, made on or after the effective date of this section, available on the department's website to the applicant or requester.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare (preconsidered but laid over by the Committee on General Welfare).

Int. No. 2081

By Council Members Moya, Kallos, Yeger and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to enhancing the application for and the transparency of the one-shot deal program

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-144 to read as follows:

§ 21-144 *One-shot deal program. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

ACCESS HRA. The term "ACCESS HRA" means the website and mobile app in which individuals obtain information on and apply for HRA benefits, and HRA clients obtain HRA benefits case information.

COVID-19. The term "COVID-19" means the 2019 novel coronavirus or 2019-nCoV.

HRA. The term "HRA" means the human resources administration.

Job center. The term "job center" has the meaning ascribed to such term in section 21-139.

One-shot deal. The term "one-shot deal" means a one-time grant of financial assistance that HRA provides to households to pay expenses resulting from an emergency in which HRA or the state of New York determines eligibility.

One-shot deal rental arrears grant. The term "one-shot deal rental arrears grant" means the one-shot deal that HRA provides to a household to pay rental arrears.

b. Publication of one-shot deal rental arrears grant information. No more than 30 days after the effective date of the local law that added this section, the commissioner shall post in the rental assistance section of the HRA website, and update, as appropriate, information on the one-shot deal rental arrears grant. Such information shall include, but need not be limited to, eligibility requirements, the application process, required documentation and administration updates.

c. Updated one-shot deal application. No more than 150 days after the effective date of the local law that added this section, the commissioner shall update the one-shot deal application to help applicants provide the necessary information and communicate the need for a one-shot deal, as follows:

1. Amend the HRA W-137A form to instruct the applicant to apply for cash assistance, if the applicant is applying for a one-shot deal rental arrears grant;

2. Require the applicant to complete such amended HRA W-137A form, if the applicant is completing a paper one-shot deal application; and

3. Incorporate such amended HRA W-137A form into the ACCESS HRA application.

d. Administration of one-shot deals during COVID-19. No more than 30 days after the effective date of the local law that added this section, and until HRA reopens the job centers it temporarily closed due to COVID-19, the commissioner shall do the following to facilitate the administration of one-shot deals during COVID-19:

1. Create a phone number for individuals to call to obtain information on one-shot deals, which shall have an appropriate number of HRA staff and translation services and be posted, including, but not limited to, on the section of the HRA website required by subdivision b;

2. Require HRA staff to conduct two callbacks to an applicant who filed a one-shot deal application, in which staff leave a voicemail message that provides their contact information or the one-shot deal phone number required by this subdivision, if an applicant does not answer the callback;

3. Create designated weekly hours at each open job center for individuals that the United States centers for disease control and prevention identifies to be at increased risk for severe illness from COVID-19; and

4. Enhance the opportunities for seniors, individuals with disabilities, individuals who lack technology and individuals who lack familiarity with technology, to apply for one-shot deals outside of the ACCESS HRA application. Such enhancement shall include, but need not be limited to, creating community locations outside of the open job centers for such individuals to apply, having sufficient HRA staff to help such individuals apply on the telephone or mailing such individuals a paper application with a self-addressed stamped envelope.

e. Outreach on one-shot deals during COVID-19. Beginning no more than 30 days after the effective date

of the local law that added this section, and until HRA reopens the job centers it temporarily closed due to COVID-19, the commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert potential and current one-shot deal applicants to changes in administration as a result of COVID-19. Such outreach shall include, but need not be limited to, the following:

- 1. Posting information on relevant government websites, including, but not limited to, the one-shot deal section on the HRA website required by subdivision b;*
- 2. Posting information in public spaces; and*
- 3. Conducting mailings to individuals receiving HRA benefits, including, but not limited to, electronic or paper mailings.*

f. Reporting on one-shot deals. No later than 30 days after the effective date of the local law that added this section, and monthly thereafter, the commissioner shall submit a report to the mayor and the speaker of the council on the administration and utilization of one-shot deals, which the commissioner shall post on the HRA website. The report shall include the following:

- 1. The number and percentage of applications for one-shot deals, by the location where the application was filed and the type of one-shot deal, which shall include, but need not be limited to, rental arrears and utilities;*
- 2. Data on the callbacks to applicants who apply for one-shot deals, which shall include, but need not be limited to, the number and percentage of applicants who were called back once, the number and percentage of applicants who were called back twice and the number and percentage of applicants who called HRA in response to a callback;*
- 3. The number and percentage of applications for one-shot deals that did and did not result in a one-shot deal, by the location where the application was filed and the type of one-shot deal, which shall include, but need not be limited to, rental arrears and utilities; and*
- 4. The number and percentage of recipients of one-shot deals, by the location where the application was filed and the type of one-shot deal, which shall include, but need not be limited to, rental arrears and utilities.*

§ 3. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Res. No. 1419

Resolution calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

By Council Members Moya, Kallos, Yeger, Chin and Adams.

Whereas, SARS-CoV-2 is the virus responsible for causing the new infectious disease known as COVID-19; and

Whereas, The first cases of humans infected with COVID-19 were identified in December 2019, and by mid-August 2020, there were more than 22 million cases reported across the world and more than 780,000 deaths linked to the disease; and

Whereas, In New York City, there were more than 227,000 confirmed cases of COVID-19 and more than 19,000 confirmed deaths from the disease by August 2020; and

Whereas, Nationally, foreign-born individuals account for a larger share of essential workers, including 17 percent of the healthcare workforce; and

Whereas, In New York, the foreign-born share of the healthcare workforce is more than twice the national average, with high rates of foreign-born registered nurses, and the highest share of home health aides; and

Whereas, New York City's Mayor's Office of Immigrant Affairs estimates that more than 47 percent of hospital medical staff and more than 79 percent of home health aides are foreign-born, across the five boroughs; and

Whereas, A large proportion of foreign-born frontline workers in the healthcare profession are present in the United States on nonimmigrant visas; and

Whereas, Employment-based nonimmigrant visas are restrictive and must specify an employer and location of employment, requiring individuals to re-apply should circumstances warrant any changes of employment; and

Whereas, Certain nuclear family members may derive visas from a primary nonimmigrant visa-holder, but if this primary visa-holder passes away then all family members on derived visas must return to their countries of origin; and

Whereas, In many cases, families on such visas have established lives in the United States, with employment, schooling, and connections to local communities that make it very difficult to uproot and return to their countries of origin; and

Whereas, This is additionally difficult for children who may no memory of their birthplace or may be U.S.-born citizens themselves; and

Whereas, In May, the United States House of Representatives passed the HEROES Act (H.R. 6800) sponsored by U.S. Representative Nita Lowey (D-NY), which, among other things, provided specific immigration relief to surviving family members of frontline healthcare workers who passed away as a result of contracting COVID-19; and

Whereas, Congressional action on this specific provision is desperately needed as families are already fighting their pending deportations, brought about by fatal SARS-CoV-2 infections; and

Whereas, In August, ProPublica highlighted significant under-reporting of COVID-19 related deaths within the healthcare profession by New York State, the U.S. Center for Disease Control and the U.S. Occupational Safety and Health Administration, among other entities; and

Whereas, As a result, it is difficult to estimate the number of healthcare professionals who have contracted fatal COVID-19 infections, despite higher levels of exposure; and

Whereas, The deaths of visa-sponsoring individuals is likely to put many immigrant New Yorkers at risk of losing their own immigration statuses and subjecting them to removal proceedings solely because their family members sacrificed their lives to help others during an unprecedented global pandemic; 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 that would provide immigration relief for the noncitizen family members who derive lawful status from a frontline worker who passed away due to COVID-19.

Referred to the Committee on Immigration.

Preconsidered Int. No. 2082

By Council Members Powers, Rosenthal, Kallos, Adams, Chin, Menchaca, Ayala, Barron, Louis, Rivera and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to the prohibition against discrimination in housing accommodations based on lawful source of income

Be it enacted by the Council as follows:

Section 1. Paragraph (o) of subdivision 5 of section 8-107 of the administrative code of the city of New York, as added by local law number 10 for the year 2008, is amended to read as follows:

(o) Applicability; lawful source of income. The provisions of this subdivision, as they relate to unlawful discriminatory practices on the basis of lawful source of income, shall [not] apply to housing accommodations that contain a total of [five or fewer] *three or more* housing units, provided, however:

(i) the provisions of this subdivision shall apply to *all* tenants subject to rent control laws who reside in housing accommodations [that contain a total of five or fewer units] at the time of the enactment of this local law; and provided, however

(ii) the provisions of this subdivision shall apply to all housing accommodations, regardless of the number of units contained in each, of any person who has the right to sell, rent or lease or approve the sale, rental or lease of at least one housing accommodation within New York City that contains [six] *three* or more housing units, constructed or to be constructed, or an interest therein[.]; *and provided, however*

(iii) *the provisions of this subdivision shall not apply to housing accommodations that contain a total of three housing units if the owner or any member of the owner's family resides in one such housing unit.*

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

Referred to the Committee on Civil and Human Rights (preconsidered but laid over by the Committee on Civil and Human Rights).

Preconsidered Int. No. 2083

By Council Members Rivera, the Speaker (Council Member Johnson), Kallos and Rosenthal.

A Local Law to amend the administrative code of the city of New York, in relation to extending temporary personal guaranty protection provisions for commercial tenants impacted by COVID-19

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of section 22-1005 of the administrative code of the city of New York, as added by local law number 55 for the year 2020, is amended to read as follows:

2. The default or other event causing such natural persons to become wholly or partially personally liable for such obligation occurred between March 7, 2020 and [September 30, 2020] *March 31, 2021*, inclusive.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business (preconsidered but laid over by the Committee on Small Business).

Int. No. 2084

By Council Members Rosenthal, Kallos, Yeger, Chin, Adams, Louis, Rivera, Brannan and Cumbo.

A Local Law to amend the administrative code of the city of New York, in relation to domestic violence related calls to 311

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 23-305 to read as follows:

§ 23-305 *Domestic violence related 311 calls. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Department. The term "department" means the department of information technology and telecommunications.

Domestic violence. The term "domestic violence" means any crime or violation, as defined in the penal law, alleged to have been committed by any family or household member against any member of the same family or household, as the term family or household member is defined in the social services law.

New York city domestic violence hotline. The term "New York city domestic violence hotline" means the hotline coordinated by the office to end domestic and gender based violence, to connect survivors of domestic violence and gender based violence with resources.

b. The department shall implement on its 311 citizen service center website, telephone and mobile device platforms a policy whereby complaints related to domestic violence are immediately transferred to the New York city domestic violence hotline.

c. The department shall also implement on its 311 citizen service center telephone platform the capability for callers to directly connect with the New York city domestic violence hotline from the menu.

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

Referred to the Committee on Women and Gender Equity.

Int. No. 2085

By Council Members Torres and Kallos.

A Local Law in relation to clearing the backlog of background investigations conducted by the department of investigation

Be it enacted by the Council as follows:

Section 1. Definitions. As used in this local law, the term “background investigation” means a background investigation conducted pursuant to executive order number 16 for the year 1978, as amended by executive order number 72 for the year 1984, as such executive order may be further amended.

§ 2. The commissioner of investigation shall ensure that as of January 1, 2023, no background investigation initiated prior to July 5, 2022 remains pending.

§ 3. No later than January 31, 2023, the commissioner of investigation shall submit to the mayor and the speaker of the council a report indicating the number of background investigations, if any, that were pending with the department of investigation for more than 180 days as of January 1, 2023.

§ 4. No later than January 31, 2021, the commissioner of investigation, in consultation with each city agency, shall develop and submit to the mayor and the speaker of the council a plan to reform the background investigation process to allow the department of investigation to complete at least a portion of each background investigation, including, at a minimum, a criminal records check, prior to the prospective employee’s start date.

§ 5. The commissioner of investigation shall audit each city agency to identify instances from the 2020 calendar year in which the agency either failed to notify the department of investigation of an appointment, promotion, or transfer of an individual requiring a background investigation or failed to provide the department of investigation with the documentation required to commence a background investigation within 30 days of such appointment, promotion, or transfer.

§ 6. No later than July 1, 2021, the commissioner of investigation shall submit to the mayor and the speaker of the council a report summarizing the findings of the audit performed pursuant to section five. Such report shall include a table in which each separate row references a unique city agency. Each row shall include the following information, as well as any additional information the commissioner of investigation deems appropriate, set forth in separate columns:

a. the number of unique instances identified in which the agency failed to notify the department of investigation of an appointment, promotion, or transfer of an individual requiring a background investigation; and

b. the number of unique instances identified in which the agency failed to provide the department of investigation with the documentation required to commence a background investigation within 30 days of an appointment, promotion, or transfer requiring a background investigation.

§ 7. This local law takes effect immediately.

Referred to the Committee on Oversight and Investigations.

Preconsidered Res. No. 1420

Resolution calling upon Consolidated Edison to increase resources dedicated to service restoration on a borough by borough basis and create a report of the most vulnerable utility infrastructure in each borough.

By Council Members Vallone, Holden and Adams.

Whereas, Consolidated Edison (Con Edison) has a monopoly over the distribution of electricity in New York City; and

Whereas, Therefore, New York City residents have little to no choice but to be bound to Con Edison; and

Whereas, New Yorkers pay nearly 50 percent more for their electricity than the average national price; and

Whereas, However, they still face long hot summers with the specter of power outages and little confidence that, in the event of a blackout, power will be restored quickly; and

Whereas, Certain boroughs and neighborhoods in New York City are particularly susceptible to power outages; and

Whereas, For example, in Queens, the majority of power lines run above-ground, which are vulnerable to downed trees and storm damage; and

Whereas, Staten Island has the second-most overhead power lines in New York, after Queens, and there are no overhead lines in Manhattan; and

Whereas, It was not surprising then that when the most recent tropical storm, Isaias, hit New York City in early August 2020, residents in Queens and Staten Island were the hardest hit by power outages; and

Whereas, In Staten Island, 36,000 customers faced outages after Tropical Storm Isaias; and

Whereas, In Queens, meanwhile, at the peak of the outage, 73,000 customers lost power and 10,000 were still without power five days after the storm hit; and

Whereas, Compounding these power outages, some neighborhoods in Queens have also faced some of the highest cases of COVID-19, during this pandemic; and

Whereas, The overlap of power outages hitting the most vulnerable is not exclusive to this event, nor this borough; and

Whereas, For instance, in 2019, when a heatwave hit New York City, residents across the boroughs faced power outages; and

Whereas, Just as the temperatures and humidity were hitting their peaks, customers in Flushing and Richmond Hill in Queens, and various neighborhoods in Brooklyn, lost power; and

Whereas, Additionally, Con Edison cut power or reduced voltage for some customers in Brooklyn, claiming the utility needed to take this action in order to make repairs and prevent further outages; and

Whereas, These outages, deliberate and otherwise, came despite assurances from Con Edison's President, Tim Cawley, prior to the heatwave that the company was "ready for what the heat will bring"; and

Whereas, Importantly, residents in the neighborhoods that were left either without power or with reduced voltage, were also neighborhoods with some of the highest heat vulnerability indexes; and

Whereas, While many of New York's political leaders are fed-up with Con Edison's poor performance, it is clear that some boroughs are bearing more of the brunt than others; and

Whereas, Con Edison often touts its reliability performance against other national utilities; and

Whereas, However, as the New York State Department of Public Service notes, because Con Edison's network "includes many large, highly concentrated underground distribution networks [mainly in Manhattan] that are generally less prone to interruptions than overhead systems, its interruption frequency is extremely low (better) compared with other utilities"; and

Whereas, Therefore, the Company's reliability claims mask some of the important borough-to-borough differences; and

Whereas, The recent outages in Queens were not the first major blackouts for the borough; and

Whereas, In 2006, residents in the borough were left without power for eight days, making it one of the longest blackouts in the City's history; and

Whereas, Investigations of this event found that Con Edison had failed to maintain its equipment and had under-reported the number of people affected; and

Whereas, Furthermore, although residents in Queens experienced a total of \$188 million in damages, Con Edison was criticized for offering a mere \$100 in compensation to impacted businesses; and

Whereas, Despite ongoing promises from Company leadership that lessons have been learned and that they are committed to investing in infrastructure upgrades to prevent further service disruptions, Con Edison is still unable to provide reliable service, equitably, to all of its New York City residents; and

Whereas, With heatwaves and storms predicted to increase, due to the impact of climate change, the City's most vulnerable populations are at further risk for power outages; and

Whereas, Research has shown that race, age and poverty are all compounding factors in heat-related deaths, and yet neighborhoods with these populations continue to face the most frequent power outages; and

Whereas, Con Edison's New York-wide performance data does not show the whole picture; and

Whereas, Without this information it is impossible to tell whether the utility is investing in the most vulnerable neighborhoods, or focusing solely on upgrading infrastructure in parts of the City that are already secure; now, therefore, be it

Resolved, That Consolidated Edison increase resources dedicated to service restoration on a borough by borough basis and create a report of the most vulnerable utility infrastructure in each borough.

Referred to the Committee on Consumer Affairs and Business Licensing (preconsidered but laid over by the Committee on Consumer Affairs and Business Licensing).

Preconsidered Res. No. 1421

Resolution calling upon the New York State legislature to pass and the Governor to sign legislation to require Consolidated Edison to cover the costs of wires downed or damaged by a storm that run from private homes to utility poles.

By Council Members Vallone, Holden and Adams.

Whereas, Consolidated Edison (Con Edison) provides electricity to over three million customers in New York City and Westchester County and is the primary utility serving New York City residents throughout the five boroughs; and

Whereas, Con Edison maintains over 36,000 miles of overhead electrical wires in the New York area; and

Whereas, According to Con Edison's website, they are responsible for repairing or replacing the service wire that runs from the street to a private home, however homeowners are responsible for clearing tree limbs downed on their property; and

Whereas, Homeowners are also responsible for the service bracket and all the hardware running from the connection point of the service wire attached to the house, including the weatherhead, entrance cable and standpipe, the drip loop and the meter pan; and

Whereas, In the event of a storm where any of this equipment is damaged, homeowners must hire an electrician to repair any of these items before power can be restored to a household; and

Whereas, Certain boroughs and neighborhoods in New York City are particularly susceptible to power outages, such as Queens and Staten Island, where the majority of power lines run above-ground, making them vulnerable to downed trees and storm damage; and

Whereas, In fact, during the most recent tropical storm, Isaias, which devastated areas of New York City in early August 2020, residents of Queens and Staten Island were the hardest hit by power outages, with Queens having 73,000 customers without power and Staten Island having 36,000 customers with power outages; and

Whereas, Although Con Edison was able to restore power, there were certain homeowners that were delayed longer than others because they were not aware of their responsibility for repairing the service brackets and all the hardware running from the connection point of the service wire attached to the house; and

Whereas, Depending on what utilities need to be fixed or replaced by the homeowner, repairs can take longer if new parts need to be ordered and installed and may require multiple site visits to complete repairs; and

Whereas, These repairs can be costly to homeowners who may be already struggling financially; and

Whereas, Homeowners who sought to purchase generators for their homes in the event they lose power found that average sized generators appropriate to service a residential home are between 3,000 and 8,000 watts and can also be very costly; and

Whereas, A whole home generator system can cost up to \$12,000 or more; and

Whereas, New Yorker's utility bills are already high, affecting middle- and lower-income residents, as well as small businesses that rely on Con Edison for power; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State legislature to pass and the Governor to sign legislation to require Consolidated Edison to cover the costs of wires downed or damaged by a storm that run from private homes to utility poles.

Referred to the Committee on Consumer Affairs and Business Licensing (preconsidered but laid over by the Committee on Consumer Affairs and Business Licensing).

Int. No. 2086

By Council Members Van Bramer, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the office of emergency management to consider certain factors when determining the circumstances warranting the opening of cooling centers

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 30 of the administrative code of the city of New York is amended by adding a new section 30-117 to read as follows:

§ 30-117. *Cooling center operations. a. Definitions. For purposes of this section, the following terms have the following meanings:*

Cooling center. The term "cooling center" means any facility that is designated by the city to provide air-conditioned relief to the public whenever extreme heat conditions trigger a citywide emergency response.

Heat index. The term "heat index" means a measurement of the combined air temperature and relative humidity that estimates the human-perceived equivalent temperature.

b. When determining the circumstances and conditions that warrant the opening of cooling centers for the public, including the heat index, the office of emergency management must consider the availability of alternative public and private spaces available to be utilized by vulnerable individuals seeking relief from extreme heat. Such consideration must include whether any such spaces are temporarily closed due to a public health emergency or other extenuating circumstance.

2. This local law takes effect immediately.

Referred to the Committee on Fire and Emergency Management.

Int. No. 2087

By Council Members Van Bramer, Kallos, Rodriguez, Rosenthal, Rose and Menchaca.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to establish a program to allow community centers, schools, arts and cultural institutions and religious institutions to use adjacent outdoor spaces

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-175.8 to read as follows:

§ 19-175.8 *Open spaces program. a. Definitions. As used in this section, the following terms have the following meanings:*

Covered establishment. The term “covered establishment” means a community center, school, arts and cultural institution or religious institution.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 state disaster emergency. The term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor of New York in executive order number 202 issued on March 7, 2020 or any executive order renewing or extending such emergency.

Program. The term “program” means the program established pursuant to subdivision b of this section.

b. Program established. The commissioner shall establish a program whereby a covered establishment may apply for a permit to use outdoor spaces on a sidewalk or curb lane adjacent to such establishment for free community programming during the COVID-19 state disaster emergency. The commissioner shall establish guidelines in accordance with state and federal regulations for such covered establishments to use such outdoor spaces and to curtail the spread of COVID-19.

c. Application. A covered establishment applying for a permit to participate in the program shall submit an application by mail or online through the department’s website. Such application shall include a site safety plan in accordance with state and local regulations. Such application shall also include a self-certification in accordance with subdivision d of this section.

d. Self-certification. The commissioner shall develop a method for a covered establishment to submit with an online application a digital affirmation in which such establishment self-certifies that it (i) has submitted an application that includes a site safety plan in accordance with state and local regulations and (ii) has read and understands the guidelines promulgated by the commissioner pursuant to subdivision b of this section.

e. Approval; denial. Except as otherwise provided by law, the commissioner shall approve an application submitted by a covered establishment pursuant to subdivision c of this section if the application satisfies all of the requirements of this section. Notwithstanding the foregoing sentence, the commissioner may deny an application where approval would infringe on pre-existing property rights or a valid license, permit or other agreement between the city and another party. Approval of an application shall be valid for the duration of the COVID-19 state disaster emergency, subject to subdivision f of this section.

f. Suspension. Each covered establishment that has been approved by the department to use outdoor space pursuant to this section shall comply with all applicable state and local guidelines at all times during such use of outdoor space and shall keep a copy of the site safety plan on site and available for inspections upon request of an employee or agent of the department. Where a covered establishment violates such guidelines or the requirements of this section, the commissioner may suspend such establishment’s permit to participate in the program, upon due notice and opportunity to be heard, until the establishment has demonstrated full compliance. The commissioner may immediately suspend a covered establishment’s permit to participate in the program without a prior hearing where the commissioner determines that such establishment’s continued participation poses a serious danger to the public health, safety or welfare, provided that after such suspension an opportunity for hearing shall be provided on an expedited basis. Where a covered establishment has had its participation in the program suspended two times or more for violations, and the establishment violates such guidelines or the requirements of this section, the commissioner may suspend its participation for the duration of the program.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Transportation.

Res. No. 1422

Resolution calling upon Congress to pass, and the President to sign, the Save Our Stages (SOS) Bill (S.4258/H.R.7806) to establish a grant program for small live venue operators and talent representatives to address the economics effects of COVID-19.

Council Members Van Bramer, Kallos, Vallone and Powers.

Whereas, According to the National Independent Venue Association (NIVA), every year thousands of independent venues host millions of concert events that are attended by hundreds of millions of concertgoers; and

Whereas, These independent entertainment venues provide jobs in local communities for hundreds of thousands of artists, musicians, comedians, actors, venue operations and production staff, organizers, promoters, producers, managers, sound engineers, lighting professionals, stage personnel, box office personnel, talent agents and managers; and

Whereas, These independent entertainment venues generate millions in tax revenue while serving as economic multipliers for local economies in providing support to neighborhood businesses such as restaurants, hotels and retail establishments; and

Whereas, Live concert event venues were among the first to close in response to the COVID-19 pandemic and will likely be among the last to reopen, and these still shuttered venues have left employees without jobs having to rely on unemployment benefits that will eventually cease to exist and neighboring businesses without the benefit of revenues and economic support previously generated by the entertainment venue patrons; and

Whereas, Since March 16, 2020 all restaurants, bars and nightlife venues in New York City have been temporarily closed due to COVID-19, prompting layoffs to some 67,600 arts and entertainment sector employees; and

Whereas, The Paycheck Protection Program (PPP) originally stipulated 75 percent of the funds be spent on payroll and only 25 percent be spent on expenses such as rent and utilities; and

Whereas, Because PPP was not designed to cover the steep, ongoing costs venues incur even in the absence of paying customers, the majority of venues have been unable to afford to resume business as usual; and

Whereas, Despite the PPP guidelines having been amended in the June 2020 PPE Flexibility Act, which now stipulates 60 percent of the loan be spent on payroll with 40 percent to be spent on rent and utilities, the exorbitant rent costs in New York city would quickly drain the percentage allowed by a PPP loan therefore providing little if any help to the small independent venues; and

Whereas, Evictions in New York City are still suspended, yet local venues are left to wonder how long they can depend upon the moratorium to prevent permanent closure of their independent performance spaces within the city; and

Whereas, According to a poll conducted by NIVA in June 2020, absent federal aid, 90 percent of America's independent music venues expect to permanently shut their doors by the end of 2020; and

Whereas, The Save Our Stages (SOS) Bill (S.4258/H.R.7806) is a bi-partisan bill introduced by Sen. John Cornyn (R-TX) on July 22, 2020 and Rep. Peter Welch (D-VT-At Large) on July 27, 2020 authorizing the United States Small Business Association to make initial grants up to \$12 million dollars to eligible operators, promoters, producers or representatives with additional supplemental grants equal to 50 percent of the initial grant to be used for costs and expenses including payroll, rent, utilities and personal protective equipment (PPE) incurred between March 1, 2020 through June 30, 2021;

Whereas, The possibility of permanent closure of these independent venues threatens the ability of the artistic community to hone their craft and catch the attention of industry professionals seeking to develop new talent, while also depriving local neighborhoods the opportunity to support and cultivate local artists and patrons who constitute the epicenter of the cultural and economic community in each neighborhood; now, therefore, be it,

Resolved, That the Council of the City of New York call on Congress to pass, and the President to sign, the Save Our Stages (SOS) Bill (S.4258/H.R.7806) to establish a grant program for small live venue operators and talent representatives to address the economics effects of COVID-19.

Referred to the Committee on Economic Development.

L.U. No. 681

By Council Member Salamanca:

Application No. 20205400 HKX (N 210006 HKX) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the Charter of the City of New York and Section 25-303 of the Administrative Code of the City of New York, for the designation of the Manida Street Historic District [517/LP-2644], which consists of properties which consists of the properties bounded by a line beginning on the eastern curbline of Manida Street at a point on a line extending westerly from the northern property line of 870 Manida Street, and extending easterly along said line and along the northern property line of 870 Manida Street, southerly along the eastern property lines of 870 to 814 Manida Street, westerly along the southern property line of 814 Manida Street to the eastern curbline of Manida Street, northerly along said curbline to a point on a line extending easterly from the southern property line of 819 Manida Street, westerly along said line across Manida Street and along the southern property line of 819 Manida Street, northerly along the western property lines of 819 to 861 Manida Street, easterly along the northern property line of 861 Manida Street and across Manida Street to its eastern curbline, and northerly along said curbline to the point of beginning, Borough of the Bronx, Community District 2, Council District 17.

Referred to the Committee on Land Use and the Subcommittee on Landmarks, Public Sitings, and Dispositions.

L.U. No. 682

By Council Member Salamanca:

Application No. N 200082 ZRK (1510 BROADWAY) submitted by the Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 683

By Council Member Salamanca:

Application No. C 200083 PQK (1510 Broadway) submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1510 Broadway (Block 1489, p/o Lot 11), Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 684

By Council Member Salamanca:

Application No. C 200084 HAK (1510 Broadway) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 1510 Broadway (Block 1489, Lot 11), Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 685

By Council Member Salamanca:

Application No. C 200085 ZMK (1510 Broadway) submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a: eliminating from within an existing R6 District a C1-3 District; changing from an R6 District to an R7-1 District; and establishing within the proposed R7-1 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 41.

Referred to the Committee on Land Use and the Subcommittee on Zoning & Franchises.

NEW YORK CITY COUNCIL

A N N O U N C E M E N T S

Thursday, September 17, 2020

Committee on Housing and Buildings jointly with the
Committee on Justice System

Robert Cornegy, Jr., Chairperson
Rory Lancman, Chairperson

Oversight - The Potential Eviction Crisis in the Midst of the COVID-19 Pandemic.

Preconsidered Int ____ - By Council Member Cornegy - **A Local Law** to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine.

Remote Meeting (Virtual Room 2).....11:00 a.m.

Committee on Immigration

Carlos Menchaca, Chairperson

Oversight - Immigrant Exclusion in COVID-19 Response.

Res 1399 - By Council Member Menchaca - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, A10433/S5167, which would allow for state agencies, municipalities, and authorities to provide state or local public benefits regardless of immigration status.

Res 1404 - By the Public Advocate (Mr. Williams) - **Resolution** calling on the United States Department of Justice to issue guidance that establishes protocols for the Executive Office of Immigration Review in times of public health crises, such as the SARS-CoV-2 outbreak.

Res 1416 - By Council Member Eugene - **Resolution** calling on the United States Department of Homeland Security to halt all deportation proceedings for the length of the COVID-19 pandemic, as a means of restricting the global spread of this disease.

Res 1417 - By Council Member Eugene - **Resolution** calling on the United States Department of Homeland Security to place a moratorium on all removal proceedings for employment-based status holders that suffered a loss of employment during or due to the COVID-19 pandemic.

Res 1418 - By Council Member Eugene - **Resolution** calling on the United States Congress to pass, the President to sign, legislation that would permit employment-based status holders to retain lawful status, after loss of employment, if such loss was related to the COVID-19 pandemic.

Res 1419 - By Council Member Moya - **Resolution** calling on the United States Congress to pass, and the President to sign, legislation that would provide immigration relief for family members who derive lawful immigration status from a frontline worker who passed away due to COVID-19.

Remote Meeting (Virtual Room 1).....12:00 p.m.

Monday, September 21, 2020

Committee on Aging

Margaret Chin, Chairperson

Oversight - The Future of Senior Centers after COVID-19.

Int 2030 - By Council Members Chin, Yeger, Kallos, Maisel and Brannan (by request of the Mayor) - A Local Law to amend local law number 19 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, and to amend local law number 39 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, in relation to extending certain provisions thereof.

Remote Meeting (Virtual Room 3).....10:00 a.m.

[Committee on Criminal Justice](#) jointly with the
[Committee on Hospitals](#)

Keith Powers, Chairperson
Carlina Rivera, Chairperson

Oversight - The Department of Correction and Correctional Health Services Management of COVID-19 in Jails.
Remote Meeting (Virtual Room 1).....10:00 a.m.

[Committee on Finance](#)

Daniel Dromm, Chairperson

Res 1407 - By Council Members Rosenthal, Treyger, Van Bramer, Koo, Cohen, Chin, Maisel, Richards, Levin, Vallone, Salamanca, Dromm, Levine, King, Constantinides, Rose, Miller, Cumbo, Gibson and the Public Advocate (Mr. Williams) - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation granting the City of New York long-term borrowing authority for City expenditures arising from the COVID-19 pandemic and resulting fiscal crisis.
Remote Meeting (Virtual Room 4).....10:00 a.m.

[Committee on General Welfare](#)

Stephen Levin, Chairperson

Oversight – The Impact of the COVID-19 Pandemic on SNAP Administration, Food Pantries, and Soup Kitchens.
Remote Meeting (Virtual Room 2).....10:00 a.m.

Tuesday, September 22, 2020

[Committee on Environmental Protection](#)

Costa Constantinides, Chairperson

Int 1947 - By Council Members Constantinides, Kallos, Reynoso, Lander, Levin, Gibson, Van Bramer, Rosenthal and Rivera - **A Local Law** to amend the New York city charter and the administrative code of the city of New York in relation to rent regulated accommodations.
Remote Meeting (Virtual Room 2).....11:00 a.m.

[Committee on Mental Health, Disabilities & Addiction](#)

Diana Ayala, Chairperson

Oversight - Increased Drug Overdose, Depression and Anxiety During COVID-19.
Int 2005 - By Council Members Louis, Kallos and Ayala - A Local Law in relation to reporting on the mental health of New Yorkers during the COVID-19 public health crisis.
Remote Hearing (Virtual Room 1).....1:00 p.m.

Wednesday, September 23, 2020

Stated Council Meeting (Virtual Room 1).....Agenda –1:30 p.m.

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) made the following comments:

The Speaker (Council Member Johnson) acknowledged that September 15th marked the start of Hispanic Heritage Month. He also wished to acknowledge the contributions of Hispanic leaders who had played an important role in making New York City the place it is today.

The Speaker (Council Member Johnson) acknowledged the upcoming three year anniversary of the devastation inflicted by Hurricane Maria on Puerto Rico. He noted that many Puerto Ricans were still recovering from the hurricane's destruction and from the impact of COVID-19 on the island as well. The Speaker (Council Member Johnson) affirmed that the City Council remained united with the people of Puerto Rico.

The Speaker (Council Member Johnson) acknowledged that *Rosh Hashanah* would be starting on Friday evening and he wished a *l'shana tova* to those observing the holiday. He wanted to especially thank Rabbi Joseph Potasnik for his dedication and work across New York City. Rabbi Potasnik delivered the Invocation for this Stated Meeting.

The Speaker (Council Member Johnson) acknowledged that staffer Henry Robbins was leaving the Council. He noted that Mr. Robbins had started as an intern in his district office before eventually coming to work at the Speaker's Office in City Hall. The Speaker (Council Member Johnson) thanked him and expressed his personal gratitude for the countless hours that Mr. Robbins had put in during his time with the Council. He wished him the very best on his next journey in life.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet again for the Stated Meeting of Wednesday, September 23, 2020.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 2043-A and 2054-A, both adopted by the Council at the August 27, 2020 Stated Meeting, were signed into law by the Mayor on September 14, 2020 as, respectively, Local Law Nos. 87 and 88 of 2020.

