

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Thursday, December 17, 2020, 1:42 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	Barry S. Grodenchik	Carlina Rivera
Alicia Ampry-Samuel	Robert F. Holden	Ydanis A. Rodriguez
Diana Ayala	Ben Kallos	Deborah L. Rose
Inez D. Barron	Peter A. Koo	Helen K. Rosenthal
Joseph C. Borelli	Karen Koslowitz	Rafael Salamanca, Jr
Justin L. Brannan	Bradford S. Lander	Ritchie J. Torres
Fernando Cabrera	Stephen T. Levin	Mark Treyger
Andrew Cohen	Mark D. Levine	Eric A. Ulrich
Costa G. Constantinides	Farah N. Louis	Paul A. Vallone
Robert E. Cornegy, Jr	Alan N. Maisel	James G. Van Bramer
Laurie A. Cumbo	Steven Matteo	Kalman Yeger
Chaim M. Deutsch	Carlos Menchaca	
Darma V. Diaz	I. Daneek Miller	
Daniel Dromm	Francisco P. Moya	
Mathieu Eugene	Bill Perkins	
Vanessa L. Gibson	Keith Powers	
Mark Gjonaj	Antonio Reynoso	

Absent: Council Members Chin and R. Diaz.

At the time of this virtual Stated Meeting, there were three vacant seats in the Council pending the swearing-in of the certified winners of the following respective elections: the December 22, 2020 non-partisan special election in the 12th District (The Bronx); the February 3, 2021 non-partisan special election in the 24th District (Queens); and the February 23, 2021 non-partisan special election in the 31st District (Queens).

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 Majority Leader and the Acting President Pro Tempore (Council Member Cumbo).

There were 46 Council Members marked present at this Stated Meeting held remotely.

INVOCATION

The Invocation was delivered by Pastor Yolanda Batts, spiritual leader at Celebration Spiritual Center located at 1360 Fulton Street, 5th Floor, Brooklyn, NY 11216.

Well, thank you Council Members.
It is indeed an honor to be here.

We gather bringing this unprecedented year
of change, pause and restoration to a close.
During this season of light,
we convene not to curse the darkness
but to be the light, each of us, a candle of truth.
Please close your eyes and open your heart
to connect to the Higher Power of your understanding,
Mother, Father God, Divine Presence,
known by many names and beyond all names -
Spirit of Light, Love, Community, Wisdom, Justice and Peace.
Illuminate these proceedings and bless those
who have been called to govern this great city.
Guide these leaders of the people.
Let them summon infinite intelligence, imagination,
intuitive power to speak with authority
and lead in new and exciting ways.
Grant them the wisdom to replace conflict
with consensus, and passion for justice
emanating from right-mindedness.
Let these pioneers of progress listen
to understand and speak with clarity and charity,
may they work together in harmony
and experience peace
within their families this holiday season.
And may this peace joyfully extend
to every action taken by the New York City Council.
Finally, bless today's agenda
that it may unfold with grace,
ease and spiritual dignity.
Thank you, Mother, Father, God
for renewed strength,
the spirit of service and the power of conviction
to govern our beloved community

in ways that works for everyone.
A new day is dawning,
let the light and power of love
be activated here today.
I release these words back into the light of truth
that joins us all and will never be extinguished,
Amen, *Ase* and so it is.

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

During the Communication from the Speaker segment of this meeting, the Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths and probable deaths in New York City had reached 24,578 as of December 16, 2020. He reported that the surge in COVID-19 cases was continuing throughout the city. The Speaker (Council Member Johnson) spoke of how 2020 had been one of the most challenging years in recent times faced by the City of New York. He also acknowledged that this would be a difficult holiday season for those who had lost their loved ones to the virus. The Speaker (Council Member Johnson) praised the Council's work in finding creative ways to protect workers, small businesses, restaurants, arts and culture, and many more New Yorkers during these difficult times. He also spoke hopefully of the first batch of vaccines that had been delivered to New York City that week.

The Speaker (Council Member Johnson) acknowledged the recent death of retired first responder NYPD Lieutenant John Crowe. Lt. Crowe, 77, passed away on December 7, 2020 from 9/11 related illnesses which had impacted his recovery from COVID-19. On behalf of the Council, the Speaker (Council Member Johnson) sent his deepest condolences to Lt. Crowe's family.

The Speaker (Council Member Johnson) acknowledged the death of grocery worker Maria Sanchez who lost her life during the course of her employment. Ms. Sanchez, one of the city's essential workers, was killed on December 15, 2020 at a Hell's Kitchen Food Emporium located in the Speaker's district. Her death was due to an accident caused by an illegally installed dumbwaiter. The Speaker (Council Member Johnson) noted that her death was a tragic reminder of the unsafe working conditions that many New Yorkers, particularly immigrants and low-income workers, have come to face on a daily basis. Ms. Sanchez, 39, leaves behind a grieving family that includes four children aged 5 to 21 years old.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the deceased individuals mentioned above and in memory of all those who had lost their lives to COVID-19.

At this point, a Moment of Silence was observed.

* * *

MESSAGES & PAPERS FROM THE MAYOR

M-268

Communication from the Mayor – Pursuant to the authority vested in me as Mayor, and following your nomination by New York City Council Speaker Corey Johnson, I hereby appoint Mr. Anthony Perez as a Member of the New York City Economic Development Corporation (NYCEDC).

December 14, 2020

Mr. Anthony Perez
[Address redacted]

Dear Mr. Perez:

Pursuant to the authority vested in me as Mayor, and following your nomination by New York City Council Speaker Corey Johnson, I hereby appoint you as a Member of the New York City Economic Development Corporation (NYCEDC). Members of NYCEDC are subject to reappointment each year prior to the annual Members meeting.

On behalf of all New Yorkers, thank you for contributing to the work of NYCEDC.

Sincerely,

Bill de Blasio
Mayor

BDB:dl

cc: Corey Johnson, Speaker, New York City Council
Vicki Been, Deputy Mayor for Housing and Economic Development
James Patchett, President & Chief Executive Officer, NYCEDC
Michael Schlein, Chair, Board of Directors, NYCEDC

Received, Ordered, Printed and Filed.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-269

Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).

December 15, 2020

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2021 to implement changes in the City's expense budget.

This modification (MN-1) will implement expense budget changes which were reflected in the City's November Financial Plan. In addition, as requested by the City Council, this modification provides funding for the reallocation of City Council initiatives that were included in the FY 2021 Adopted Budget as well as other discretionary programs.

Appendix A details State, Federal and other funds impacted by these changes. Your approval of modification MN-1 is respectfully requested.

Jacques Jiha, Ph.D.
Director

(For text of the MN-1 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-269 & Res. No. 1513 of 2020 files](#))

Referred to the Committee on Finance.

Preconsidered M-270

Communication from the Office of Management & Budget - Appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter (MN-2).

December 15, 2020

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I request your approval to appropriate new City revenues in fiscal year 2021 in the amount of \$616.7 million.

This modification (MN-2) implements revenue budget changes reflected in the City's November Financial Plan. The \$616.7 million of new revenues, and an adjustment to the General Reserve, will be used to prepay \$632.2 million of fiscal year 2022 expenses in fiscal year 2021.

Your approval of modification MN-2 is respectfully requested.

Jacques Jiha, Ph.D.
Director

(For text of the MN-2 numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-270 & Res. No. 1514 of 2020 files](#))

Referred to the Committee on Finance.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Civil Service and Labor

Report for Int. No. 1396-A

Report of the Committee on Civil Service and Labor 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 fast food employee layoffs.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 415), respectfully

REPORTS:

On December 15, 2020, the Committee on Civil Service and Labor will hold a vote on two pieces of legislation related to fast food employees. Proposed Int. No. 1396-A, sponsored by Council Member Adrienne Adams, is a Local Law in relation to fast food employee layoffs, and Proposed Int. No. 1415-A, sponsored by Council Member Brad Lander, is a Local Law in relation to wrongful discharge of fast food employees. The Committee passed Proposed Int. No. 1396-A and Proposed Int. No. 1415-A by a vote of five in the affirmative, one in the negative, with zero abstentions.

Previously, on February 13, 2020, the Committee on Civil Service and Labor held a hearing on Int. No. 1396 and Int. No. 1415. Witnesses who testified included representatives from the New York City (NYC) Department of Consumer Affairs (DCA), various labor unions, universities, chambers of commerce, fast food groups, and other interested parties.

BACKGROUND

U.S. labor law traditionally allows for two categories of employment termination: termination with just cause (“Just Cause”) and termination without cause, also referred to as at-will employment.¹ Just Cause termination requires an employer to provide some reason—some cause—for the dismissal of an employee.² At-will employment, on the other hand, allows an employer to terminate an employee at any time, without notice and for any cause, or for no cause at all, so long as the basis for firing is not illegal.³ In an at-will employment jurisdiction, an employer could not fire an employee on the basis of protected categories and statuses, such as gender, race, religion, age, etc., but could fire based on any other, or no, reason at all.⁴ At-will employment recognizes that employees are allowed to resign from their places of employment at any time and without any reason and that employers should have the same right for termination.⁵ On the other hand, at-will employment can make it more difficult for workers to prove that they have been fired in an illegal way that violates the law, and doing so often requires more time and money for legal fees that many do not have.⁶

¹ National Conference of State Legislatures. *At-Will Employment-Overview*. Available at: <https://www.ncsl.org/research/labor-and-employment/at-will-employment-overview.aspx>.

² Diana Wicks. Houston Chronicle. *What is the Difference Between Cause and Just Cause for Terminating Employment?* Available at: <https://smallbusiness.chron.com/difference-between-cause-just-cause-terminating-employment-24361.html>.

³ *Id.*

⁴ Law Office of Yuriy Moshes, P.C. Labor and Employment. *At-Will Employment in New York*. Available at: <https://mosheslaw.com/at-will-employment-in-new-york/>.

⁵ *Id.*

⁶ Sarah Jones. Vox Media Network. Intelligencer. Labor. *New York City Fast-Food Workers’ Next Target: Unfair Firings*. Available at: <https://nymag.com/intelligencer/2019/02/nyc-fast-food-workers-next-target-unfair-firings.html>.

In the U.S., all 50 states and Washington D.C. are at-will employment jurisdictions, although certain states have limited exceptions.⁷ One such exception to general at-will employment terminations is the public policy exception.⁸ In 42 states and Washington D.C., an employer cannot fire an employee if the firing would violate the public policy doctrine of the state or a state or federal statute.⁹ Firing an employee as a retaliatory act is one such example of the public policy exception.¹⁰ 36 states and Washington D.C. have an implied contract exception, which recognizes an implied contract between employer and employee as an exception to at-will employment, and 11 states have recognized that a breach of an implied covenant of good faith and fair dealing is also an exception to at-will employment.¹¹

New York State is an at-will employment state.¹² Generally, employers have the right to discharge an employee at any time for any, or no, reasons, as long as if it is not an act of illegal retaliation or discrimination based on race, creed, national origin, disability, age, gender, sexual orientation or marital status.¹³ As part of an at-will economy, wrongful termination is a common complaint, particularly within the NYC fast-food industry.¹⁴ NYC has approximately 3,000 fast-food locations¹⁵ that employ more than 67,000 people,¹⁶ with about 2/3 of these fast food workers being women, 2/3 immigrants, and 88% people of color overall.¹⁷ Because the fast food industry in NYC is generally made up of women, immigrants, and people of color, advocates argue that the lack of legal protections against wrongful termination can exacerbate mistreatment in this industry and may result in workers, their families, and their communities struggling to maintain a financially stable life.¹⁸

New findings from a report entitled “Fired on a Whim: The Precarious Existence of NYC Fast-food Workers” prepared by the Center for Popular Democracy, Fast Food Justice, the National Employment Law Project, and 32BJ SEIU suggest that job loss and reductions in hours are common within the industry and, further, a cause for significant financial hardship for its workers.¹⁹ As part of the report, a survey of 539 NYC fast-food workers was conducted, with survey responses indicating that:

- Fast food employers terminate workers with alarming frequency, with 50% of workers surveyed having been fired, laid off, or compelled to quit a fast food job due to intolerable working conditions, and 25% of those who reported job loss have experienced multiple job losses within the industry;²⁰
- Many workers are denied even a basic explanation when terminated, with 65% of workers reporting that in at least one instance they had not been given a reason for termination;²¹
- Termination forces workers into poverty, with 62% of respondents who lost a fast food job or suffered a reduction in hours experiencing financial hardship as a result, including food insecurity, housing

⁷ World Population Review. *At Will Employment States 2020*. Available at: <http://worldpopulationreview.com/states/at-will-employment-states/>.

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² New York State Department of Labor. Worker Protection. Wages and Hours: Frequently Asked Questions. Available at: <https://www.labor.ny.gov/workerprotection/laborstandards/faq.shtm#13>.

¹³ *Id.*

¹⁴ Center for Popular Democracy, Fast Food Justice, the National Employment Law Project and 32BJ. *Fired on a Whim: The Precarious Existence of NYC Fast-food Workers*. Available at:

<https://populardemocracy.org/sites/default/files/Just%20Cause%20Complete%20Final%20-%20Web%20V2%20FINAL.pdf>.

¹⁵ New York City Department of Health and Mental Hygiene. *Restaurant Inspection Information*. Available at: <http://a816-restaurantinspection.nyc.gov/RestaurantInspection/SearchBrowse.do>.

¹⁶ New York State Department of Labor. Labor Statistics. *Occupational Wages: New York City Region*. Available at: <https://www.labor.ny.gov/stats/lswage2.asp>.

¹⁷ Center for Popular Democracy, Fast Food Justice, the National Employment Law Project and 32BJ. *Fired on a Whim: The Precarious Existence of NYC Fast-food Workers. Internal Analysis by James Parrott*. Available at:

<https://populardemocracy.org/sites/default/files/Just%20Cause%20Complete%20Final%20-%20Web%20V2%20FINAL.pdf>.

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ *Id.*

²¹ *Id.*

instability, loss of resources to pay for childcare, eviction, or being forced to drop out of school;²² and

- Drastic cuts in hours are common, with 58% of the 237 fast food worker sample reporting having experienced a significant and ongoing reduction in hours in one or more jobs, with workers losing an average of 14 hours per week.²³

Along with these findings, the report emphasizes the importance of passing “Just Cause” legislation that would protect the more than 67,000 fast-food workers in NYC from wrongful terminations and other biased, unfair firing practices.²⁴ The report contains recommendations on what such legislation should include, including: requiring employers to demonstrate and provide a reason for termination; requiring employers to use warnings or suspensions for offenses so that workers can gauge where they stand in terms of being terminated; prohibiting termination if an employee is unaware of a rule or was not trained; providing cost-effective and voluntary arbitration to resolve disputed terminations; and considering fair reductions in hours, possibly of 15% or more, that would be equivalent to a termination to ensure that people are not forced to quit.²⁵

While these findings present significant concerns and ramifications for at-will employment economies, the practice does allow for certain flexibilities that more formal, contract and cause-based practices do not allow. The main draw to at-will employment is that it allows both employers and employees to work together more flexibly, without long-term contracts or promises from either party.²⁶ While employers are able to let employees go without cause, reason, or notice, without long-term contractual obligations, employees are similarly free to leave their employment without cause, at any point.²⁷ Since they are not contractually bound, at-will employees are also free from contractual obligations to pay any monetary penalty for leaving a job early, from giving substantial leave notice, and are not subject to non-compete agreements.²⁸ At-will employment arrangements may also be particularly helpful for small-business owners who anticipate fluctuating staff needs and who would otherwise be bound, long-term, to an employee who might not be a good fit in their small businesses and spaces.²⁹

ANALYSIS OF PROPOSED INT. NO. 1415-A

Proposed Int. No. 1415-A would create a new subchapter in the Administrative Code which would prohibit the termination of a fast food employee or the substantial reduction of a fast food employee’s hours without just cause. The proposed legislation outlines factors which may constitute just cause for termination and requires employers to utilize progressive discipline before terminating a fast food employee and to provide discharged fast food employees with a written explanation for the reason of their termination.

This bill would also permit laid off fast food employees to schedule premium pays for missed shifts and provides for remedies for wrongful termination and wrongful reduction of hours, which include reinstatement, back pay, and civil penalties.

This bill would take effect 180 days after it becomes law.

Since introduction, the language of Proposed Int. No. 1415-A was changed to amend the definitions of “probation period” and “progressive discipline,” eliminate a clause creating administrative enforcement, eliminate a clause creating a private right of action, and eliminate a clause exempting employees currently covered by a collective bargaining agreement. The language of the bill was further amended to list factors a fact-finder must consider in determining just cause, specify that an employer must provide written notice of the reasons for termination within 5 days of discharge, specify that discharged employees who miss a shift due to

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Laura Handrick. *Fit Small Business. At Will Employment Doctrine: How it Works & 4 Big Exceptions*. Available at: <https://fitsmallbusiness.com/at-will-employment-doctrine/>.

²⁷ *Id.*

²⁸ Catherine Lovering. *Houston Chronicle. Good things About At-Will Employment*. Available at: <https://smallbusiness.chron.com/good-things-atwill-employment-34594.html>.

²⁹ *Id.*

discharge are eligible for schedule change premiums, add additional language allowing for reinstatement and restoration of hours for wrongful termination, and add language requiring employers to have predictive, regular weekly scheduling practices for their fast food employees.

ANALYSIS OF PROPOSED INT. NO. 1396-A

Proposed Int. No. 1396-A would amend section 20-1271 of the Administrative Code, as added by a local law of the city of New York for the year 2020, to prohibit employers from laying off employees or substantially reducing their hours for reasons other than bona fide economic reasons. The proposed legislation would also require fast food employers to dismiss employees by inverse seniority, as in, those hired last would be the first dismissed.

Proposed Int. No. 1396-A outlines what constitutes “bona fide economic reasons” and requires employers to support through business records that a dismissal was on the grounds of bona fide economic reasons. It also provides that employees discharged for bona fide economic reasons within the prior year must first be offered available shifts before they are distributed to other employees or new hires. Finally, the proposed bill would provide for arbitration of disagreements between fast food employers and fast food employees.

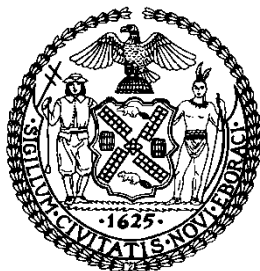
This bill would take effect at the same time and in the same manner that the local law for the year 2020 amending the administrative code of the city of New York in relation to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, takes effect, except that the commissioner of the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

Since introduction, Proposed Int. No. 1396-A was amended to add the bill’s requirements to the new subchapter created by Proposed Int. No. 1415-A, as opposed to creating a new subchapter of its own. Further, the language of Proposed Int. No. 1396-A was amended to change the definition of the term “seniority,” eliminate a clause that had created a private right of action for employees, eliminate a clause that had required a \$500 civil penalty for each violation of the law, and eliminate a clause that held an exception to the law for those covered by valid collective bargaining agreements. The new language further added the requirement that employers offer available shifts to laid off employees before they are distributed to other employees or new hires.

UPDATE

On December 15, 2020, the Committee passed Proposed Int. No. 1396-A and Proposed Int. No. 1415-A by a vote of five in the affirmative, one in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 1396-A:)



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

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 1396-A

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to fast food employee layoffs.

SPONSORS: Adams, Lander, Moya, Ayala, Cabrera, Brannan, Eugene, Levine, Menchaca, Rosenthal, Kallos, Reynoso, Van Bramer, Salamanca, Chin, Cohen, Rivera, Treyger, Levin, Ampry-Samuel, Cumbo, Torres, Koslowitz, Rodriguez, Constantinides, Gibson, Powers, Vallone, Rose, Louis and Cornegy.

SUMMARY OF LEGISLATION: This legislation would provide that a fast food employer may discharge an employee for a bona fide economic reason, but must do so in reverse order of seniority in the establishment in question. The bill additionally provides for arbitration of discharge disputes between fast food employers and employees.

EFFECTIVE DATE: The local law would take effect at the same time and in the same manner as Int. 1415-A.

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 anticipated that there would be no impact on revenues resulting from this legislation.

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as it is anticipated that existing resources would be utilized to fulfill its requirements, including the provision of interpreters when required for arbitrations, which would be subject to reimbursement by employers whenever employees prevail.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Cheng, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 13, 2019, and was referred to the Committee on Civil Service and Labor (Committee). A hearing was held by the Committee on February 13, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 1396-A, will be considered by the Committee on December 15, 2020. Upon successful vote by the Committee, the Proposed Int. No. 1396-A will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 15, 2020.

(For text of Int. No. 1415-A and its Fiscal Impact Statement, please see the Report of the Committee on Civil Service and Labor for Int. No. 1415-A printed in these Minutes; for text of Int. No. 1396-A, please see below)

Accordingly, this Committee recommends the adoption of Int. No. 1396-A and Int. No. 1415-A.

(The following is the text of Int. No.1396-A:)

Int. No. 1396-A

By Council Members Adams, Lander, Moya, Ayala, Cabrera, Brannan, Eugene, Levine, Menchaca, Rosenthal, Kallos, Reynoso, Van Bramer, Salamanca, Chin, Cohen, Rivera, Treyger, Levin, Ampry-Samuel, Cumbo, Torres, Koslowitz, Rodriguez, Constantinides, Gibson, Powers, Vallone, Rose, Louis, Cornegy and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to fast food employee layoffs

Be it enacted by the Council as follows:

Section 1. Section 20-1271 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2020, relating to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, is amended to add new definitions of "bona fide economic reason," and "seniority" in alphabetical order to read as follows:

Bona fide economic reason. The term "bona fide economic reason" means the full or partial closing of operations or technological or organizational changes to the business in response to the reduction in volume of production, sales, or profit.

Seniority. The term "seniority" means a ranking of employees based on length of service, computed from the first date of work, including any probationary period, unless such service has been interrupted by more than six months, in which case length of service shall be computed from the date that service resumed. An absence shall not be deemed an interruption of service if such absence was the result of military service, illness, educational leave, leave protected or afforded by law, or any discharge based on a bona fide economic reason or that is in violation of any local, state or federal law, including this subchapter.

§ 2. The definition of "discharge" in section 20-1271 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2020, relating to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, is amended to read as follows:

Discharge. The term "discharge" means any cessation of employment, including *layoff*, termination, constructive discharge, reduction in hours and indefinite suspension.

§ 3. Subdivision a of section 20-1272 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2020, relating to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, is amended to read as follows:

a. A fast food employer shall not discharge a fast food employee who has completed such employer's probation period except for just cause *or for a bona fide economic reason*.

§ 4. Subdivision e of section 20-1272 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2020, relating to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, is amended to read as follows:

e. The fast food employer shall bear the burden of proving just cause *or a bona fide economic reason* by a preponderance of the evidence in any proceeding brought pursuant to this subchapter, subject to the rules of evidence as set forth in the civil practice law and rules or, where applicable, the common law.

§ 5. Section 20-1272 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2020, relating to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, is amended to add new subsections g and h:

g. A discharge shall not be considered based on a bona fide economic reason unless supported by a fast food employer's business records showing that the closing, or technological or reorganizational changes are in response to a reduction in volume of production, sales, or profit.

h. Discharges of fast food employees based on bona fide economic reason shall be done in reverse order of seniority in the fast food establishment where the discharge is to occur, so that employees with the greatest seniority shall be retained the longest and reinstated or restored hours first. In accordance with section 20-1241, a fast food employer shall make reasonable efforts to offer reinstatement or restoration of hours, as applicable, to any fast food employee discharged based on a bona fide economic reason within the previous twelve months, if any, before the fast food employer may offer or distribute shifts to other employees or hire any new fast food employees.

§ 6. Sections 20-1273 and 20-1274 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2020, relating to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, are renumbered 20-1274 and 20-1275 respectively and a new 20-1273 is added to read as follows:

§ 20-1273 Arbitration. *a. On or after January 1, 2022, any person or organization representing persons alleging a violation of this subchapter by a fast food employer may bring an arbitration proceeding. In addition, the department may, to the extent permitted by any applicable law including the civil practice law and rules, provide by rule for persons bringing such a proceeding to serve as a representative party on behalf of all members of a class. Such a proceeding must be brought within 2 years of the date of the alleged violation. If the arbitrator finds that the fast food employer violated the provisions of this subchapter, it shall (i) require the fast food employer to pay the reasonable attorneys' fees and costs of the fast food employee, (ii) require the fast food employer to reinstate or restore the hours of the fast food employee, unless the employee waives reinstatement, (iii) require the fast food employer to pay the city for the costs of the arbitration proceeding, and (iv) award all other appropriate equitable relief, which may include back pay, rescission of discipline, in addition to other relief, and such other compensatory damages or injunctive relief as may be appropriate.*

b. A person or organization bringing an arbitration proceeding under subdivision a must serve the arbitration demand, and any amendments thereto, on the fast food employer either in person or via certified mail at the current or most recent fast food establishment where each fast food employee named in the arbitration demand is or was employed, or pursuant to the rules for service specified in article 3 of the civil practice law and rules. Such arbitration demand must include a general description of each alleged violation but need not reference the precise section alleged to have been violated.

c. The parties to an arbitration proceeding shall jointly select the arbitrator from a panel of arbitrators. The number of arbitrators on the panel shall be determined by the department. The arbitrators on the panel shall be chosen by a committee of eight participants established by the department and comprised of:

- 1. Four employee-side representatives, including fast food employees or advocates; and*
- 2. Four employer-side representatives, including fast food employers or advocates.*

d. If an insufficient number of employee-side and employer-side representatives agree to participate in the committee pursuant to subdivision c of this section, the department shall consult with those that have agreed to participate and select individuals to fill the requisite number of openings on the committee.

e. If the committee established pursuant to subdivision c of this section is unable to select a sufficient number of arbitrators for the panel as determined by the department, the department shall select the remaining arbitrators.

f. If the parties are unable to agree on an arbitrator, the department shall select an arbitrator from the panel.

g. The department shall provide interpretation services to any party requiring such services for the arbitration hearing.

h. The arbitration hearing shall be held at a location designated by the department or a location agreed to by the parties and the arbitrator. Except as otherwise provided in this chapter, such arbitration shall be subject to the labor arbitration rules established by the American arbitration association and the rules promulgated by the department to implement this subchapter. In case of a conflict between the rules of the American arbitration association and the rules of the department, the rules of the department shall govern. Any rules promulgated by the department implementing this section shall be consistent with the requirement

that in any arbitration conducted pursuant to this section, the arbitrator shall have appropriate qualifications and maintain personal objectivity, and each party shall have the right to present its case, which shall include the right to be in attendance during any presentation made by the other party and the opportunity to rebut or refute such presentation.

i. If a fast food employee brings an arbitration proceeding, arbitration shall be the exclusive remedy for the wrongful discharge dispute and there shall be no right to bring or continue a private cause of action or administrative complaint under this subchapter, unless such arbitration proceeding has been withdrawn or dismissed without prejudice.

j. Each party shall have the right to apply to a court of competent jurisdiction for the confirmation, modification or vacatur of an award pursuant to article 75 of the civil practice law and rules, as such article applies, pursuant to applicable case law, to review of legally mandated arbitration proceedings in accordance with standards of due process.

§ 7. Subdivision a of section 20-1241 of the administrative code, as added by local law number 106 for the year 2017, is amended to read as follows:

a. 1. Before [hiring] a fast food employer may hire new fast food employees, including hiring through the use of subcontractors, and before a fast food employer may offer or distribute shifts pursuant to paragraph 2 of this subdivision, a fast food employer shall make reasonable efforts to offer reinstatement or restoration of hours, as applicable, to any fast food employee discharged based on a bona fide economic reason within the previous 12 months, provided that the department may define in rules what constitutes sufficient advance notice and a reasonable effort to offer reinstatement or restoration of hours, including with respect to discharged fast food employees who have declined prior offers of reinstatement or restoration of hours.

2. If the job opening or additional shift is not filled pursuant to paragraph 1 of this subdivision, before a fast food employer may hire new fast food employees, including hiring through the use of subcontractors, a fast food employer shall offer regular shifts or on call shifts that would otherwise be offered to a new fast food employee to the fast food employer's current fast food employees employed at all fast food establishments owned by the fast food employer, or at a subset of such fast food establishments as provided in rules promulgated pursuant to subdivision j of this section. A fast food employer may not transfer fast food employees from locations other than the location where such shifts will be worked or hire new fast food employees, including subcontractors, to perform the work of fast food employees for such shifts, except as provided for in subdivisions f, g and of this section.

§ 8. This local law takes effect at the same time and in the same manner that a local law for the year 2020 amending the administrative code of the city of New York in relation to wrongful discharge of fast food employees, as proposed in introduction number 1415-A for the year 2019, takes effect, except that the commissioner of the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM; HELEN K. ROSENTHAL, ADRIENNE E. ADAMS, FARAH N. LOUIS, ERIC A. ULRICH; Committee on Civil Service and Labor, December 15, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Barron and Lander.*

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. 1415-A

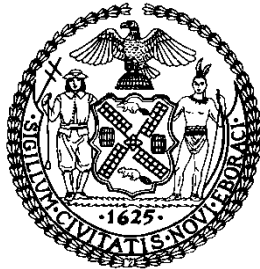
Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to wrongful discharge of fast food employees.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on February 13, 2019 (Minutes, page 456), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 1396-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1415-A:



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

**PROPOSED INT. NO. 1415-A
COMMITTEE: Civil Service and Labor**

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to wrongful discharge of fast food employees.

SPONSORS: Lander, Adams, Ayala, Cabrera, Brannan, Eugene, Moya, Rosenthal, Menchaca, Kallos, Reynoso, Levine, Van Bramer, Salamanca, Chin, Rivera, Treyger, Levin, Cumbo, Torres, Rodriguez, Constantinides, Ampry-Samuel, Gibson, Powers, Rose, Louis, Koslowitz and Cornegy.

SUMMARY OF LEGISLATION: The proposed bill would prohibit fast food employers from terminating the employment of a fast food employee without just cause. The proposed bill provides for arbitration to mediate disputes between fast food employers and fast food employees and specifies remedies for those terminated without just cause—including reinstatement, restoration of hours, back pay, and other equitable relief.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that the provisions requiring the Department of Consumer and Worker Protection (DCWP) to grant employees relief for violations of the law would take effect 240 days after enactment of the law.

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 anticipated that there would be no impact on revenues resulting from this legislation.

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

requirements, including the provision of interpreters when required for arbitrations, which would be subject to reimbursement by employers whenever employees prevail.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: John Cheng, Financial Analyst

ESTIMATE REVIEWED BY: John Russell, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 13, 2019, and the legislation was referred to the Committee on Civil Service and Labor (Committee). A hearing was held by the Committee on February 13, 2020, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Int. No. 1415-A will be considered by the Committee on December 15, 2020. Upon successful vote by the Committee, the Proposed Int. No. 1415-A will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 15, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1415-A:)

Int. No. 1415-A

By Council Members Lander, Adams, Ayala, Cabrera, Brannan, Eugene, Moya, Rosenthal, Menchaca, Kallos, Reynoso, Levine, Van Bramer, Salamanca, Chin, Rivera, Treyger, Levin, Cumbo, Torres, Rodriguez, Constantinides, Ampy-Samuel, Gibson, Powers, Rose, Louis, Koslowitz, Cornegy and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to wrongful discharge of fast food employees

Be it enacted by the Council as follows:

Section 1. Chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 7 to read as follows:

**SUBCHAPTER 7
WRONGFUL DISCHARGE OF FAST FOOD EMPLOYEES**

§ 20-1271 Definitions. As used in this subchapter, the following terms have the following meanings:

Discharge. The term “discharge” means any cessation of employment, including termination, constructive discharge, reduction in hours and indefinite suspension.

Just cause. The term “just cause” means the fast food employee’s failure to satisfactorily perform job duties or misconduct that is demonstrably and materially harmful to the fast food employer’s legitimate business interests.

Probation period. The term “probation period” means a defined period of time, not to exceed 30 days from the first date of work of a fast food employee, within which fast food employers and fast food employees are not subject to the prohibition on wrongful discharge set forth in section 20-1272.

Progressive discipline. The term “progressive discipline” means a disciplinary system that provides for a graduated range of reasonable responses to a fast food employee’s failure to satisfactorily perform such fast

food employee's job duties, with the disciplinary measures ranging from mild to severe, depending on the frequency and degree of the failure.

Reduction in hours. The term "reduction in hours" means a reduction in a fast food employee's hours of work totaling at least 15 percent of the employee's regular schedule or 15 percent of any weekly work schedule.

§ 20-1272 *Prohibition on wrongful discharge.* a. A fast food employer shall not discharge a fast food employee who has completed such employer's probation period except for just cause.

b. In determining whether a fast food employee has been discharged for just cause, the fact-finder shall consider, in addition to any other relevant factors, whether:

1. The fast food employee knew or should have known of the fast food employer's policy, rule or practice that is the basis for progressive discipline or discharge;

2. The fast food employer provided relevant and adequate training to the fast food employee;

3. The fast food employer's policy, rule or practice, including the utilization of progressive discipline, was reasonable and applied consistently;

4. The fast food employer undertook a fair and objective investigation into the job performance or misconduct; and

5. The fast food employee violated the policy, rule or practice or committed the misconduct that is the basis for progressive discipline or discharge.

c. Except where termination is for an egregious failure by the employee to perform their duties, or for egregious misconduct, a termination shall not be considered based on just cause unless (1) the fast food employer has utilized progressive discipline; provided, however, that the fast food employer may not rely on discipline issued more than one year before the purported just cause termination, and (2) the fast food employer had a written policy on progressive discipline in effect at the fast food establishment and that was provided to the fast food employee.

d. Within 5 days of discharging a fast food employee, the fast food employer shall provide a written explanation to the fast food employee of the precise reasons for their discharge. In determining whether a fast food employer had just cause for discharge, the fact-finder may not consider any reasons proffered by the fast food employer but not included in such written explanation provided to the fast food employee.

e. The fast food employer shall bear the burden of proving just cause by a preponderance of the evidence in any proceeding brought pursuant to this subchapter, subject to the rules of evidence as set forth in the civil practice law and rules or, where applicable, the common law.

f. In any action or proceeding brought pursuant to sections 20-1207, 20-1211, or 20-1273, if a fast food employer is found to have unlawfully discharged a fast food employee in violation of this subchapter the relief shall include an order to reinstate or restore the hours of the fast food employee, unless waived by the fast food employee, and, in any such proceeding brought pursuant to 20-1211 or 20-1273 where a fast food employer is found to have unlawfully discharged a fast food employee in violation of this subchapter, the fast food employer shall be ordered to pay the reasonable attorneys' fees and costs of the fast food employee.

§ 20-1273 *Applicability of schedule change premiums.* A discharged fast food employee who loses a shift on a work schedule as a result of discharge, including employees whose employment is terminated for any reason, shall be entitled to schedule change premiums for each such lost shift pursuant to section 20-1222.

§ 20-1274 *Exceptions.* This subchapter shall not:

a. Apply to any fast food employee who is currently employed within a probation period;

b. Limit or otherwise affect the applicability of any right or benefit conferred upon or afforded to a fast food employee by the provisions of any other law, regulation, rule, requirement, policy or standard including but not limited to any federal, state or local law providing for protections against retaliation or discrimination.

§ 2. Subdivision b of section 20-1208 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is relettered as subdivision c and a new subdivision b is added to read as follows:

b. For each violation of section 20-1272, the department shall order reinstatement or restoration of hours of the fast food employee, unless waived by the fast food employee. The department may, in addition, grant the following relief: \$500 for each violation, an order directing compliance with section 20-1272, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge, and any other equitable relief as may be appropriate.

§ 3. Subdivisions a of section 20-1211 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

a. Claims. Any person, including any organization, alleging a violation of the following provisions of this chapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction:

1. Section 20-1204;
2. Section 20-1221;
3. Subdivisions a and b of section 20-1222;
4. Section 20-1231;
5. Subdivisions a, b, d, f and g of section 20-1241;
6. Section 20-1251; [and]
7. Subdivisions a and b of section 20-1252; *and*
8. *Section 20-1272.*

§ 4. Subdivisions c of section 20-1211 of the administrative code of the city of New York as added by local law number 107 for the year 2017, and subdivision d of such section, as amended by local law number 80 for the year 2020, are relettered as subdivisions d and e, respectively, and a new subdivision c is added to read as follows:

c. For each violation of section 20-1272, the court shall order reinstatement or restoration of hours of the fast food employee, unless waived by the fast food employee, and shall order the fast food employer to pay the reasonable attorneys' fees and costs of the fast food employee. The court may, in addition, grant the following relief: \$500 for each violation, an order directing compliance with section 20-1272, rescission of any discipline issued, payment of back pay for any loss of pay or benefits resulting from the wrongful discharge, punitive damages, and any other equitable relief as may be appropriate.

§ 5. Subdivision a of section 20-1212 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, and as amended by local law number 80 for the year 2020, is amended to read as follows:

a. Cause of action.

1. Where reasonable cause exists to believe that an employer is engaged in a pattern or practice of violations of this chapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.

2. The corporation counsel shall commence such action by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, *relief for employees set forth in section 20-1208*, civil penalties *set forth in section 20-1209*, and any other appropriate relief.

3. Such action may be commenced only by the corporation counsel or such other persons designated by the corporation counsel.

4. Nothing in this section prohibits (i) the department from exercising its authority under section 20-1207 through 20-1209, or (ii) a person alleging a violation of this chapter from filing a complaint pursuant to section 20-1207 or a civil action pursuant to section 20-1211, *or requesting an arbitration proceeding pursuant to section 20-1273* based on the same facts pertaining to such a pattern or practice, provided that a civil action pursuant to this section shall not have previously been commenced.

§ 6. Subdivisions a and b of section 20-1221 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, are amended to read as follows:

a. *A fast food employer shall have scheduling practices that provide each fast food employee with a regular schedule that is a predictable, regular set of recurring weekly shifts the employee will work each week. No later than when a new fast food employee receives such employee's first work schedule, a fast food employer shall provide such employee with a [good faith estimate in writing setting forth] written copy of their regular schedule including the number of hours a fast food employee can expect to work per week for the duration of the employee's employment and the expected [dates]days, times and locations of those hours. A fast food employer shall comply with sections 20-1241 and subdivision h of section 20-1272 before adding shifts to the regular schedule of a new or current fast food employee. If a long-term or indefinite change is made to the [good faith estimate] regular schedule, the fast food employer shall provide an updated [good faith estimate] copy of the regular schedule in writing to the affected employee as soon as possible and before such*

employee receives the first work schedule following the change. *A fast food employer may not reduce the total hours in a fast food employee's regular schedule by more than 15% from the highest total hours contained in such employee's regular schedule at any time within the previous 12 months, unless the employee has previously consented to or requested such reduction in writing, or the reduction was consistent with the restrictions on discharges pursuant to subchapter 7 of this title.*

b. A fast food employer shall provide a fast food employee with written notice of a work schedule containing regular shifts and on-call shifts on or before the employee's first day of work. For all subsequent work schedules, the fast food employer shall provide such notice no later than 14 days before the first day of any new schedule. Such work schedule shall span a period of no less than seven days and contain all anticipated regular shifts and on-call shifts that the employee will work or will be required to be available to work during the work schedule. *The regular shifts and on-call shifts in any work schedule shall not vary by more than 15% from the shifts on the employee's regular schedule, unless the employee consented to or requested such changes in writing, or the change was consistent with the restrictions on discharges pursuant to subchapter 7 of this title.*

§ 7. This local law takes effect 180 days after it becomes law, except that section two of this local law and the authority of the department of consumer and worker protection to enforce the provisions of this local law pursuant to section 20-1207 of the administrative code of the city of New York take effect 240 days after this local law becomes law, and provided that the commissioner of the department of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such effective date.

I. DANEEK MILLER, *Chairperson*; DANIEL DROMM; HELEN K. ROSENTHAL, ADRIENNE E. ADAMS, FARAH N. LOUIS, ERIC A. ULRICH; Committee on Civil Service and Labor, December 15, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Barron and Lander.*

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

Report of the Committee on Education

Report for Int. No. 2058-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of education to report on remote learning attendance.

The Committee on Education, to which the annexed proposed amended local law was referred on August 27, 2020 (Minutes, page 1734), respectfully

REPORTS:

I. Introduction

On Tuesday, December 15, 2020, the Committee on Education, chaired by Council Member Mark Treyger held a vote on Proposed Introduction Number 2058-A, sponsored by the Public Advocate (Mr. Williams) and Proposed Introduction Number 2104-A, sponsored by Council Member Treyger. The Committee previously heard testimony¹ on this legislation from the Department of Education (DOE), Department of Health and

¹ Hearing held on October 16, 2020.

Mental Hygiene (DOHMH), New York City Test & Trace Corps (T2), Department of Youth and Community Development (DYCD), students, parents, educators, health experts, unions, advocates, and other interested stakeholders. On December 15, 2020, the Committee passed Proposed Introduction Number 2058-A and Proposed Introduction Number 2104-A by a vote of fourteen in the affirmative, zero in the negative, with zero abstentions.

II. Background

COVID-19: Background

A novel coronavirus, called SARS-CoV-2, first emerged in late 2019 and spread rapidly around the world.² As of October 15, 2020, there have been 39,036,810 confirmed cases of COVID-19, the disease caused by SARS-CoV-2, and more than 1,100,340 deaths worldwide, including more than 8,172,934 cases and more than 222,210 deaths in United States.³ New York State (NYS) and New York City (NYC) have been hit particularly hard by this pandemic. As of October 15, there have been more than 479,400 confirmed cases⁴ and more than 25,618 deaths in the State,⁵ including more than 246,836 cases, 19,264 confirmed deaths, and 4,651 probable deaths in New York City.⁶

COVID-19 has a wide range of symptoms, ranging from mild symptoms to severe illness, and symptoms may appear 2-14 days after exposure to the virus.⁷ Symptoms include fever or chills, cough, shortness of breath, difficulty breathing, fatigue, muscle or body aches, headache, loss of taste or smell, sore throat, congestion, runny nose, nausea, vomiting, and diarrhea.⁸ Some people are at increased risk of developing severe COVID symptoms and dying from the virus, including older adults and those with certain underlying medical conditions,⁹ such as cancer, chronic kidney disease, heart conditions, obesity, and type 2 diabetes.¹⁰ Other people who should take extra precautions include people who are racial and/or ethnic minorities, those with disabilities, those who are pregnant or breastfeeding, individuals living in rural communities, and those experiencing homelessness.¹¹

Although children are less likely to experience symptoms if they contract COVID-19,¹² they can still spread the virus that causes COVID-19 to others, even if they are asymptomatic.¹³ Moreover, while most children with COVID-19 have mild symptoms or have no symptoms at all, some children can get severely ill from COVID-19, including infants and children with certain underlying conditions such as asthma, chronic lung disease, immunosuppression, and medical complexity.¹⁴

² Axios, “The COVID-19 Tracker.” Accessed at: <https://www.statnews.com/feature/coronavirus/covid-19-tracker/>.

³ Worldometer, “COVID-19 Coronavirus Pandemic.” Accessed at: <https://www.worldometers.info/coronavirus/>.

⁴ NYS DOH COVID-19 Tracker, “Persons Tested Positive by County.” Accessed at: <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Map?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

⁵ New York State Department of Health COVID-19 Tracker, “Fatalities.” Accessed at: <https://covid19tracker.health.ny.gov/views/NYS-COVID19-Tracker/NYSDOHCOVID-19Tracker-Fatalities?%3Aembed=yes&%3Atoolbar=no&%3Atabs=n>.

⁶ New York City Department of Health and Mental Hygiene, “COVID-19: Data.” Accessed at: <https://www1.nyc.gov/site/doh/covid/covid-19-data.page>.

⁷ Centers for Disease Control and Prevention, “Symptoms of Coronavirus,” May 13, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

⁸ *Id.*

⁹ Centers for Disease Control and Prevention, “People at Increased Risk and Other People Who Need to Take Extra Precautions,” September 11, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.

¹⁰ Centers for Disease Control and Prevention, “People with Certain Medical Conditions,” October 6, 2020. Accessed at: https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html?CDC_AA_refVal=https%3A%2F%2Fwww.cdc.gov%2Fcoronavirus%2F2019-ncov%2Fneed-extra-precautions%2Fgroups-at-higher-risk.html.

¹¹ Centers for Disease Control and Prevention, “People at Increased Risk and Other People Who Need to Take Extra Precautions,” September 11, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/index.html>.

¹² Centers for Disease Control and Prevention, “COVID-19 in Children and Teens,” September 17, 2020. Accessed at: <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/children/symptoms.html>.

¹³ *Id.*

¹⁴ *Id.*

The Centers for Disease Control and Prevention (CDC) has also been tracking reports of multisystem inflammatory syndrome in children (MIS-C), a rare but serious condition associated with COVID-19, since mid-May 2020.¹⁵ As of October 1, 2020, there have been 1,027 total confirmed cases of MIS-C and 20 deaths.¹⁶ More than 70 percent of reported cases have occurred in children and adolescents who are Hispanic (372 cases) or Black (309 cases).¹⁷

Impact on New York City

On March 7, 2020, Governor Andrew Cuomo declared a State of Emergency and has since issued a series of orders that have closed schools and businesses, and changed the day-to-day lives of millions of New York residents.¹⁸ These unprecedented measures were to slow the spread of COVID-19, ensure that the number of people who required hospitalization was limited as much as possible, and put hospitals in a better position to manage a surge in cases.¹⁹ These measures were followed by safety guidelines from the New York City Department of Health and Mental Hygiene (DOHMH)²⁰ and New York State Department of Health (NYS DOH) for businesses and individuals.²¹ In some ways, these safety guidelines mirror the prevention and safety guidelines issued by the CDC, which encourage individuals to wear face coverings that cover their noses and mouths, practice social distancing by putting six feet of distance between themselves and others, and frequently wash their hands to avoid exposure to the virus, as the virus is thought to mainly spread from person-to-person.²²

In the weeks following Governor Cuomo's emergency orders, the immediate concern regarding hospital capacity was abated as the number of new COVID-19 cases, hospitalizations, and deaths declined significantly.²³ By early September, New York State had experienced a full month with the COVID-19 infection rate below one percent²⁴ while testing between about 50,000 and 100,000 people per day.²⁵ As rates of infection remained low, New York State steadily eased restrictions and reopened. This included plans for all New York City public schools to resume some in-person classes this fall.²⁶

¹⁵ Centers for Disease Control and Prevention, "Health Department-Reported Cases of Multisystem Inflammatory Syndrome in Children (MIS-C) in the United States," October 1, 2020. Accessed at: <https://www.cdc.gov/mis-c/cases/index.html>.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Syracuse.com, "Coronavirus timeline in NY: Here's how Gov. Cuomo has responded to COVID-19 pandemic since January," April 14, 2020. Accessed at: <https://www.syracuse.com/coronavirus/2020/04/coronavirus-timeline-in-ny-heres-how-gov-cuomo-has-responded-to-covid-19-pandemic-since-january.html>.

¹⁹ Harry Stevens, "Why outbreaks like coronavirus spread exponentially, and how to 'flatten the curve.'" *The Washington Post*. March 14, 2020. Accessed at: <https://www.washingtonpost.com/graphics/2020/world/corona-simulator/>.

²⁰ New York City Department of Health and Mental Hygiene, "Coronavirus Disease 2019 (COVID-19)," Accessed at: <https://www1.nyc.gov/site/doh/covid/covid-19-main.page>.

²¹ The Official Website of New York State, "Protect Yourself and Your Family from Coronavirus (COVID-19)." Accessed at: <https://coronavirus.health.ny.gov/protect-yourself-and-your-family-coronavirus-covid-19>.

²² The Centers for Disease Control & Prevention, "How to Protect Yourself & Others," updated July 31, 2020. Accessed at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>.

²³ CBS News, "New York Governor Andrew Cuomo touts 'exciting new phase' as virus cases continue to decline," May 11, 2020. Accessed at: <https://www.cbsnews.com/news/new-york-coronavirus-economic-reopening-new-phase-governor-cuomo/>.

²⁴ The Official Website of New York State, "Governor Cuomo Announces One Month with COVID-19 Infection Rate Below 1 Percent," September 7, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-announces-one-month-covid-19-infection-rate-below-1-percent>.

²⁵ The Official Website of the State of New York, "Percentage Positive Results By Region Dashboard," September 9, 2020. Accessed at: <https://forward.ny.gov/percentage-positive-results-region-dashboard>.

²⁶ New York City Department of Education, "Health and Safety." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

III. State Guidance on Reopening Schools

New York State Guidance on School Reopening

Recognizing how quickly the coronavirus spreads,²⁷ 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 their buildings, with many choosing to operate remotely.²⁸ While the Governor signed an executive order on March 16 to close school buildings for two weeks beginning on March 18, 2020,²⁹ 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.³⁰ On April 7, 2020, Governor Cuomo signed Executive Order No. 202.14, which extended and directed schools to stay closed through April 29.³¹ 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.³² 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.³³

One of the most pertinent questions facing every school district in the country was whether or when school buildings would reopen for in-person instruction in 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.³⁴ There has been contentious debate in the city from educators, parents, students and advocates about how and whether NYC public school buildings should reopen.³⁵

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 24.³⁶ 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."³⁷ This framework, which was released on July 13, 2020, considered in-person instruction, remote instruction and a combination of the two.³⁸

²⁷ The coronavirus primarily spreads from person to person through respiratory droplets emitted when an infected individual sneezes or coughs.

²⁸ Governor Andrew M. Cuomo Press Release, "Governor Cuomo Signs the 'New York State on PAUSE' Executive Order," March 20, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-signs-new-york-state-pause-executive-order>.

²⁹ 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>.

³⁰ 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>

³¹ Executive Order No. 202.4 (signed March 16, 2020) ordered all schools in New York State closed 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>.

³² *Id.*

³³ The State of New York, "Phase Four Industries." Accessed at: <https://forward.ny.gov/phase-four-industries>.

³⁴ Eliza Shapiro, "N.Y.C. Schools, Nation's Largest District, Will Not Fully Reopen in Fall." *The New York Times*. July 8, 2020. Accessed at: <https://www.nytimes.com/2020/07/08/nyregion/nyc-schools-reopening-plan.html>.

³⁵ News 4 New York, "NYC School Reopening Debate Rages On." August 21, 2020. Accessed at: <https://www.nbcnewyork.com/on-air/as-seen-on/nyc-school-reopening-debate-rages-on/2579070/>.

³⁶ New York Education Department, "School Reopening Plans." Accessed at: <http://www.nysed.gov/reopening-schools/school-reopening-plans>.

³⁷ 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-pl2-school-reopening-guidance.pdf>.

³⁸ *Id.*

The framework was incorporated into guidance that include actions that schools are required to take and best practice recommendations.³⁹ Topics covered include:

- Health and safety;
- Facilities;
- Nutrition;
- Social-emotional well-being;
- School schedules;
- Budget and fiscal;
- Attendance and chronic absenteeism; and
- Technology and connectivity.⁴⁰

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.⁴¹

New York State Department of Health

On July 13, 2020, the NYS DOH issued *Interim Guidance for In-Person Instruction at Pre-K to Grade 12 Schools During the COVID-19 Public Health Emergency*.⁴² 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.⁴³ The guidance indicates that every school district was required to submit their reopening plans for approval to both NYS DOH and NYSED.⁴⁴ 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.⁴⁵

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.⁴⁶ Plans were due to the State by July 31.⁴⁷

Finally, the Governor also imposed an infection rate threshold that would determine if schools were permitted to resume in-person learning in September.⁴⁸ Schools in a region could reopen if that region's "daily infection rate remains below 5 percent or lower using a 14-day average since unPAUSE [sic] was lifted."⁴⁹ Schools will close "if the regional infection rate rises above 9 percent, using a 7-day average, after August

³⁹ *Id.*

⁴⁰ *Id.*

⁴¹ *Id.*

⁴² 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.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ 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>.

⁴⁸ *Id.*

⁴⁹ *Id.*

1.”⁵⁰ On August 7, 2020, Governor Cuomo announced that schools across the state were permitted to resume in-person learning in September based on infection rates in each of the State’s regions.⁵¹

IV. New York City Department of Education’s Reopening Plan

On Wednesday, July 8, 2020, Mayor Bill de Blasio and Chancellor Richard Carranza unveiled their school reopening plan, “Blended Learning,” for NYC public schools.⁵² The plan called for blended learning, a combination of onsite instruction and remote learning for students.⁵³ The plan also detailed the use of Personal Protective Equipment (PPE) and social distancing requirements for schools. According to the plan, all schools will be provided with PPE including face masks, hand sanitizer and disinfectant, at no cost to the individual school; every school will be deep cleaned each night with electrostatic sprayers; HVAC inspection and improvement would occur prior to school reopening; and isolation rooms would be created for students that become sick.⁵⁴ 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.⁵⁵

In a New York City Department of Education (DOE) survey of parents on learning preference, launched in late July, DOE reported that as of October 9, approximately 525,520—or 52%—chose full remote learning.⁵⁶ 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.⁵⁷ 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.”⁵⁸ The Mayor and Chancellor set a school reopening date of September 10, 2020.⁵⁹

On Tuesday, September 1, 2020, Mayor de Blasio, Chancellor Carranza and labor leaders including United Federation of Teachers (UFT) president, Michael Mulgrew, Council of School Supervisors & Administrators (CSA) President Mark Cannizzaro, and DC 37 Executive Director Henry A. Garrido, announced a delay to the reopening of NYC public schools.⁶⁰ According to the deal reached, the start of in-person learning for the 2020-21 school year would be moved from Thursday, September 10 to Monday, September 21, and on Wednesday, September 16 all students would begin remote orientation for the new school year.⁶¹ Teachers were to report to buildings on September 8 as originally scheduled and would have six total citywide professional development days to coordinate, collaborate and prepare for blended and remote learning.⁶² Finally, with respect to testing, there would be a medical monitoring program with mandatory monthly testing of a random 10-20% sample of students participating in blended learning as well as on-site staff.⁶³ Further, the announcement stated that, in addition to the City’s free medical testing program for all

⁵⁰ *Id.*

⁵¹ 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>.

⁵² 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/>.

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

⁵⁴ *Id.*

⁵⁵ 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>.

⁵⁶ New York City Department of Education, “Update on Family Learning Preference Survey,” October 14, 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).*

⁵⁷ *Id.*

⁵⁸ 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>.

⁵⁹ PIX 11, “NYC schools develop plan to reopen,” June 11, 2020. Accessed at: <https://www.pix11.com/news/local-news/nyc-schools-develop-plan-to-reopen>.

⁶⁰ 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>.

⁶¹ *Id.*

⁶² *Id.*

⁶³ *Id.*

NYC residents, students, teachers and DOE school-based staff would have prioritized access to testing at 34 sites across the city, with results available within 24-48 hours.⁶⁴

Yet another change to the school reopening schedule was announced on September 17, when a teacher shortage led the City to phase-in reopening over a two-week period.⁶⁵ In a joint statement, Mayor de Blasio, Schools Chancellor Carranza, UFT President Mulgrew and CSA President Cannizzaro announced a phased schedule for in-person learning and additional staffing plan.⁶⁶ Under the revised plan, students in full remote programs would start full-day instruction on Monday, September 21 as planned, while students in blended learning programs would return to school according to the following schedule:

- Monday, September 21st: Blended learning students in grades 3-K and Pre-K, as well as all grades in District 75;
- Tuesday, September 29th: Blended learning students enrolled in K-5 and K-8 schools;
- Thursday, October 1st: Blended learning students enrolled in middle schools, high schools, secondary schools (schools spanning grades 6-12), and transfer schools/adult education.⁶⁷

Further, the statement announced that 2,500 additional teachers would be brought on to fill staffing needs at 3-K, Pre-K, District 75, K-5 and K-8 schools on top of the 2,000 additional teaching staff that the Mayor announced earlier that week.⁶⁸

The hybrid schedule set forth below includes five models adopted by NYC public schools—two of these models are exclusively for District 75 schools.⁶⁹

Student Group Rotation Models

- **Model 1:** Alternating days with rotating Mondays, two in-person student groups and one fully remote student group. It assumes that a school can accommodate 50 percent of its student population who participate in in-person learning.⁷⁰ Results in five days of in-person instruction for each student over the course of two weeks.⁷¹
- **Model 2:** One to two days per week in alternating weeks, three in-person student groups. This model assumes that a school can accommodate one third of its students who participate in in-person learning.⁷² Students will receive in-person instruction 1-2 days per week for a total of 5 days every 3 weeks.⁷³
- **Model 3:** Six day rotation with one to two days per week, three in-person student groups. Assumes that a school can accommodate one third of its students participating in in-person learning.⁷⁴ 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.⁷⁵
- **Model 4:** Every other week, two in-person student groups and available to District 75 schools only.⁷⁶ It assumes that a school can serve at least half of its students who participate in in-person learning.⁷⁷

⁶⁴ *Id.*

⁶⁵ Christina Veiga and Alex Zimmerman, “How a staffing crunch months in the making threw NYC’s school reopening plans into chaos,” *Chalkbeat*, September 18, 2020, accessed at <https://ny.chalkbeat.org/2020/9/18/21445996/staff-shortage-delay-school-reopening>.

⁶⁶ Office of the Mayor press release, “Mayor de Blasio, Chancellor Carranza, UFT and CSA Announce School Reopening Schedule and Staffing Plan,” September 17, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/661-20/mayor-de-blasio-chancellor-carranza-uft-csa-school-reopening-schedule-staffing>.

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ 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>

⁷⁰ *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>.

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ 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>.

⁷⁵ *Id.*

⁷⁶ 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>.

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.⁷⁸ Students will receive in-person instruction for five days every other week.⁷⁹ An optional third group will receive in-person instruction every week in-person.⁸⁰

- **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.⁸¹ 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.⁸² Students will receive in-person learning on two consecutive days per week—Tuesdays and Wednesdays for one group and Thursdays and Fridays for the other group—with groups alternating Mondays.⁸³ Students who receive two in person instruction days per week will receive additional in-person time on alternating Mondays.⁸⁴

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.⁸⁵ 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.⁸⁶

Safety Precautions

In preparation for reopening, Mayor de Blasio and Chancellor Carranza introduced a list of safety precautions the administration would take to safely reopen schools. First, school buildings would be required to close if the percent of positive coronavirus tests in NYC is equal to or greater than three percent using a seven-day rolling average.⁸⁷ 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 to be in-place by the first day of school.⁸⁸ 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.⁸⁹ DOE also committed to providing schools with supplies to protect students and staff from COVID-19, including soap, hand sanitizer, disinfectants, and thermometers.⁹⁰

Schools are also required to implement personal health measures to reduce the spread of COVID-19, including:

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ *Id.*

⁸⁰ *Id.*

⁸¹ *Id.*

⁸² 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>.

⁸³ *Id.*

⁸⁴ *Id.*

⁸⁵ 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>.

⁸⁶ *Id.*

⁸⁷ New York City Department of Education, "Health and Safety." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

⁸⁸ *Id.*

⁸⁹ *Id.*

⁹⁰ New York City Department of Education, "Building Safety." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety/building-safety>.

- Physical Distancing - all individuals in school buildings should remain at least 6 feet apart.
- Face Coverings - Face coverings will be required inside school buildings. Exceptions will be developmentally- and age-appropriate, consistent with guidance of health agencies, and paired with increased PPE for staff.
- Handwashing and Hand Sanitizing - There will be increased access and regular opportunities for students and staff to wash hands or use hand sanitizer throughout the day.⁹¹

Building Safety Measures

In addition to the aforementioned plans, DOE set forth several building safety measures it would take to make school buildings safer, including 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.⁹² The DOE is currently assessing ventilation in school buildings and making repairs to windows and HVAC systems, and replacing air filters in buildings with central HVAC systems.⁹³ The Department also announced that throughout the school year it would implement enhanced cleaning and disinfection measures as follows:

- 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.⁹⁴

Outdoor Learning

On August 24, 2020, Mayor de Blasio and Chancellor Carranza announced an Outdoor Learning Initiative for the 2020-21 school year that permitted schools to conduct classes outdoors in schoolyards, nearby parks, and adjacent streets.⁹⁵ These courses include dance, chorus, theater, physical education, band and other academic courses.⁹⁶ Schools interested in participating in the Outdoor Learning initiative are required to complete DOE's Outdoor Learning Survey and identify their outdoor learning needs and the space they intend to use.⁹⁷ This initiative is available to public, charter, and private schools, as well as the Learning Bridges program.⁹⁸ As of September 5, 2020, the DOE approved over 800 schools for outdoor learning in the fall, and applications are being accepted on a rolling basis.⁹⁹

Testing Requirements and Contact Tracing

As outlined above, the Mayor announced the following testing protocols for school reopening:

⁹¹ New York City Department of Education, "Health and Safety." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

⁹² New York City Department of Education, "Building Safety." Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety/building-safety>

⁹³ *Id.*

⁹⁴ *Id.*

⁹⁵ Office of the Mayor press release, "Mayor de Blasio and Chancellor Carranza Announce 'Outdoor Learning' Initiative," August 24, 2020, accessed at <https://www1.nyc.gov/office-of-the-mayor/news/606-20/mayor-de-blasio-chancellor-carranza-outdoor-learning-initiative>.

⁹⁶ New York City Department of Education, "Outdoor Learning Initiative." Accessed at <https://infohub.nyced.org/working-with-the-doe/covid-19-resources/outdoor-learning-initiative>.

⁹⁷ *Id.*

⁹⁸ *Id.*

⁹⁹ Spectrum News: NY 1, "Department of Education Approves 800-Plus City Schools for Outdoor Learning," Sept. 5, 2020. Accessed at: <https://www.ny1.com/nyc/all-boroughs/news/2020/09/05/departement-of-education-approves-800-plus-city-schools-for-outdoor-learning#:~:text=Department%20of%20Education%20Approves%20800%2DPlus%20City%20Schools%20for%20Outdoor%20Learnin&text=The%20Department%20of%20Education%20has.few%20dozen%20more%20are%20pendin>.

- Prioritized access to testing for DOE students (3K through 12th Grade), employees, employees of DOE contracted early childhood programs and affiliated family child care networks, and employees of DOE- and the Department of Youth and Community Development-contracted Learning Bridges programs, 22 of which are at Health and Hospitals (H+H) testing sites across the City;
- Priority sites will provide quick testing and guaranteed results within 24-48 hours; and
- Starting October 9 and recurring each month mandatory random test sampling in schools of 10-20% of their students participating in blended learning and on-site staff population.¹⁰⁰

To receive priority testing at the existing sites, students and staff must show ID or other proof of DOE affiliation.¹⁰¹ Each student's family was asked to sign a consent form at the start of the school year to enable their child to participate in random testing, and they will be notified in advance if their child is selected for the month.¹⁰² Providing consent is not mandatory and students may opt out of testing – particularly those students for whom testing is uncomfortable or who cannot get tested – but students without consent forms on file may be required to learn remotely if a school does not receive forms from enough students in the school.¹⁰³

To facilitate random monthly testing, DOE “testing partners” will select a random sampling of staff and students in grades 1-12.¹⁰⁴ The testing is organized by H+H, DOHMH, and the NYC Test & Trace Corp.¹⁰⁵ According to the UFT, the NYC Test & Trace Corps and DOHMH will provide testing kits to schools each month, and appropriate personnel will collect or supervise collection of specimens on site in each school each month.¹⁰⁶ The proportion of students and staff to be tested each month will be determined by the number of students enrolled in the school who have opted into blended learning in order to create a statistically significant sample size:

- 20% of the individuals in schools with fewer than 500 students;
- 15% of the individuals in schools with 500 to 999 students; and
- 10% of the individuals in schools with 1000+ students.¹⁰⁷

Additionally, the percentage of staff tested and the frequency of testing will rise significantly in schools in any zip code that reports a percentage of positive tests of 3% or higher using a 7-day rolling average.¹⁰⁸ Random monthly tests are free for students and DOE staff members, and staff or students cannot be exempted from testing by receiving a separate test on their own (the test must be part of the DOE random sampling if they are selected to participate).¹⁰⁹ If any student or staff tests positive – through the random sampling or through an independent test – they are required to notify the DOE about such results.¹¹⁰

In addition to random monthly testing, DOE is planning for in-school testing for any students that show symptoms of COVID-19, or who are a confirmed contact of someone in the school who tested positive.¹¹¹ The current test being utilized is a short, small swab (similar to a Q-Tip) that enters only the front of the nose, as

¹⁰⁰ Office of the Mayor press release, “Mayor de Blasio, Chancellor Carranza, UFT and CSA Announce School Reopening Schedule and Staffing Plan,” September 17, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/661-20/mayor-de-blasio-chancellor-carranza-uft-csa-school-reopening-schedule-staffing>; “Priority Testing for School-Based Staff and Students,” Accessed at: <https://www1.nyc.gov/site/coronavirus/get-tested/doe-employee-testing.page>.

¹⁰¹ *Id.*

¹⁰² *Id.*

¹⁰³ “COVID-19 Testing for Students and Staff,” NYC DOE, <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety/covid-19-testing>.

¹⁰⁴ *Id.*

¹⁰⁵ *Id.*

¹⁰⁶ United Federation of Teachers, “Testing & Tracing.” Accessed at: <https://www.uft.org/your-rights/safety-health/coronavirus/faq-on-school-reopening/testing-tracing>.

¹⁰⁷ *Id.*

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ New York City Department of Education, “COVID-19 Testing for Students and Staff.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety/covid-19-testing>.

opposed to the “long swab,” which enters the back of the nose.¹¹² DOE plans to potentially shift to a saliva test as soon as such an option is widely and reliably available.¹¹³

A positive COVID test – taken privately or through the random sampling – will result in the following:

- Students or staff found to have the virus will be quarantined for 14 days, regardless of the presence of symptoms;
- NYC tracing teams will be dispatched to school immediately to determine potential contacts;
- The COVID-positive individual will receive a call from a tracer who will:
 - Determine if they need more medical attention;
 - Help arrange to isolate at home or at a free hotel; and
 - Create a list of contacts.
- The presence of a COVID-19 case or cases confined to one class will result in the entire class moving to remote instruction;
- And more than one case in a school will result in an entire school moving to remote instruction until the contact tracing is completed.¹¹⁴

In addition, 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-19.¹¹⁵ 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.¹¹⁶

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

*DOE’s Scenario Planning for Classrooms and full School Closures*¹¹⁷

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
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

¹¹² *Id.*

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ New York City Department of Education, “Health and Safety.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

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.¹¹⁸ If a school building is closed, the school will inform families by 6pm on the night before reopening about the status of reopening the following morning.¹¹⁹ DOE will not reopen school buildings unless public health experts inform them that it is safe to do so.¹²⁰

In order to facilitate a rapid response to positive COVID-19 cases in public schools, on September 14, Mayor de Blasio and Chancellor Carranza announced the creation of the DOE COVID-19 Response Situation Room—a multi-agency partnership between DOE, DOHMH and the Test & Trace Corps.¹²¹ “The Situation Room provides a single point-of-contact between schools and agency partners responsible for performing both testing, contact tracing, and ensuring the appropriate interventions are being taken by school communities.”¹²² School leaders are expected to contact the Situation Room to report any suspected or confirmed COVID-19 cases, as well as whether a student or staff member is isolating or sent home with symptoms.¹²³ Once a report is received by the Situation Room, DOHMH will verify the case and, if needed, trigger a Test & Trace investigation within three hours.¹²⁴ If a case is confirmed, schools are required to inform all families and students within the school about the results and what proceeding steps need to be taken, such as whether the students and staff need to be quarantined or whether the school building will temporarily close.¹²⁵

The following map shows DOE schools that had COVID-19 cases since the reopening of school buildings. As of October 13, 2020, there were 131 known cases of COVID-19 in DOE schools.¹²⁶ Six of these cases resulted in a school building closure,¹²⁷ 120 resulted in a classroom closure, and 5 did not trigger any closure as it was determined that although a member of the school community tested positive for COVID-19, the school community wasn’t exposed.¹²⁸

¹¹⁸ *Id.*

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ Mayor Bill de Blasio Press Release, “City Launches Department of Education COVID-19 Situation Room,” September 14, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/647-20/city-launches-department-education-covid-19-situation-room>.

¹²² *Id.*

¹²³ *Id.*

¹²⁴ *Id.*

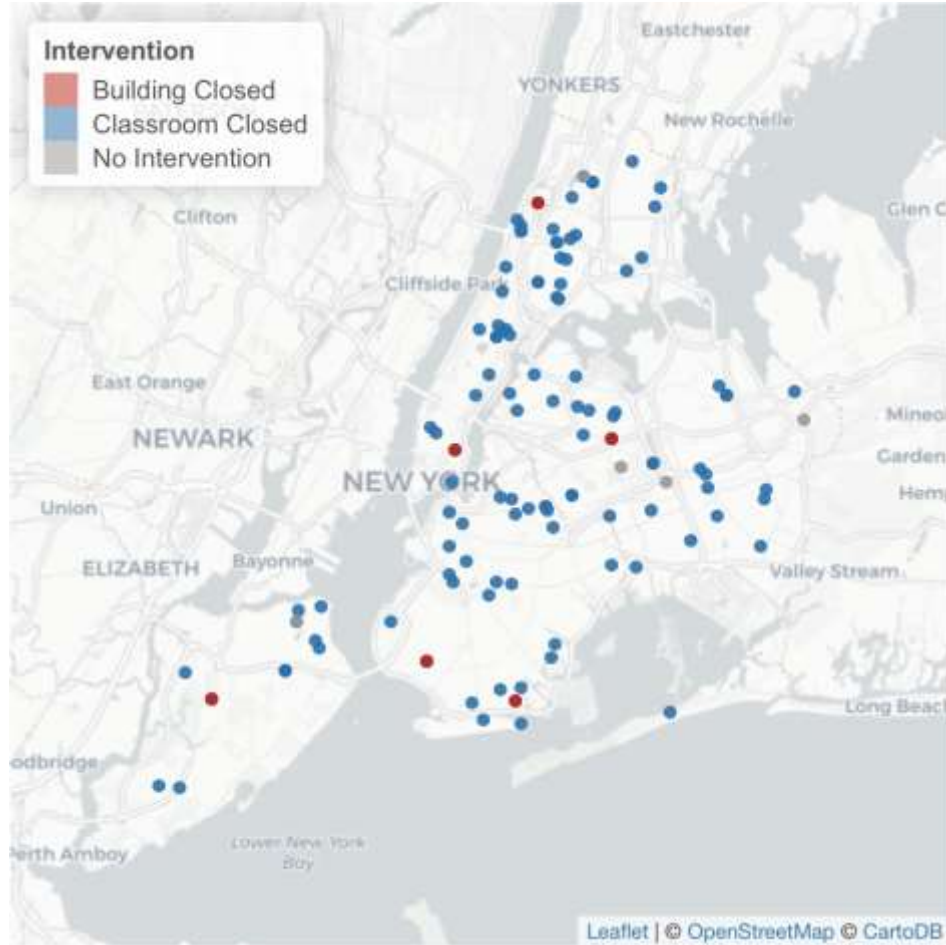
¹²⁵ *Id.*

¹²⁶ New York City Department of Education, “Outdoor Learning Initiative.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety/daily-covid-case-map>

¹²⁷ *Id.*

¹²⁸ *Id.*

*Covid-19 Cases in DOE Schools*¹²⁹



V. Accommodations for at Risk Staff

While students can opt into 100% remote learning at any time, DOE staff who are older adults and/or have underlying medical condition(s) that make them more vulnerable to COVID-19 can request to work from home.¹³⁰ These accommodations are considered in accordance with applicable disability laws, such as the American with Disabilities Act and the Center for Disease Control guidance.¹³¹ On September 25, the DOE and United Federation of Teachers announced that teachers will be allowed to work remotely if they are teaching students who are learning from home.¹³² Notably, this was a reversal of an original decision that required remote teachers to work inside of schools, and this agreement prioritizes remote positions for teachers living with individuals who are at higher risk for COVID-19 complications.¹³³

¹²⁹ *Id.*

¹³⁰ New York City Department of Education, “Accommodations for At-Risk Students and Staff.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/district-school-reopening-plan-submission-to-nysed/health-and-safety-plan>

¹³¹ *Id.*

¹³² New York City Department of Education and United Federation of Teachers, “Memorandum of Agreement.” Accessed at: <https://www.documentcloud.org/documents/7218176-Remote-Work-Moa.html>

¹³³ Alex Zimmerman, Reema Amin, and Christina Veiga, “More NYC teachers can work remotely, including those with vulnerable family members,” *Chalkbeat*. September. 25, 2020. Accessed at: <https://ny.chalkbeat.org/2020/9/25/21456747/uft-nyc-agreement-remote-work> and <https://www.documentcloud.org/documents/7218176-Remote-Work-Moa.html>.

VI. Ventilation

As evidence suggests that the virus can circulate in the air in indoor spaces, ensuring adequate air flow is an important part of mitigating the spread of COVID-19 in school buildings.¹³⁴ This must be done by ensuring that ventilation systems can properly push filtered fresh air into the buildings.¹³⁵ Scrutiny of school ventilation has increased with the discussion of school reopenings, as the conditions of the city’s school buildings—some windowless, some with basement classrooms—became a flashpoint for the UFT, which demanded upgraded ventilation in schools before they agreed to a plan to reopen.¹³⁶

The Mayor’s office has stated that a proper ventilation system is defined as a “free flow of fresh air in and out of the space, and can, in the vast majority of cases be achieved by having an open window.”¹³⁷ According to DOE, the Department is following the guidance laid out by the CDC, Council of Great City Schools, DOHMH, City University of New York (CUNY), and the Environmental Protection Agency (EPA), regarding ventilation in school buildings.¹³⁸ DOE is relying on city and federal public health experts in determining that a room is safe when air is able to flow in and out—whether through natural or mechanical means—and can be achieved either through use of an HVAC, an exhaust fan, an open window, or air handlers.¹³⁹ DOE notes that all rooms must have adequate ventilation to be used for the school year.¹⁴⁰ These systems are installed to meet Building Code requirements at the time of design and instruction—requirements which specify that buildings that have supply and exhaust fans do not need operable windows, unless they are used for additional air dilution/supplemental ventilation, or if the mechanical system failed.¹⁴¹ The DOE’s School Building Ventilation Survey indicates that “a room requires at least one functioning method of ventilation to be cleared for occupancy...[t]his could be a window that opens, a type of mechanical ventilation (exhaust fan, supply fan, unit ventilator) or a combination of both.”¹⁴²

In early August, DOE announced that all school buildings had been surveyed by the Division of School Facilities staff to assess the state of the building ventilation, and repairs were being performed, including fixing windows, repairing HVAC systems, and replacing air filters in buildings with central HVAC systems from MERV 8 to MERV 13.¹⁴³ Schools without HVAC systems had windows repaired to allow for or increase air flow.¹⁴⁴

On August 25, the City launched “school ventilation action teams” through a “multi-agency” effort involving the DOE, the New York City Fire Department (FDNY), the Department of Buildings (DOB), and DOHMH.¹⁴⁵ These teams were responsible for inspecting HVAC systems, windows, and fans in all public schools to make sure that buildings were safe to open by the start of the school year on September 10, with all inspections to be completed by September 1 and DOE officials to post results online by September 4.¹⁴⁶ These 100 “action teams” consisted of two to four “independent ventilation experts” and licensed engineers

¹³⁴ Alejandra O’Connell-Domenech, “School ventilation action teams’ to check NYC classrooms before start of school,” *Bronx Times*, Aug. 26, 2020. Accessed at: [https://www.bxtimes.com/school-ventilation-action-teams-to-check-nyc-classrooms-before-start-of-school/#%5D.+\)%5B%22%5D\)&link_id=6597069953273&source_id=6597081258762&source_type=Contact](https://www.bxtimes.com/school-ventilation-action-teams-to-check-nyc-classrooms-before-start-of-school/#%5D.+)%5B%22%5D)&link_id=6597069953273&source_id=6597081258762&source_type=Contact).

¹³⁵ *Id.*

¹³⁶ Sophia Chang, “City Releases Ventilation Reports For Each NYC School, But No Guide To Understanding Them,” *Gothamist*, September 8, 2020. Accessed at: <https://gothamist.com/news/city-releases-ventilation-reports-each-nyc-school-no-guide-understanding-them>.

¹³⁷ Daniella Genovese, “21 NYC schools need ventilation repairs, delaying staff return,” *Fox News*, September 8, 2020. Accessed at: <https://www.foxnews.com/us/ventilation-issues-delay-teachers-return-to-21-new-york-city-schools>.

¹³⁸ New York City Department of Education, “Insights and Reporting: School Building Ventilation Survey.” Accessed at: <https://www.schools.nyc.gov/about-us/reports/school-building-ventilation-survey>.

¹³⁹ New York City Department of Education, “Return to School 2020: Health and Safety.” Accessed at: <https://www.schools.nyc.gov/school-year-20-21/return-to-school-2020/health-and-safety>.

¹⁴⁰ *Id.*

¹⁴¹ *Id.*

¹⁴² New York City Department of Education, “Insights and Reporting: School Building Ventilation Survey.” Accessed at: <https://www.schools.nyc.gov/about-us/reports/school-building-ventilation-survey>.

¹⁴³ Alejandra O’Connell-Domenech, “School ventilation action teams’ to check NYC classrooms before start of school,” *Bronx Times*, August 26, 2020. Accessed at: [https://www.bxtimes.com/school-ventilation-action-teams-to-check-nyc-classrooms-before-start-of-school/#%5D.+\)%5B%22%5D\)&link_id=6597069953273&source_id=6597081258762&source_type=Contact](https://www.bxtimes.com/school-ventilation-action-teams-to-check-nyc-classrooms-before-start-of-school/#%5D.+)%5B%22%5D)&link_id=6597069953273&source_id=6597081258762&source_type=Contact).

¹⁴⁴ *Id.*

¹⁴⁵ *Id.*

¹⁴⁶ *Id.*

contracted by the School Construction Authority (SCA).¹⁴⁷ The administration received some criticism regarding the decision to wait until August 25 to deploy inspection teams.¹⁴⁸ The UFT conducted its own inspection of school ventilation systems to double-check the work of the DOE and SCA.¹⁴⁹

On September 7, Mayor de Blasio announced that 96 percent of New York City school buildings passed ventilation inspections, and the rest would not reopen until they met safety standards.¹⁵⁰ DOE stated that 21 schools located in 10 public school buildings would not be able to welcome teachers back on September 8 to prepare for the start of in-person learning on September 21 because of problems with the buildings' ventilation systems.¹⁵¹ DOE further stated that in anticipation of schools reopening, the City would prioritize the buildings for ventilation system and airflow repairs, and in the meantime, the staff would temporarily work from home.¹⁵² The Department planned to improve air circulation by installing portable High Efficiency Particulate Air (HEPA) filters in rooms, flushing air two hours before and after occupation and upgrading filters from MERV-8 to MERV-13.¹⁵³

The ventilation reports released by DOE for each of the school buildings lacked details on the criteria used to determine whether airflow was sufficient inside the school buildings, making it difficult to understand the meaning behind the ventilation reports.¹⁵⁴ Dr. Linsey Marr from Virginia Tech—one of the world's leading scientists on airborne viruses—called the reports a “good starting point,” stating about a particular report that “it’s good that almost all the windows can be opened...[a]nd...they did look at whether there’s a supply fan or an exhaust fan for the rooms, and whether they’re operational.”¹⁵⁵ Dr. Marr noted that it would be helpful to see “what the actual flow rates are, or air exchange rates or ventilation rates” but acknowledged that that information is much harder to get and would take hours per room monitoring with special equipment to ascertain.¹⁵⁶ She also pointed out that just because systems were present and operational, that did not indicate that they were turned on.¹⁵⁷ SCA stated that they were working on monitoring more detailed airflow information.¹⁵⁸

Dr. Jack Caravanos, an environmental health specialist at NYU's School of Global Public Health has stated that he believes open windows are the best way to keep air moving, as this dilutes the interior space, decreasing the chance of possible infection from virus particles.¹⁵⁹ Dr. Caravanos states that even if city school buildings improved their HVAC systems, modern HVAC systems are designed to save money by minimizing fresh air intake, so the best way to maximize filtration through HVACs is to run them constantly.¹⁶⁰ He recommends schools open all the windows, keep HVACs running, increase fresh air intake, and “purge” classrooms throughout the day.¹⁶¹

¹⁴⁷ *Id.*

¹⁴⁸ *Id.* See also, NBC New York, “96% of NYC School Buildings Pass Ventilation Inspection; See the Ones That Haven't,” September 7, 2020. Accessed at: <https://www.nbcnewyork.com/news/local/doe-identifies-10-school-buildings-lacking-proper-ventilation-ahead-of-start-date/2605169/>.

¹⁴⁹ Alejandra O'Connell-Domenech, “School ventilation action teams’ to check NYC classrooms before start of school,” *Bronx Times*, August 26, 2020. Accessed at: [https://www.bxtimes.com/school-ventilation-action-teams-to-check-nyc-classrooms-before-start-of-school/#%5D.+?\)%5B%22%5D\)&link_id=6597069953273&source_id=6597081258762&source_type=Contact](https://www.bxtimes.com/school-ventilation-action-teams-to-check-nyc-classrooms-before-start-of-school/#%5D.+?)%5B%22%5D)&link_id=6597069953273&source_id=6597081258762&source_type=Contact).

¹⁵⁰ NBC New York, “96% of NYC School Buildings Pass Ventilation Inspection; See the Ones That Haven't,” September 7, 2020. Accessed at: <https://www.nbcnewyork.com/news/local/doe-identifies-10-school-buildings-lacking-proper-ventilation-ahead-of-start-date/2605169/>.

¹⁵¹ Julia Marsh and Carl Campanile, “Reopening delay for 10 NYC public schools due to ventilation issues,” *New York Post*, September 7, 2020. Accessed at: <https://nypost.com/2020/09/07/reopening-delay-for-ten-public-schools-due-to-ventilation-issues/>.

¹⁵² *Id.*

¹⁵³ *Id.*

¹⁵⁴ Sophia Chang, “City Releases Ventilation Reports For Each NYC School, But No Guide To Understanding Them,” *Gothamist*, September 8, 2020. Accessed at: <https://gothamist.com/news/city-releases-ventilation-reports-each-nyc-school-no-guide-understanding-them>.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ *Id.*

¹⁵⁹ Jessica Gould and Sophia Chang, “Anxiety in the Air: What We Know About Ventilation In NYC Schools Ahead of Reporting,” *Gothamist*, August. 6, 2020. Accessed at: <https://gothamist.com/news/anxiety-air-what-we-know-about-ventilation-nyc-schools-ahead-reopening>.

¹⁶⁰ *Id.*

¹⁶¹ *Id.*

Union workers for school lunch workers have stated that the ventilation concerns go beyond the classroom, too—with kitchen staff working in stifling conditions in school kitchens, long-term solutions to air cooling and ventilation concerns in school kitchens are long overdue.¹⁶²

On October 5, 2020, Public Employees for Environmental Responsibility (PEER) and the Environmental Justice Initiative (EJI) filed a complaint with the New York State Labor Department on behalf of teachers and staff of NYC DOE schools, alleging that many New York City schools lack sufficient ventilation to stem the spread of COVID-19 making them unsafe to reoccupy.¹⁶³ Filed under the Public Employee Safety and Health Act (PESH), the complaint alleges that the DOE’s ventilation protocols are not scientifically valid and the DOE’s ‘quick fixes’ for schools that do not pass inspections are not protective, but instead create a false sense of security.¹⁶⁴ The complaint cites “expert testimony that a room is not safe simply because some air can flow in and out, or has ‘operable’ windows and exhaust fans, as the virus can linger in the air for hours and recirculate through traditional HVAC systems.”¹⁶⁵ The complaint seeks state tests for both the quantity and the quality of air moving throughout school facilities in order to determine the actual cubic feet per minute for both supply and return air for each room, as well as certification that the filtration systems are sufficient to screen out airborne virus particles.¹⁶⁶

VII. School Buses and Transportation

On September 9, 2020, Mayor de Blasio announced that school bus service would resume on the first day of the school year for all children who need it.¹⁶⁷ The mayor stated that on Monday, September 21st, there would be 100,000 bus seats available, with 6,000 special education routes, and 2,500 general education routes.¹⁶⁸ He also noted safety measures for school buses, including social distancing and mandatory masks for all adults and children on the buses, as well as nightly cleaning and riding with windows open.¹⁶⁹ Mayor de Blasio also indicated that the City would provide PPE to every bus company, starting with a supply of 300,000 masks, 10,000 face shields, 30,000 bottles of hand sanitizer and electrostatic sprayers for every bus garage, and would replenish those supplies as needed.¹⁷⁰

Additional details posted on DOE’s website noted that, in accordance with the phase-in of school reopenings, busing would begin on September 21 for the following students: children in grades 3K and Pre-K; all grades in District 75 schools; all grades in non-public schools; and all grades in charter schools.¹⁷¹ Families whose children are eligible for curb-to-school bus service, cannot use public transportation via MetroCard, and are awaiting bus service are eligible for travel reimbursement.¹⁷²

In terms of health and safety measures, following CDC guidelines to ensure safe social distancing, school buses will be limited to 25 percent of capacity, with the only exceptions being students from the same household who may be seated together, and nurses and paraprofessionals assigned to students.¹⁷³ Additionally, drivers, attendants and all students will be expected to wear a face covering or mask, and if they don’t have one, the bus operator will provide one.¹⁷⁴ According to DOE, “[o]nly students who are exempted from facial coverings requirements due to their age or medical needs, or whose physical or mental health would be impaired by wearing a face covering, may ride the bus without one. In these cases, transportation options will

¹⁶² *Id.*

¹⁶³ Public Employees for Environmental Responsibility, “NYC Schools Lack Ventilation to Stop COVID Spread,” Oct. 5, 2020. Accessed at: <https://www.peer.org/nyc-schools-lack-ventilation-stop-covid/?fbclid=IwAR3GkGF6GR0jqFVIIGEHusKsmbYiZp0ckqPU768sOGMolxt7bQzu5QUbzHg>.

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ Office of the Mayor, “Transcript: Mayor de Blasio Holds Media Availability,” September 9, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/644-20/transcript-mayor-de-blasio-holds-media-availability>.

¹⁶⁸ *Id.*

¹⁶⁹ *Id.*

¹⁷⁰ *Id.*

¹⁷¹ DOE website, “What’s New in Student Transportation This Year,” accessed on Oct. 8, 2020 at <https://www.schools.nyc.gov/school-life/transportation/transportation-overview/whats-new>.

¹⁷² *Id.*

¹⁷³ *Id.*

¹⁷⁴ *Id.*

be developed for these students on a case-by case-basis.”¹⁷⁵ Families are also expected to screen their children’s health at home, including temperature checks, to ensure they are well enough to attend school, as bus personnel will not administer screenings prior to the buses being boarded.¹⁷⁶

Further, all school buses will be cleaned and disinfected each night, using CDC recommended cleaning and disinfection protocols and, in order to maintain adequate ventilation, buses will operate with the windows open whenever possible and with the bus air system in the “non-recirculating mode.”¹⁷⁷

Regarding other forms of transportation, MetroCards are also available for eligible students engaged in blended learning to travel to and from school.¹⁷⁸ Some parents, including caregivers of pre-K–6 busing students and parents/guardians of students in temporary housing, are also eligible for a MetroCard to accompany students traveling for in-person blended learning.¹⁷⁹ Students and parents using public transportation are expected to follow the same social distancing and face covering protocols as all New Yorkers.¹⁸⁰

VIII. Rising COVID Cases Impact on DOE Schools

Reopening has always been dependent upon continuing to meet health and safety guidelines.¹⁸¹ The virus remains very closely monitored to avoid a second wave of cases, with many concerned that a second wave may occur as we see restrictions ease and as we continue into fall and flu season.¹⁸² Starting in late September 2020, the City began seeing spikes in cases in eight neighborhoods in Brooklyn and Queens.¹⁸³ As a result, Mayor de Blasio requested that NYS close schools and non-essential businesses in nine NYC zip codes where COVID-19 infection rates had been over 3 percent for over a week.¹⁸⁴ On Tuesday, October 6, in coordination with the State, NYC closed 108 public school sites.¹⁸⁵

On October 6, Governor Andrew Cuomo announced a new "Cluster Action Initiative" which set forth rules and restrictions for communities with high COVID-19 infection rates.¹⁸⁶ The Governor’s restrictions, which went into effect between October 7th and 9th, divided COVID-19 impacted areas into three color-coded zones, each with different rules for gatherings, schools, and businesses.¹⁸⁷ The restrictions in each zone and their impact on NYC school buildings are as follows:

- Red Zone (cluster zone): School buildings in this zone are required to close and operate remotely
- Orange Zone (warning zone): School buildings in this zone are required to close and operate remotely
- Yellow Zone (precautionary zone): These zones are set to be open with mandatory weekly testing of students and staff participating in in-person learning¹⁸⁸

¹⁷⁵ *Id.*

¹⁷⁶ *Id.*

¹⁷⁷ *Id.*

¹⁷⁸ *Id.*

¹⁷⁹ *Id.*

¹⁸⁰ *Id.*

¹⁸¹ New York City Phase Four Industries, The Official Website of New York State, available at <https://forward.ny.gov/new-york-city-phase-four-industries>.

¹⁸² Bernadette Hogan, “New Yorkers fear second wave as COVID-19 restrictions relax, new survey finds,” *The New York Post*, September 2, 2020. Accessed at: <https://nypost.com/2020/09/02/new-yorkers-fear-second-wave-as-covid-19-restrictions-relax/> & J. David Goodman, “New York Has Tamed the Virus. Can It Hold Off a Second Wave?,” *The New York Times*, August 17, 2020. Accessed at: <https://www.nytimes.com/2020/08/17/nyregion/coronavirus-second-wave-nyc.html>.

¹⁸³ Jesse McKinley & Luis Ferré-Sadurní, “Warnings Issued as Virus Cases Rise in New York,” *The New York Times*, September 28, 2020. Accessed at: <https://www.nytimes.com/2020/09/28/nyregion/ny-coronavirus-cases.html>.

¹⁸⁴ Office of NYC Mayor, “Mayor de Blasio Sends State Proposal to Close Schools and Non-Essential Businesses in Nine New York City Zip Codes” October 7, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/693-20/mayor-de-blasio-sends-state-proposal-close-schools-non-essential-businesses-nine-new-york#/>

¹⁸⁵ New York City Department of Education Letter to Elected Officials, October 7, 2020. On file with committee staff.

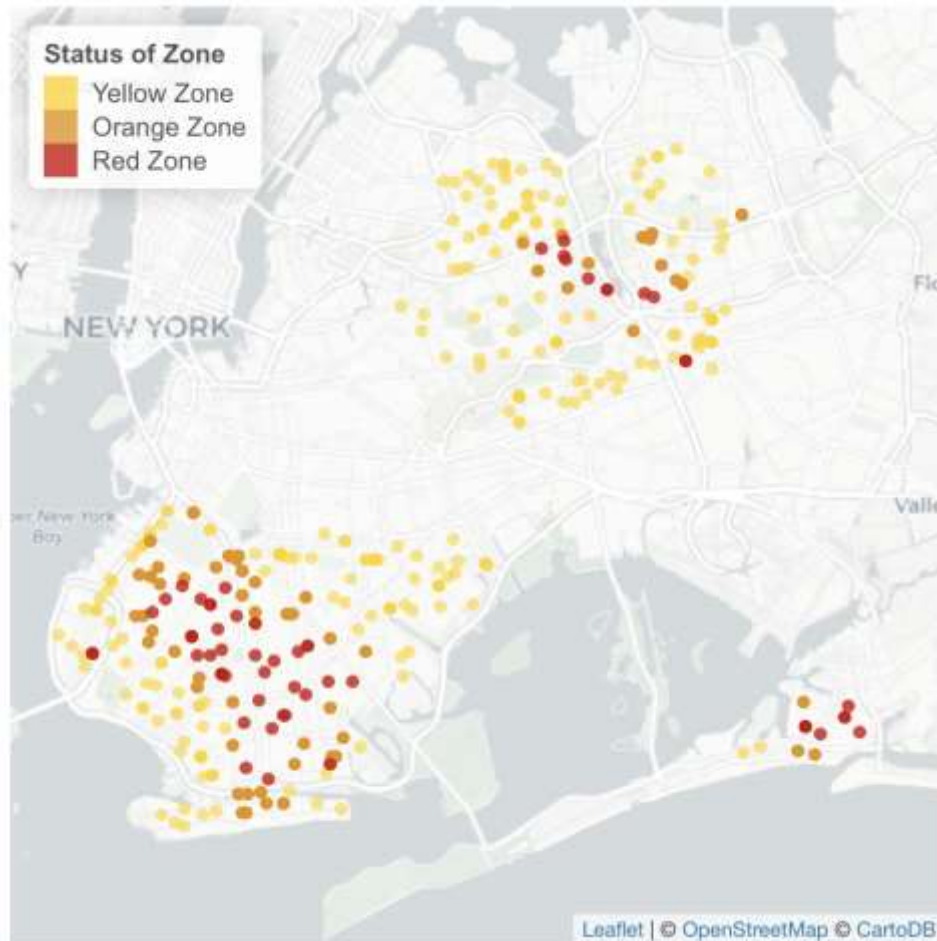
¹⁸⁶ Office of NYS Governor, Press Release, “Governor Cuomo Announces New Cluster Action Initiative,” October 6, 2020. Accessed at: <https://www.governor.ny.gov/news/governor-cuomo-announces-new-cluster-action-initiative>.

¹⁸⁷ *Id.*

¹⁸⁸ *Id.*

As the following map shows, there are 66 school sites in the Governor’s “Red Zone” and 87 sites in the “Orange Zone” with a total of 153 school sites in both zones.¹⁸⁹ All schools in the red and orange zones are closed and will be reevaluated for reopening after 14 days with the earliest day of reopening occurring on Wednesday, October 21 if they closed on Tuesday, October 6. Notably, there are 324 school sites inside of the yellow zone.¹⁹⁰

NYC Public Schools in Governor’s Yellow, Orange & Red Zones



IX. Social Emotional Health for Students

It has long been understood that NYC public schools, even without facing a pandemic, lack a sufficient number of social workers, guidance counselors and school psychologists.¹⁹¹ For the 2019-20 school year, DOE employed 1,533 social workers (1,456 FT and 77 PT), 2,992 guidance counselors (2,892 FT and 100 PT)¹⁹² and 492 school psychologists.¹⁹³ There are 11 schools without a social worker or guidance counselor, 111

¹⁸⁹ New York City Department of Education Letter to Elected Officials, Oct. 7, 2020. On file with committee staff.

¹⁹⁰ *Id.*

¹⁹¹ Michael Elsen-Rooney, “‘Like a parent for my child when I wasn’t around!’ NYC parents, students, educators grieve cuts to school counseling program,” *New York Daily News*, June 24, 2020. Accessed at: <https://www.nydailynews.com/new-york/education/ny-single-shepherd-program-cuts-20200624-gaurqjfs65chjbc2cfussrg5sci-story.html>.

¹⁹² New York City Department of Education, “Report on Guidance Counselors 2020.” Guidance Counselor Reporting. Accessed at: https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2020.pdf.

¹⁹³ Department of Education Headcount Report. Information on file with committee staff.

without a guidance counselor but some sort of social worker and 463 without social workers but some sort of guidance counselor.¹⁹⁴ Research shows that social workers, guidance counselors, and school psychologists are beneficial to students' social and emotional health, as well as their academic outcomes.¹⁹⁵

The COVID-19 pandemic has laid bare how critical social-emotional support for students is as many students have faced grief and loss during this past year.¹⁹⁶ In fact, the New York State Education Department in its reopening guidance presentation to the Board of Regents, stated that “social emotional wellbeing must be schools’ and districts’ top priority in supporting school transitions, not at the expense of academics, but in order to create the mental, social, and emotional space for academic learning to occur.”¹⁹⁷

On a May 18 briefing call, the DOE shared a number of steps it was taking to address the issue of wellness for students.¹⁹⁸ Those steps included an umbrella of training series that included various elements of trauma (crisis, grief, loss, bereavement, self-care and trauma):

- A Trauma 101 professional development course was offered to 87 parent leaders and 500 parent coordinators; and
- Crisis 101 professional development series, mandatory for every school crisis team. Designed to provide coherence around the city. It was launched on May 18 with approximately 800 participants, with all crisis teams trained in the following weeks.¹⁹⁹

Recognizing that not all schools have social workers, guidance counselors and psychologists, DOE provided trauma and crisis training to all educators to provide a baseline in all schools while at the same time leveraging existing resources including CBO partner social workers, Bridging the Gap social workers, and staff with social work backgrounds.²⁰⁰

On August 26, the Mayor and Chancellor announced the *Bridge to School* program.²⁰¹ *Bridge to School* is “a Citywide initiative for the 2020-21 school year focused on the social and emotional well-being of students and adults in order to create a safe, supportive learning environment that confronts the trauma caused by the COVID-19 crisis.”²⁰² Backed by a \$1.9M grant the City secured through the Robin Hood, Gray, and Tiger foundations, the DOE will be building on work they did over the summer around trauma training and provide school-based staff citywide with trauma-informed training, resources, and ongoing support.²⁰³ The training will be made available to all NYC public school teachers and include training on “building capacity of school staff and school leaders to recognize the signs and symptoms of trauma and its impact on young people and learning effective classroom and school-wide trauma informed care practices that align to existing social-emotional and mental health support systems used in the NYCDOE.”²⁰⁴

¹⁹⁴ New York City Department of Education, “Report on Guidance Counselors 2020.” Guidance Counselor Reporting. Accessed at: https://infohub.nyced.org/docs/default-source/default-document-library/guidancecounselorreportandsummaryfeb_2020.pdf.

¹⁹⁵ National Association of School Psychologists, “School-Based Mental Health Services: Improving Student Learning and Well-Being.” Accessed at: <https://www.nasponline.org/resources-and-publications/resources-and-podcasts/mental-health/school-psychology-and-mental-health/school-based-mental-health-services>.

¹⁹⁶ Communities in Schools, “A System Disrupted: COVID-19’s Impact on Educational (In) Equality.” Accessed at: https://www.communitiesinschools.org/media/filer_public/b4/c7/b4c78465-750a-4f68-89fe-bbf5a637e4c1/2020_cis_asystemdisrupted_draft3.pdf.

¹⁹⁷ New York State Education Department, “Recovering, Rebuilding, and Renewing: the Spirit of New York’s Schools. Reopening Guidance.” July 13, 2020. Accessed at: <https://www.regents.nysed.gov/common/regents/files/2.%20Recovering,%20Rebuilding,%20and%20Renewing%20the%20Spirit%20of%20Our%20Schools%20School%20Reopening%20Guidance.pdf>.

¹⁹⁸ Briefing call information on file with committee staff.

¹⁹⁹ *Id.*

²⁰⁰ *Id.*

²⁰¹ Mayor Bill de Blasio Press Release, “Mayor Bill de Blasio, First Lady Chirlane McCray, and Schools Chancellor Richard A. Carranza Announce “Bridge to School.” August 26, 2020. Accessed at: <https://www1.nyc.gov/office-of-the-mayor/news/615-20/mayor-de-blasio-first-lady-mccray-chancellor-carranza-bridge-school->

²⁰² *Id.*

²⁰³ *Id.*

²⁰⁴ *Id.*

As part of this initiative, the DOE also released a Bridge to School Resource Guide that provides schools with flexible and adaptable activities and lesson plans for both remote and in-person learning, to help students build coping skills, process grief, and re-connect with their individual school community.²⁰⁵

Finally, the DOE has also increased student support through school supports in the following ways:²⁰⁶

- **Elementary school supports** – All elementary schools will receive support to teach their students how to develop healthy relationships through Social-Emotional Learning (SEL) curricula (in partnership with National University System’s Sanford Harmony Program). Teachers from 3K – 5th grade will receive training and materials to help students grow their emotional and social skills. Activities like daily meet-ups between students and a “buddy-up” system will help children to learn how to get along with others.
- **Middle and high school supports** – Middle schools across the city will reinforce SEL tenets by implementing Restorative Justice Practices. Additionally, 50 of the City’s middle schools will take part in Positive Learning Collaborative (PLC) programming, a restorative approach to school climate. PLC is designed to help every adult in a school—from teachers to custodians to principals—cultivate strong relationships with students so school communities can short-circuit many problems before they start, and prevent others from escalating. PLC was designed in collaboration with the United Federation of Teachers.
- **Discipline Code** – Changes to the Citywide Behavioral Expectations to Support Student Learning (also known as the DOE Discipline Code). These changes will limit suspensions to fewer than 20 days in most cases, except in the case of violent acts or where required by federal law, and include updates to supports, interventions, and other clarifications.
- **Social workers** – Through ThriveNYC and City Council funding, DOE will create a new unit of 85 licensed clinical social workers to better support students facing crises. The social workers will be able to provide students care in times of immediate emotional distress and help them receive long-term care if necessary. The increased presence of social workers will also reduce the need for school staff to call emergency services.

X. Conclusion

Today’s hearing will provide an opportunity for students, parents, teachers, medical experts, unions and other educational stakeholders to raise their concerns about DOE’s reopening plan and whether it adequately protects the health and safety of students and school staff.

Analysis of Proposed Int. No. 2058-A

A Local Law in relation to requiring the department of education to report on remote learning attendance

This bill would require the Department of Education (DOE) to publicly post on its website on a monthly basis student attendance data during the use of remote learning due to the COVID-19 pandemic. Remote Learning can occur synchronously with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher. The data would be disaggregated by school, school district, grade, ethnicity and a number of other factors. This bill would take effect immediately and be deemed repealed two years after it becomes law.

²⁰⁵ *Id.*

²⁰⁶ New York City Department of Education, “Resilient Kids, Safer Schools.” Accessed at: <https://www.schools.nyc.gov/school-life/safe-schools/resilient-kids-safer-schools>.

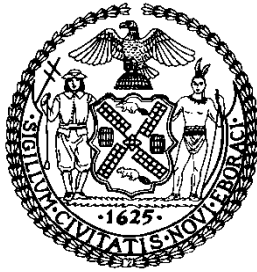
Analysis of Proposed Int. No. 2104-A

A Local Law in relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic

This bill would require the Department of Education (DOE) to report on a series of metrics whenever it is engaged in remote learning due to the COVID-19 pandemic. Those metrics would include language access and support provided for English language learners; steps DOE took to ensure incarcerated students received remote instruction; and details on internet enabled devices ordered by the DOE and distributed to students. This bill would take effect immediately and be deemed repealed two years after it becomes law.

UPDATE: On Tuesday, December 15, 2020, the Committee on Education, chaired by Council Member Mark Treyger, passed Proposed Introduction Number 2058-A, sponsored by the Public Advocate (Mr. Williams) and Proposed Introduction Number 2104-A, sponsored by Council Member Treyger by a vote of fourteen in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2058-A:)



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

PROPOSED INT. NO: 2058-A

COMMITTEE: Education

TITLE: A Local Law in relation to requiring the Department of Education to report on remote learning attendance.

SPONSOR: Public Advocate (Mr. Jumaane Williams) and Council Members Treyger, Kallos, Brannan, Gibson, Chin and Adams.

SUMMARY OF LEGISLATION: Proposed Int. No. 2058-A would require the Department of Education (DOE) to report student attendance data during periods of remote learning due to the COVID-19 pandemic. Information reported would be disaggregated by school, school district, grade level, gender, race or ethnicity, individualized education program status, English language learner status, status as a student in temporary housing other than students who are residing in shelters, and status as a student residing in shelter. Such reports would be due each month beginning March 1, 2021 and each would cover a one-month period.

EFFECTIVE DATE: This local law would take immediately and would be deemed repealed two years after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: Not applicable.

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

ESTIMATE PREPARED BY: Masis Sarkissian, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on August 27, 2020 as Int. No. 2058 and was referred to the Committee on Education (the Committee). A hearing was held by the Committee jointly with the Committee on Health on October 16, 2020 and the bill was laid over. The legislation was amended, and the amended version, Proposed Int. No. 2508-A, will be considered by the Committee on December 15, 2020. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 11, 2020.

(For text of Int. No. 2104-A and its Fiscal Impact Statement, please see the Report of the Committee on Education for Int. No. 2104-A, respectively, printed in these Minutes; for text of Int. No. 2058-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2058-A and 2104-A:

(The following is the text of Int. No. 2058-A:)

Int. No. 2058-A

By the Public Advocate (Mr. Williams) and Council Members Treyger, Kallos, Brannan, Gibson, Chin, Adams, Dromm, Rosenthal, Barron, Cornegy, Ayala, Ampry-Samuel, Lander, Louis, Rivera and Borelli.

A Local Law in relation to requiring the department of education to report on remote learning attendance

Be it enacted by the Council as follows:

Section 1. Report on remote learning attendance. a. Definitions. For the purposes of this local law, the following terms have the following meanings:

Blended learning. The term “blended learning” means a combination of in-person instruction and remote learning instruction, implemented during and as a result of the COVID-19 pandemic.

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

Remote learning. The term “remote learning” means a system, implemented in lieu of in-person instruction during and as a result of the COVID-19 pandemic, that allows teachers to deliver their lessons online, and students to complete assignments, projects, and assessments remotely just as they would in the physical classroom. Remote learning can occur synchronously with real-time teacher-to-student interaction and

collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher.

School. The term “school” means a school of the city school district of the city of New York.

Individualized education program or IEP. The term “individualized education program” or “IEP” has the same meaning as such term is defined in 20 U.S.C. section 1401 and any regulations promulgated thereto.

b. No later than March 1, 2021, and on the first day of each month thereafter, the department shall submit to the mayor, the speaker of the council, the public advocate, the school diversity advisory group, all community education councils and post on its website a report on student attendance for periods of time during which remote learning was used by the department. The report shall capture student attendance data for the month occurring 2 months prior to the month of the report. The report shall include the attendance rate of students who participated in (i) full-time remote learning instruction and (ii) blended learning. Such data shall be disaggregated by:

1. School;
2. School district;
3. Grade level;
4. Gender;
5. Race or ethnicity;
6. Individualized education program status;
7. English language learner status;
8. Status as a student in temporary housing other than students who are residing in shelters; and
9. Status as a student residing in shelter.

The information described in each paragraph of subdivision b shall be reported individually and disaggregated by the other paragraphs in subdivision b, except that the information described in paragraph 1 shall not be disaggregated by the categories described in paragraph 2 through paragraph 9, the information described in paragraph 8 shall not be disaggregated by the category described in paragraph 9, and the information described in paragraph 9 shall not be disaggregated by the category described in paragraph 8.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between 1 and 5 students, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol. A category that contains 0 students shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

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

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, DEBORAH L. ROSE, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, JOSEPH C. BORELLI; Committee on Education, December 15, 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. 2104-A

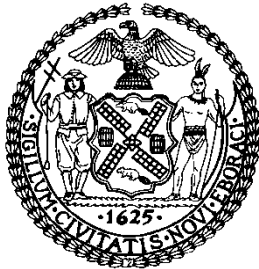
Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law in relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic.

The Committee on Education, to which the annexed proposed amended local law was referred on September 23, 2020 (Minutes, page 1993), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Int. No. 2058-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2104-A:



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

PROPOSED INT. NO: 2104-A

COMMITTEE: Education

TITLE: A Local Law in relation to requiring the Department of Education to report on metrics during remote learning during the COVID-19 pandemic.

SPONSOR: Council Members Treyger, Kallos, Louis, Adams and Chin.

SUMMARY OF LEGISLATION: Proposed Int. No. 2104-A would require the Department of Education (DOE) to provide three reports regarding remote learning due to the COVID-19 pandemic. These reports would include metrics regarding language development instruction provided to English language learner students; a breakdown by community school district of the number of and percentage of students who participated in full-time remote learning instruction and blended learning disaggregated; steps DOE took to ensure that all students attending Passages Academy, East River Academy, and ReStart Academy received remote instruction; a list of related services that were not provided to any student, the number of students recommended for summer school; and the number of students who requested a remote learning device from DOE, the number of students who received a remote learning device from DOE, and the average and median number of days between the date such request was received and the date the device was delivered. Such reports would be due and posted on DOE’s website on March 1, 2021, September 1, 2021 and November 1, 2021, respectively.

EFFECTIVE DATE: This local law would take effect immediately and would be deemed repealed two years after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Masis Sarkissian, Legislative Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on September 23, 2020 as Int. No. 2104 and was referred to the Committee on Education (the Committee). A hearing was held by the Committee jointly with the Committee on Health on October 16, 2020 and the bill was laid over. The legislation was amended, and the amended version, Proposed Int. No. 2104-A, will be considered by the Committee on December 15, 2020. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 11, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2104-A:)

Int. No. 2104-A

By Council Members Treyger, Kallos, Louis, Adams, Chin, Gibson, Dromm, Rosenthal, Barron, Cornegy, Ayala, Ampry-Samuel, Lander, Rivera and Borelli.

A Local Law in relation to requiring the department of education to report on metrics regarding remote learning during the COVID-19 pandemic

Be it enacted by the Council as follows:

Section 1. COVID-19 remote learning metric reporting. a. Definitions. For purposes of this local law, the following terms have the following meanings:

Blended learning. The term “blended learning” means a combination of in-person instruction and remote learning instruction, implemented during and as a result of the COVID-19 pandemic.

Chancellor. The term “chancellor” means the chancellor of the city school district of the city of New York.

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

Department. The term “department” means the New York city department of education.

Individualized education program or IEP. The term “individualized education program” or “IEP” has the same meaning as such term is defined in 20 U.S.C. section 1401 and any regulations promulgated thereto.

Related services. The term “related services” has the same meaning as such term is defined in section 200.1 of title 8 of the New York codes, rules and regulations.

Remote learning. The term “remote learning” means a system, implemented in lieu of in-person instruction during and as a result of the COVID-19 pandemic, that allows teachers to deliver their lessons online, and students to complete assignments, projects, and assessments remotely just as they would in the

physical classroom. Remote Learning can occur synchronously with real-time teacher-to-student interaction and collaboration, or asynchronously, with self-paced learning activities that take place independently of the teacher.

School. The term “school” means any elementary, middle or high school within the jurisdiction of the New York city department of education and in any educational facility owned or leased by the city of New York, holding some combination thereof, including, but not limited to, district 75 schools.

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 school as school is defined in this subdivision, but does not include children enrolled in an early childhood program.

b. When the department is providing any remote instruction in lieu of in-person instruction during and as a result of the COVID-19 pandemic, the department shall submit to the mayor, the speaker of the council and the public advocate, and post on its website, a report according to the following schedule: (i) for the period between September 1 of the prior calendar year until and including December 31 of the prior calendar year, a report due on March 1 of the current calendar year; (ii) for the period between January 1 of the current calendar year until and including June 30 of the current calendar year, a report due on September 1 of the current calendar year; and (iii) for the period between July 1 of the current calendar year until and including August 31 of the current calendar year, a report due on November 1 of the current calendar year. Such report shall include the following information:

1. The language development instruction provided to English language learner students;
2. A breakdown by community school district of the number of and percentage of students who participated in (i) full-time remote learning instruction and (ii) blended learning disaggregated by (i) grade level, (ii) gender, (iii) race or ethnicity, and (iv) English language learner status, to the extent such information is available. To the extent practicable, the department shall describe the different methods of asynchronous instruction available to students;
3. Steps the department took to ensure that all students attending Passages Academy, East River Academy, and ReStart Academy received remote instruction;
4. A list of related services that were not provided to any student;
5. The number of students recommended for summer school. Such information shall be reported citywide, by borough and by community school district and disaggregated by:
 - (a) Grade level;
 - (b) Gender;
 - (c) Race or ethnicity;
 - (d) English language learner status;
 - (e) Status as a student residing in shelter;
 - (f) Status as a student in temporary housing other than students who are residing in shelters; and
 - (g) Status as a student in foster care.

In reporting the number of students recommended for summer school citywide and by borough and by community school district, the information required by each subparagraph in paragraph 5 shall also be reported individually and shall be disaggregated by the categories described in other subparagraphs in paragraph 5, except that the information required by subparagraph e shall not be disaggregated by categories described in subparagraphs f and g, the information described in subparagraph f shall not be disaggregated by the categories described in subparagraphs e and g, and the information described in subparagraph g shall not be disaggregated by the categories described in subparagraphs f and g. Such information shall also be reported by borough and community school district and cross-referenced by (i) class level, (ii) gender, (iii) race or ethnicity, and (iv) English language learner status; and

6. The number of students who requested a remote learning device from the department’s central office, the number of students who received a remote learning device from the department’s central office, and the average and median number of days between the date such request was received by the department’s central office and the date the device was delivered. Such information shall be reported citywide and disaggregated by borough and district.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state or local law relating to the privacy of student information. If a category contains between 1 and 5 students, or allows another category to be

narrowed to between 1 and 5 students, the number shall be replaced with a symbol. A category that contains 0 students shall be reported as 0, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.

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

MARK TREYGER, *Chairperson*; YDANIS A. RODRIGUEZ, DANIEL DROMM, BRADFORD S. LANDER, DEBORAH L. ROSE, INEZ D. BARRON, ROBERT E. CORNEGY, BEN KALLOS, MARK D. LEVINE, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., ALICKA AMPRY-SAMUEL, JUSTIN L. BRANNAN, FARAH N. LOUIS, JOSEPH C. BORELLI; Committee on Education, December 15, 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 Finance

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

Report for Res. No. 1509

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on December 17, 2020, respectfully

REPORTS:

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 14, 2018, the Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”). On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2020 and Fiscal 2019 Expense Budgets, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget.

This Resolution, dated December 17, 2020, approves the new designation and the changes in the designation of certain organizations receiving local, anti-poverty, and youth discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, approves the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2020 Expense Budget, approves the changes in the designation of certain organizations receiving funding for certain initiatives in accordance with the Fiscal 2019 Expense Budget, and amends the

description for the Description/Scope of Services of certain organization receiving local, youth, and anti-poverty discretionary funding and funding pursuant to a certain initiative in accordance with the Fiscal 2021 Expense Budget.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of a certain organization receiving anti-poverty discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding, as described in Chart 3; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Charts 4-20; sets forth the changes in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as described in Chart 21; sets forth the changes in the designation of a certain organization receiving funding pursuant to certain initiatives pursuant to the Fiscal 2020 Expense Budget, as described in Charts 22-23; sets forth the changes in the designation of a certain organization receiving funding pursuant to certain initiatives pursuant to the Fiscal 2019 Expense Budget, as described in Charts 24-25; amends the description for the Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as described in Chart 26; and sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2021, as described in Chart 27.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving anti-poverty discretionary funding pursuant to the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 4 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 5 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 6 sets forth the new designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 8 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 9 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 10 sets forth the technical adjustment to a prior designation made to a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 12 sets forth the new designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 13 sets forth the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 14 sets forth the new designation and the change in the designation of a certain organization receiving funding pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2021 Expense Budget. Such changes will be effectuated upon a budget modification.

Chart 15 sets forth the removal of funds from an administering agency pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2021 Expense Budget.

Chart 16 sets forth the technical adjustment to a previous designation made to a certain organization receiving funding pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 17 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 18 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 19 sets forth the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 20 sets forth the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 21 sets forth the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget.

Chart 22 sets forth the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 23 sets forth the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2020 Expense Budget.

Chart 24 sets forth the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 25 sets forth the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2019 Expense Budget.

Chart 26 amends the description for the Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 27 sets forth the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2021.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2021, Fiscal 2020 and Fiscal 2019 Expense Budgets. Such Resolution would take effect as of the date of adoption.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1509:)

Preconsidered Res. No. 1509

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

By Council Member Dromm.

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

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

Whereas, On June 14, 2018, the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the "Fiscal 2019 Expense Budget"); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving the new designation and/or changes in the designation for certain organizations receiving local, anti-poverty, and youth discretionary funding, and by approving the new designation and/or changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budget by approving the changes in the designation for a certain organization receiving local discretionary funding, and by approving the changes in the designation for a certain organization receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 Expense Budget by approving the changes in the designation for a certain organization receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the technical adjustment to a prior designation made to a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the removal of funds from an administering agency pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the technical adjustment to a previous designation made to a certain organization receiving funding pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17; and be it further

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council designates the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2021, as set forth in Chart 27.

ATTACHMENT:

CHART #1: Local Initiatives - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Lander	Fund for the City of New York, Inc. - Housing Resource Center	13-2612524	DYCD	(\$5,500)	260	005	
Lander	Fund for the City of New York, Inc. - Red Hook Community Justice Center: Youth Impact (formerly Youth Court)	13-2612524	DYCD	\$5,500	260	005	
Speaker	Community Health Project, Inc. **	13-3409680	DHMH	(\$100,000)	816	112	
Speaker	Community Health Project, Inc. **	13-3409680	DHMH	\$100,000	816	117	
Speaker	Community Health Project, Inc. **	13-3409680	DHMH	(\$150,000)	816	112	
Speaker	Community Health Project, Inc. **	13-3409680	DHMH	\$150,000	816	117	
Torres	Community Health Project, Inc. - Callen-Lorde Bronx Health Care For Uninsured **	13-3409680	DHMH	(\$5,000)	816	112	
Torres	Community Health Project, Inc. - Callen-Lorde Bronx Health Care For Uninsured **	13-3409680	DHMH	\$5,000	816	117	
Louis	Faculty Student Association at Downstate Medical Center, Inc. - Anne Kastor Brooklyn Free Clinic **	11-1704590	DHMH	(\$5,000)	816	112	
Louis	Faculty Student Association at Downstate Medical Center, Inc. - Anne Kastor Brooklyn Free Clinic **	11-1704590	DHMH	\$5,000	816	111	
Miller	Farmers Boulevard Community Development Corporation **	27-0992406	DHMH	(\$20,000)	816	112	
Miller	Farmers Boulevard Community Development Corporation **	27-0992406	DHMH	\$20,000	816	111	
Cohen	God's Love We Deliver, Inc. **	13-3366846	DHMH	(\$5,000)	816	112	
Cohen	God's Love We Deliver, Inc. **	13-3366846	DHMH	\$5,000	816	111	
Cornegy	God's Love We Deliver, Inc. **	13-3366846	DHMH	(\$5,000)	816	112	
Cornegy	God's Love We Deliver, Inc. **	13-3366846	DHMH	\$5,000	816	111	
Rivera	God's Love We Deliver, Inc. **	13-3366846	DHMH	(\$5,000)	816	112	
Rivera	God's Love We Deliver, Inc. **	13-3366846	DHMH	\$5,000	816	111	
Powers	God's Love We Deliver, Inc. **	13-3366846	DHMH	(\$20,000)	816	112	
Powers	God's Love We Deliver, Inc. **	13-3366846	DHMH	\$20,000	816	111	
Levine	God's Love We Deliver, Inc. - Medically Tailored Home-Delivered Meals - Manhattan **	13-3366846	DHMH	(\$3,500)	816	112	
Levine	God's Love We Deliver, Inc. - Medically Tailored Home-Delivered Meals - Manhattan **	13-3366846	DHMH	\$3,500	816	111	
Salamanca	HUB-Third Ave Merchants District Management Association, Inc. - Council District 17 **	13-3455415	DHMH	(\$5,000)	816	112	

Salamanca	HUB-Third Ave Merchants District Management Association, Inc. - Council District 17 **	13-3455415	DHMH	\$5,000	816	111	
Richards	Queens Sickle Cell Advocacy Network, Inc. **	11-3373180	DHMH	(\$5,000)	816	112	
Richards	Queens Sickle Cell Advocacy Network, Inc. **	11-3373180	DHMH	\$5,000	816	111	
Miller	Queens Sickle Cell Advocacy Network, Inc. **	11-3373180	DHMH	(\$15,000)	816	112	
Miller	Queens Sickle Cell Advocacy Network, Inc. **	11-3373180	DHMH	\$15,000	816	111	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #1: Local Initiatives - Fiscal 2021 (continued)

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Gibson	Samaritan Daytop Village, Inc. - 10th Annual Kalief William Basketball Tournament & Healthy Workshops - Council District	11-2635374	DHMH	(\$8,000)	816	112	
Gibson	Samaritan Daytop Village, Inc. - 10th Annual Kalief William Basketball Tournament & Healthy Workshops - Council District	11-2635374	DHMH	\$8,000	816	120	
Grodenschik	Sickle Cell Awareness Foundation Corp Int'l **	71-1037154	DHMH	(\$2,500)	816	112	
Grodenschik	Sickle Cell Awareness Foundation Corp Int'l **	71-1037154	DHMH	\$2,500	816	111	
Adams	Sickle Cell Awareness Foundation Corp Int'l - Council District 28 **	71-1037154	DHMH	(\$7,500)	816	112	
Adams	Sickle Cell Awareness Foundation Corp Int'l - Council District 28 **	71-1037154	DHMH	\$7,500	816	111	
Richards	Sickle Cell Awareness Foundation Corp Int'l - Council District 31 **	71-1037154	DHMH	(\$5,000)	816	112	
Richards	Sickle Cell Awareness Foundation Corp Int'l - Council District 31 **	71-1037154	DHMH	\$5,000	816	111	
Rose	Sickle Cell Awareness Foundation Corp Int'l - Outreach 2021 **	71-1037154	DHMH	(\$5,000)	816	112	
Rose	Sickle Cell Awareness Foundation Corp Int'l - Outreach 2021 **	71-1037154	DHMH	\$5,000	816	111	
Rose	Staten Island Recreational Association, Inc. - Helping Other Obtain Possibilities through Horses (HOOPH) **	13-3716944	DHMH	(\$5,000)	816	112	
Rose	Staten Island Recreational Association, Inc. - Helping Other Obtain Possibilities through Horses (HOOPH) **	13-3716944	DHMH	\$5,000	816	111	
Deutsch	YL Hearts, Inc. **	46-4240124	DHMH	(\$5,000)	816	112	
Deutsch	YL Hearts, Inc. **	46-4240124	DHMH	\$5,000	816	111	
Diaz	Kips Bay Boys & Girls Club - Public School 36X (08X036)	13-1623850	DYCD	(\$25,000)	260	312	
Diaz	Kips Bay Boys & Girls Club	13-1623850	DYCD	\$25,000	260	312	
Ulrich	Department of Parks and Recreation - Rockaway Festivals & Events **	13-6400434	DPR	(\$10,000)	846	006	
Ulrich	Corporal John Ruoff Post No. 632, American Legion, Inc. **	116104896	DYCD	\$5,000	260	005	
Ulrich	Taplife Hero Foundation, Inc. **	833232057	DYCD	\$5,000	260	005	
Holden	Maspeth Town Hall, Inc. **	23-7259702	DYCD	(\$8,000)	260	005	
Holden	Department of Sanitation - Council District 30 **	13-6400434	DSNY	\$8,000	827	109	
Holden	Department of Sanitation **	13-6400434	DSNY	(\$10,000)	827	109	
Holden	Department of Sanitation **	13-6400434	DSNY	(\$10,000)	827	109	
Holden	Department of Sanitation **	13-6400434	DSNY	(\$10,000)	827	109	
Holden	Department of Sanitation **	13-6400434	DSNY	(\$40,000)	827	109	
Holden	Department of Sanitation - Council District 30 **	13-6400434	DSNY	(\$2,000)	827	109	
Holden	Department of Parks and Recreation **	13-6400434	DPR	\$59,000	846	006	
Holden	Department of Parks and Recreation **	13-6400434	DPR	\$13,000	846	006	
Miller	Jamaica Center Improvement Association, Inc.	11-2489195	SBS	(\$30,000)	801	002	
Miller	Greater Jamaica Development Corporation	23-7021273	SBS	\$30,000	801	002	
Gjonaj	Department of Youth and Community Development **	13-6400434	DYCD	(\$10,000)	260	005	

Gjonaj	CUNY School of Law Justice & Auxiliary Services Corporation **	90-1013912	CUNY	\$10,000	042	001	
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* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #1: Local Initiatives - Fiscal 2021 (continued)

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Gjonaj	Department of Youth and Community Development	13-6400434	DYCD	(\$15,000)	260	005	
Gjonaj	Neighborhood Initiatives Development Corporation (NIDC) - Seniors Assistance	13-3110811	DYCD	\$15,000	260	005	
Speaker	LGBT Network	20-8512786	DYCD	(\$50,000)	260	312	
Speaker	Long Island Gay and Lesbian Youth, Inc.	11-3192966	DYCD	\$50,000	260	312	
Dromm	LGBT Network - Safe & Inclusive Schools	20-8512786	DYCD	(\$15,000)	260	312	
Dromm	Long Island Gay and Lesbian Youth, Inc. - Safe & Inclusive Schools	11-3192966	DYCD	\$15,000	260	312	
Dromm	Asian-American Coalition for Children and Families, Inc. - Lunar New Year 2021	13-3682471	DYCD	(\$5,000)	260	005	
Dromm	Asian-American Coalition for Children and Families, Inc.	13-3682471	DYCD	\$5,000	260	005	
Menchaca	Dance Theatre Etcetera, Inc. - Red Hook Arts Programming	13-3015965	DCLA	(\$10,000)	126	003	
Menchaca	Hook Arts Media, Inc. - Red Hook Arts Programming	13-3015965	DCLA	\$10,000	126	003	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #2: Anti-Poverty Initiatives - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Powers	God's Love We Deliver, Inc. **	13-3366846	DHMH	(\$5,000)	816	112	
Powers	God's Love We Deliver, Inc. **	13-3366846	DHMH	\$5,000	816	111	
Ayala	God's Love We Deliver, Inc. - Council District 8 **	13-3366846	DHMH	(\$5,000)	816	112	
Ayala	God's Love We Deliver, Inc. - Council District 8 **	13-3366846	DHMH	\$5,000	816	111	
Torres	God's Love We Deliver, Inc. - Home-Delivered Meals - Bronx **	13-3366846	DHMH	(\$10,000)	816	112	
Torres	God's Love We Deliver, Inc. - Home-Delivered Meals - Bronx **	13-3366846	DHMH	\$10,000	816	111	
Adams	God's Love We Deliver, Inc. - Meals for Council District 28 **	13-3366846	DHMH	(\$5,000)	816	112	
Adams	God's Love We Deliver, Inc. - Meals for Council District 28 **	13-3366846	DHMH	\$5,000	816	111	
Chin	Council on the Environment, Inc. - Fresh Food Box - Council District 1	13-2765465	DYCD	(\$5,000)	260	005	
Chin	Council on the Environment, Inc.	13-2765465	DYCD	\$5,000	260	005	
Adams	Young Men's Christian Association of Greater New York - Jamaica Y Teen Center	13-1624228	DYCD	(\$5,000)	260	312	
Adams	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$5,000	260	312	
Kallos	Department of Youth and Community Development - Council District 5	13-6400434	DYCD	(\$10,000)	260	005	
Kallos	Urban Outreach Center of New York City, Inc., The - Council District 5	82-0642308	DYCD	\$10,000	260	005	
Levine	Broadway Housing Communities, Inc. - Housing & Tenant Services	13-3212867	HPD	(\$10,000)	806	006	
Levine	Broadway Housing Communities, Inc. - Housing & Tenant Services	13-3212867	HPD	\$10,000	806	009	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #3: Youth Discretionary - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Barron	Perimeter Sports, Inc. - Council District 42	47-1393536	DYCD	(\$10,000)	260	312	
Barron	Bridge the Gap Youth, Inc. - Council District 42	47-1393536	DYCD	\$10,000	260	312	
Perkins	Young Men's and Young Women's Hebrew Association - 92Y After-School Arts Instruction - Council District 9	13-1624229	DYCD	(\$10,000)	260	312	
Perkins	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$10,000	260	312	
Koslowitz	Making Books Sing, Inc. - New York City Children's Theater: Arts-in-Education Programs	13-4201577	DYCD	(\$2,500)	260	312	
Koslowitz	New York Edge, Inc.	11-3112635	DYCD	\$2,500	260	312	
CD 24	LGBT Network	20-8512786	DYCD	(\$5,000)	260	312	
CD 24	Long Island Gay and Lesbian Youth, Inc.	11-3192966	DYCD	\$5,000	260	312	
Chin	Young Men's Christian Association of Greater New York - Summer Day Camp	13-1624228	DYCD	(\$5,000)	260	312	
Chin	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$5,000	260	312	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #4: Speaker's Initiative to Address Citywide Needs - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Speaker	God's Love We Deliver, Inc. - Meals for Medically Frail **	13-3366846	DHMH	(\$95,000)	816	112	
Speaker	God's Love We Deliver, Inc. - Meals for Medically Frail **	13-3366846	DHMH	\$95,000	816	111	
Speaker	Staten Island Recreational Association, Inc. **	13-3716944	DHMH	(\$20,000)	816	112	
Speaker	Staten Island Recreational Association, Inc. **	13-3716944	DHMH	\$20,000	816	111	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #5: Boroughwide Needs Initiative - Fiscal 2021

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Queens	LGBT Network - Community Education in Schools	20-8512786	DYCD	(\$45,000)	260	312	
Queens Delegation	Long Island Gay and Lesbian Youth, Inc. - Community Education in Schools	11-3192966	DYCD	\$45,000	260	312	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #6: A Greener NYC - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department of Cultural Affairs **	13-6400434	DCLA	(\$10,000)	126	003	
Perkins	Department of Parks and Recreation - Parks Maintenance and Cleaning **	13-6400434	DPR	\$10,000	846	006	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #7: Cultural After-School Adventure (CASA) - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Perkins	Studio Museum in Harlem, The - Thurgood Marshall Academy for Learning and Social Change (05M670)	13-2590805	DCLA	(\$20,000)	126	022	
Perkins	Studio Museum in Harlem, The - Thurgood Marshall Academy Lower School (05M318)	13-2590805	DCLA	\$20,000	126	022	
Borelli	Sundog Theatre, Inc. - Intermediate School 72R (31R072)	45-0476945	DCLA	(\$20,000)	126	003	
Borelli	Sundog Theatre, Inc. - Public School 6R Corporal Allan F. Kivlehan School (31R006)	45-0476945	DCLA	\$20,000	126	003	
Diaz	Young Men's and Young Women's Hebrew Association - Bronx Charter School for Excellence (84X255) **	13-1624229	DYCD	(\$20,000)	260	312	
Diaz	Young Men's and Young Women's Hebrew Association - Bronx Charter School for Excellence (84X255) **	13-1624229	DCLA	\$20,000	126	003	
Diaz	Young Men's and Young Women's Hebrew Association - Mott Hall V High School (12X242) **	13-1624229	DYCD	(\$20,000)	260	312	
Diaz	Young Men's and Young Women's Hebrew Association - Mott Hall V High School (12X242) **	13-1624229	DCLA	\$20,000	126	003	
	Department of Cultural Affairs	13-6400434	DCLA	(\$60,000)	126	003	
	Department of Youth and Community Development	13-6400434	DYCD	(\$240,000)	260	312	
Yeger	Brooklyn Arts Council, Inc. - Public School 164K Caesar Rodney (20K164)	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Intermediate School 096K Seth Low (21K096)	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Public School 226K (21K226)	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Shulamith School for Girls **	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Public School 205K (20K205) **	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Yeshivah of Flatbush **	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - St Athansius School **	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Ahi Ezer Yeshiva **	23-7072915	DCLA	\$20,000	126	003	
Yeger	Brooklyn Arts Council, Inc. - Public School 231K (75K231) **	23-7072915	DCLA	\$20,000	126	003	
Yeger	Jewish Museum - Barkai Yeshivah **	13-6146854	DCLA	\$20,000	126	003	
Yeger	NIA Community Services Network, Inc. - Public School 099K Isaac Asimov (21K099) **	11-2697931	DCLA	\$20,000	126	003	
Yeger	NIA Community Services Network, Inc. - Public School 177K (21K177) **	11-2697931	DCLA	\$20,000	126	003	
Yeger	NIA Community Services Network, Inc. - Public School 238K Anne Sullivan (21K238) **	11-2697931	DCLA	\$20,000	126	003	
Yeger	Reel Stories Teen Filmmaking, Inc. - Franklin Delano Roosevelt High School (20K505) **	20-0936377	DCLA	\$20,000	126	003	
Louis	Kan Cobra Tiger Alliance, Inc. - Public School 181K Brooklyn (17K181) **	46-3766464	DCLA	\$20,000	126	003	
Menchaca	Dance Theatre Etcetera, Inc. - Public School 15K (15K015)	13-3015965	DCLA	(\$20,000)	126	003	
Menchaca	Hook Arts Media, Inc. - Public School 15K (15K015)	13-3015965	DCLA	\$20,000	126	003	
Johnson	Friends of the High Line, Inc. - Public School 41M (02M041)	31-1734086	DCLA	(\$20,000)	126	003	
Johnson	Friends of the High Line, Inc. - Public School 011M William T. Harris (02M011)	31-1734086	DCLA	\$20,000	126	003	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #8: Cultural Immigrant Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Borelli	Snug Harbor Cultural Center & Botanical Garden - Lantern Festival Sponsorship **	80-0193388	DCLA	(\$10,000)	126	022	
Borelli	Snug Harbor Cultural Center & Botanical Garden - Lantern Festival Sponsorship **	80-0193388	DCLA	\$10,000	126	003	
Borelli	Staten Island Historical Society - Council District 51 **	13-1985514	DCLA	(\$10,000)	126	022	
Borelli	Staten Island Historical Society - Council District 51 **	13-1985514	DCLA	\$10,000	126	003	
Matteo	Snug Harbor Cultural Center & Botanical Garden **	80-0193388	DCLA	(\$10,000)	126	022	
Matteo	Snug Harbor Cultural Center & Botanical Garden **	80-0193388	DCLA	\$10,000	126	003	
Perkins	Studio Museum in Harlem, The **	13-2590805	DCLA	(\$10,000)	126	022	
Perkins	Studio Museum in Harlem, The **	13-2590805	DCLA	\$10,000	126	003	
Richards	Rockaway Waterfront Alliance, Inc. - Council District 31 **	11-3783397	DCLA	(\$10,000)	126	022	
Richards	Rockaway Waterfront Alliance, Inc. - Council District 31 **	11-3783397	DCLA	\$10,000	126	003	
Rose	Snug Harbor Cultural Center & Botanical Garden **	80-0193388	DCLA	(\$20,000)	126	022	
Rose	Snug Harbor Cultural Center & Botanical Garden **	80-0193388	DCLA	\$20,000	126	003	
Borelli	Snug Harbor Cultural Center & Botanical Garden - Lantern Festival Sponsorship **	80-0193388	DCLA	(\$5,000)	126	022	
Borelli	Snug Harbor Cultural Center & Botanical Garden - Lantern Festival Sponsorship **	80-0193388	DCLA	\$5,000	126	003	
Cornegy	Society for the Preservation of Weeksville and Bedford Stuyvesant History **	23-7330454	DCLA	(\$10,000)	126	022	
Cornegy	Society for the Preservation of Weeksville and Bedford Stuyvesant History **	23-7330454	DCLA	\$10,000	126	003	
	Department of Cultural Affairs **	13-6400434	DCLA	(\$15,000)	126	003	
Louis	Jump-in Enrichment, Inc. **	46-5743056	DYCD	\$15,000	260	005	
	Department of Cultural Affairs	13-6400434	DCLA	(\$60,000)	126	003	
Louis	Tropicalfete, Inc.	45-2940435	DCLA	\$15,000	126	003	
Ulrich	Midori Foundation, Inc. - Council District 32	13-3682472	DCLA	\$45,000	126	003	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #9: Food Pantries Initiative - Fiscal 2021

Borough	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Staten Island Delegation	Food Bank For New York City - West Brighton Residential Tenants Assoc. - EFRO# 85361	13-3179546	DYCD	(\$5,000)	260	005	
Staten Island Delegation	Food Bank For New York City - Project Hospitality, Inc. - EFRO# 81033	13-3179546	DYCD	\$5,000	260	005	
Bronx Delegation	Food Bank For New York City - Ebenezer Pilgrim Holiness Church - EFRO# 85248	13-3179546	DYCD	(\$6,733)	260	005	
Bronx Delegation	Food Bank For New York City - Shiloh Temple Penetocosatl Church - EFRO# 80142	13-3179546	DYCD	\$6,733	260	005	
Brooklyn Delegation	Food Bank For New York City - Overcoming Love Ministries - EFRO# 85181	13-3179546	DYCD	(\$20,687)	260	005	
Brooklyn Delegation	Food Bank For New York City - Overcoming Love Ministries - EFRO# 84611	13-3179546	DYCD	\$20,687	260	005	
Manhattan Delegation	Food Bank For New York City - Mt. Zion AME Church - EFRO# 80667	13-3179546	DYCD	(\$11,883)	260	005	
Manhattan Delegation	Food Bank For New York City - Little Sisters of Assumption - EFRO# 80627	13-3179546	DYCD	\$11,883	260	005	
Queens Delegation	Food Bank For New York City - Calvary Baptist Church - EFRO# 80876	13-3179546	DYCD	(\$5,000)	260	005	
Queens Delegation	Food Bank For New York City - Holy Ghost Upper Room Filling Station - EFRO# 84768	13-3179546	DYCD	\$5,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #10: NYC Cleanup Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Perkins	Department of Sanitation - Council District 9 ***	13-6400434	DSNY	(\$75,000)	827	102	
	Department of Youth and Community Development ***	13-6400434	DYCD	\$75,000	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

*** Technical adjustment to designation made in a previous Transparency Resolution.

CHART #11: Parks Equity Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Lander	Gowanus Canal Conservancy, Inc. **	26-0681729	DPR	(\$20,000)	846	006	
Lander	Gowanus Canal Conservancy, Inc. **	26-0681729	DYCD	\$20,000	260	005	
Levin	Gowanus Canal Conservancy, Inc. **	26-0681729	DPR	(\$5,000)	846	006	
Levin	Gowanus Canal Conservancy, Inc. **	26-0681729	DYCD	\$5,000	260	005	
Matteo	Friends of Kivlehan Park, Inc. **	81-2659106	DPR	(\$5,000)	846	006	
Matteo	Staten Island Youth Soccer League, Inc. **	32-0048308	DYCD	\$5,000	260	312	
	Department of Parks and Recreation **	13-6400434	DPR	(\$10,000)	846	006	
Ulrich	Fund for the City of New York, Inc. - Jamaica Bay-Rockaway Parks Conservancy **	13-2612524	DYCD	\$10,000	260	005	
	Department of Parks and Recreation	13-6400434	DPR	(\$10,000)	846	006	
Ulrich	Department of Parks and Recreation	13-6400434	DPR	\$10,000	846	006	
	Department of Parks and Recreation	13-6400434	DPR	(\$20,000)	846	006	
Gjonaj	Department of Parks and Recreation - Council District 13	13-6400434	DPR	\$20,000	846	006	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #12: Domestic Violence and Empowerment (DoVE) Initiative - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A
	Shalom Task Force, Inc.	11-3207504	MOCJ	\$1,000	098	002

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #13: Support Our Seniors - Fiscal 2021

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
	Department for the Aging	13-6400434	DFTA	(\$20,000)	125	003	
Salamanca	Urban Health Plan, Inc.	23-7360305	DFTA	\$20,000	125	003	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #14: Public Health Funding Backfill - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Community Health Project,	13-3409680	DHMH	(\$22,313)	816	112	
Community Health Project,	13-3409680	DHMH	\$22,313	816	117	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #15: Initiative for Immigrant Survivors of Domestic Violence - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Mayor's Office of Criminal	13-6400434	MOCJ	(\$1,000)	098	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #16: Physical Education and Fitness - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
New York Road Runners, Inc.	13-2949483	DOE	(\$250,000)	040	454	
New York Road Runners, Inc.	13-2949483	DYCD	\$250,000	260	312	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

*** Technical adjustment to designation made in a previous Transparency Resolution.

CHART #17: LGBT Community Services - Fiscal 2021

Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
LGBT Network	20-8512786	DYCD	(\$637,500)	260	005	
Long Island Gay and Lesbian Youth, Inc.	11-3192966	DYCD	\$637,500	260	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #18: LGBTQ Inclusive Curriculum - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
LGBT Network	20-8512786	DYCD	(\$100,000)	260	312	
Long Island Gay and Lesbian Youth, Inc.	11-3192966	DYCD	\$100,000	260	312	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #19: Chamber on the Go and Small Business Assistance - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Accion East, Inc.	11-3317234	SBS	(\$66,300)	801	002	
Ascendus, Inc.	11-3317234	SBS	\$66,300	801	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #20: MWBE Leadership Associations - Fiscal 2021

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Accion East, Inc.	11-3317234	SBS	(\$79,630)	801	005	
Ascendus, Inc.	11-3317234	SBS	\$79,630	801	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #21: Local Initiatives - Fiscal 2020

Member	Organization - Program	EIN Number	Agency	Amount	Agy #	U/A	*
Perkins	Accion East, Inc. - Chamber on the Go - Council District 9	11-3317234	SBS	(\$10,000)	801	002	
Perkins	Ascendus, Inc. - Chamber on the Go - Council District 9	11-3317234	SBS	\$10,000	801	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #22: Chamber on the Go and Small Business Assistance - Fiscal 2020

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Accion East, Inc.	11-3317234	SBS	(\$78,000)	801	002	
Ascendus, Inc.	11-3317234	SBS	\$78,000	801	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #23: MWBE Leadership Associations - Fiscal 2020

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Accion East, Inc.	11-3317234	SBS	(\$88,855)	801	005	
Ascendus, Inc.	11-3317234	SBS	\$88,855	801	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #24: Chamber on the Go and Small Business Assistance - Fiscal 2019

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Accion East, Inc.	11-3317234	SBS	(\$78,000)	801	002	
Ascendus, Inc.	11-3317234	SBS	\$78,000	801	002	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #25: MWBE Leadership Associations - Fiscal 2019

Organization	EIN Number	Agency	Amount	Agy #	U/A	*
Accion East, Inc.	11-3317234	SBS	(\$88,855)	801	005	
Ascendus, Inc.	11-3317234	SBS	\$88,855	801	005	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect.

CHART #26: Purpose of Funds Changes - Fiscal 2021

Source	Member	Organization - Program	EIN Number	Agency	Amount	New Purpose of Funds	*
Youth	Cabrera	Crenulated Company, Ltd., The d/b/a New Settlement Apartments	14-1719016	DYCD	(\$15,000)	Funding to support swimming instruction for neighborhood youth in state-of-the-art competition-size indoor swimming pool.	
Youth	Cabrera	Crenulated Company, Ltd., The d/b/a New Settlement Apartments	14-1719016	DYCD	\$15,000	Funding to support NSA's Young Adult Opportunity Initiative, which serves disconnected and at-risk youth with high school equivalency prep, one-to-one advising, group work, job readiness, job placement and paid internships.	
Local	Lander	Fund for the City of New York, Inc. - Housing Resource Center	13-2612524	DYCD	(\$5,500)	Funding to support Red Hook Community Justice Center's Housing Resource Center.	
Local	Lander	Fund for the City of New York, Inc. - Red Hook Community Justice Center: Youth Impact (formerly Youth Court)	13-2612524	DYCD	\$5,500	Funding for resources and maintenance of youth impact program in Red Hook Brooklyn.	
Anti-Poverty	Chin	Council on the Environment, Inc. - Fresh Food Box - Council District 1	13-2765465	DYCD	(\$5,000)	Funding will support operation of Fresh Food Box farm share programs in Council District 1.	
Anti-Poverty	Chin	Council on the Environment, Inc.	13-2765465	DYCD	\$5,000	Funding will support the Teaching Garden at Governor's Island.	
Local	Diaz	Kips Bay Boys & Girls Club - Public School 36X (08X036)	13-1623850	DYCD	(\$25,000)	To support an after-school programming at Public School 36X.	
Local	Diaz	Kips Bay Boys & Girls Club	13-1623850	DYCD	\$25,000	Funds will be used for Teen Programming.	
Anti-Poverty	Adams	Young Men's Christian Association of Greater New York - Jamaica Y Teen Center	13-1624228	DYCD	(\$5,000)	Funding to support the Teen Center and activities such as youth sports, tournaments, leadership training, social events, health and wellness activities, peer support, social games, special events and team building.	
Anti-Poverty	Adams	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$5,000	Funding will be used to provide and support youth programming for school age children, middle schoolers and high schoolers. Programming will be offered remote, in-person, or a hybrid of remote and in-person. The program experience will have, but not limited to, leadership building activities, civic engagement, STEM, academic enrichment and recreational activities.	
Speaker	Local	Young Men's and Young Women's Hebrew Association - 92nd Street Y	13-1624229	DYCD	(\$100,000)	To support programs that are free-of-charge for the participants. Includes Concerts Schools Project, Christopher Lightfoot Walker Literature Project, Discover Literature, the Literacy Program @ Union Settlement Assn, Teen Producers, and Teen Arts Week.	
Speaker	Local	Young Men's and Young Women's Hebrew Association - 92nd Street Y	13-1624229	DYCD	\$100,000	Funds will support 92Y's Humanities and Arts education programming for New York City public schools, including the virtual Young Leaders Series, and the Teen Producers program.	
Youth	Kallos	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$10,000)	To support free-of-charge programs at 92nd Street Y including Concerts Schools Project, Christopher Lightfoot Walker Literature Project, Discover Literature, Literacy program at Union Settlement Association, Teen Producers, and Teen Arts Week.	
Youth	Kallos	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$10,000	Funds will support 92Y's Humanities and Arts education programming for New York City public schools, including the virtual Young Leaders Series, and the Teen Producers program.	

Youth	Powers	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$10,000)	Funding will support free educational and community outreach programs.
Youth	Powers	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$10,000	Funds will support 92Y's Humanities and Arts education programming for New York City public schools, including the virtual Young Leaders Series, and the Teen Producers program.

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #26: Purpose of Funds Changes - Fiscal 2021 (continued)

Source	Member	Organization	EIN Number	Agency	Amount	New Purpose of Funds	*
Youth	Perkins	Young Men's and Young Women's Hebrew Association - 92Y After-School Arts Instruction - Council District 9	13-1624229	DYCD	(\$10,000)	To support 92Y after-school arts instruction for Council District 9.	
Youth	Perkins	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$10,000	Funds will support 92Y's Humanities and Arts education programming for New York City public schools, including the virtual Young Leaders Series, and the Teen Producers program.	
Youth	Rodriguez	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	(\$5,000)	To cover expenses related to the 92Y Education and Community Outreach program in Council District 10.	
Youth	Rodriguez	Young Men's and Young Women's Hebrew Association	13-1624229	DYCD	\$5,000	Funds will support 92Y's Humanities and Arts education programming for New York City public schools, including the virtual Young Leaders Series, and the Teen Producers program.	
Local	Dromm	Asian-American Coalition for Children and Families, Inc. - Lunar New Year 2021	13-3682471	DYCD	(\$5,000)	To fund costs associated with Lunar New Year Celebration in Council District 25.	
Local	Dromm	Asian-American Coalition for Children and Families, Inc.	13-3682471	DYCD	\$5,000	To fund the Asian American Student Advocacy Project (ASAP).	
Youth	Chin	Young Men's Christian Association of Greater New York - Summer Day Camp	13-1624228	DYCD	(\$5,000)	Funding to support Summer Day Camp that provides play program, swim lessons, and arts and craft lessons at Chinatown YMCA.	
Youth	Chin	Young Men's Christian Association of Greater New York	13-1624228	DYCD	\$5,000	Funding will be used to provide and support youth programming for school age children, middle schoolers and high schoolers. Programming will be offered remote, in-person, or a hybrid of remote and in-person. The program experience will have, but not limited to, leadership building activities, civic engagement, STEM, academic enrichment and recreational activities.	

* Indicates pending completion of pre-qualification review.

** Requires a budget modification for the changes to take effect

CHART #27: Beating Hearts - Fiscal 2021

Member	Organization	EIN Number *
Cumbo	The Church of the Open Door	11-1683755
Cumbo	Church of St. Mark	11-1694941
Barron	Christopher Rose Community Empowerment Campaign, Inc	11-3387105
Barron	Organization-Louis H. Pink Houses Residents Association	51-0591217

*****Staten Island Heart Society, Inc. has received \$175,000 that will go towards providing automated external defibrillators (AEDs) to non-profit organizations that primarily serve the youth and aging populations. The non-profit organizations are listed above.**

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ; STEVEN MATTEO; Committee on Finance, December 17, 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).

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

Report for M-269

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget transferring City funds between various agencies in Fiscal Year 2021 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-1).

The Committee on Finance, to which the annexed preconsidered communication was referred on December 17, 2020 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At a meeting of the Committee on Finance of the City Council of the City of New York (the “City Council”) on December 17, 2020, the Committee on Finance considered a communication, dated December 15, 2020, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit “1” (the “modification” or “MN-1”), to modify units of appropriation and transfer City funds between various agencies in the amount of \$1,705,567,222 in the Fiscal 2021 expense budget as adopted by the Council on June 30, 2020.

Analysis. The Council annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for Fiscal 2021 (the “Fiscal 2021 Expense Budget”). This Modification reallocates appropriations in the amount of \$1,705,567,222 that were reflected in the Fiscal 2021 Expense Budget to implement changes reflected in the November Financial Plan and to fund City Council initiatives and other discretionary programs. The net effect of the modification is zero.

Procedure. If the Mayor wishes to transfer part or all of any unit of appropriation to another unit of appropriation from one agency to another; or when a transfer from one unit of appropriation to the another, and such transfer results in any unit of appropriation being increased or decreased by the greater of five percent or \$50,000, section 107(b) of the Charter requires that the Mayor must first notify the Council of the proposed action. Within 30 days after the first stated meeting of the Council following receipt of such notice, the Council may disapprove such proposed action. If the Council fails to approve or disapprove such proposed action within such 30-day period, the proposed action becomes effective and the Mayor has the authority to make such transfer.

Description of Above-captioned Resolution. In the above-captioned resolution, the Council would approve the Modification pursuant to Section 107(b) of the Charter. Such resolution would take effect as of the date of approval.

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

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Regina Poreda Ryan, Deputy Director, Finance Division
Nathan Toth, Deputy Director, Finance Division
Paul Scimone, Deputy Director, Finance Division
Rebecca Chasan, Senior Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

DATE: December 17, 2020

SUBJECT: A budget modification (MN-1) for Fiscal Year 2021 to implement changes in the City's expense budget.

INITIATION: By letter dated December 15, 2020, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(b) of the New York City Charter, a request for approval to transfer funds between various agencies in the amount of \$1,705,567,222 to implement changes in the City's expense budget.

BACKGROUND: MN-1 implements expense budget changes which were reflected in the Fiscal 2020 November Financial Plan and provides funding for the reallocation of City Council initiatives as well as other discretionary programs.

FISCAL IMPACT: MN-1 represents the reallocation of appropriations. The net effect of this modification is zero.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1513:)

Preconsidered Res. No. 1513

RESOLUTION APPROVING THE MODIFICATION (MN-1) OF UNITS OF APPROPRIATION AND THE TRANSFER OF CITY FUNDS BETWEEN AGENCIES PROPOSED BY THE MAYOR PURSUANT TO SECTION 107(b) OF THE NEW YORK CITY CHARTER.

By Council Member Dromm

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York

(the “City Council”) on December 17, 2020, the Committee on Finance considered a communication, dated December 15, 2020, from the Office of Management and Budget of the Mayor of The City of New York (the “Mayor”), of a proposed request, attached hereto as Exhibit 1 (the “Modification”), to modify units of appropriation and transfer city funds in the amount of \$1,705,567,222 in the Fiscal 2021 expense budget as adopted by the Council on June 30, 2020, pursuant to Section 107(b) of the Charter of the City of New York (the “Charter”); and

Whereas, pursuant to Section 107(b) of the Charter, the City Council has thirty (30) days after the first stated meeting of the City Council following such receipt within which to act upon the Modification;

NOW, THEREFORE, The Council of The City of New York hereby resolves as follows:

1. **Approval of Modification.** The City Council hereby approves, pursuant to Section 107(b) of the Charter, the actions proposed by the Mayor as set forth in the Modification.
2. **Effective Date.** This resolution shall take effect as of the date hereof.

ATTACHMENT:

(For text of the MN-1 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-269 & Res. No. 1513 of 2020 files](#))

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ; STEVEN MATTEO; Committee on Finance, December 17, 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).

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

Report for M-270

Report of the Committee on Finance in favor of approving a Communication from the Office of Management & Budget regarding the appropriation of new City revenues in Fiscal Year 2021, pursuant to Section 107(e) of the New York City Charter (MN-2).

The Committee on Finance, to which the annexed preconsidered communication was referred on December 17, 2020 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

Introduction. At the meeting of the Committee on Finance of the City Council on December 17, 2020, the Council considered a communication from the Office of Management and Budget of the Mayor, dated

December 15, 2020, of a proposed request to modify, pursuant to Section 107(e) of the Charter of the City of New York, the Fiscal 2021 Expense Budget Plan, and the revenue estimate related thereto prepared by the Mayor as of December 15, 2020.

Analysis. The Council annually adopts the City's budget covering expenditures pursuant to Section 254 of the Charter. On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 (the "Fiscal 2021 Expense Budget"). On December 15, 2020, the Mayor submitted to the Council MN-1, modifying the Fiscal 2021 Expense Budget. On December 15, 2020, the Mayor submitted to the Council a revenue estimate MN-2, related to the Fiscal 2021 Expense Budget.

Circumstances have changed since the Council last adopted the Fiscal 2021 Expense Budget.

Section 107(e) provides one mechanism for the Mayor and the Council to amend the Expense Budget and related revenue estimate to reflect changes in circumstances that occur after adoption of a budget. Section 107(e) permits the modification of the budget in order to create new units of appropriation, to appropriate new revenues from any source other than categorical federal, state and private funding, or to use previously unappropriated funds received from any source.

Discussion of Above-captioned Resolution. The above-captioned resolution would authorize the modifications to the Fiscal 2021 Expense Budget and related revenue estimate requested in the communication.

This modification (MN-2) seeks to increase revenues in the net amount of \$616.7 million compared to the Fiscal 2021 Adopted Budget. This represents an increase in City funds of approximately 1.0 percent.

MN-2 is the first revenue modification of Fiscal 2021 and it reflects changes since the Adopted Budget which are outlined in the Fiscal 2021 November Financial Plan.

MN-2 recognizes \$616.7 million in increased revenues. Tax revenues increased by \$748.0 million since the Adopted Plan. This is largely due to a \$283 million increase from the business corporation tax, a \$251 million increase from the personal income tax, and a \$108 million increase from the unincorporated business. The hotel tax was the only tax that declined since the Fiscal 2021 Adopted Budget

Miscellaneous revenues decreased by \$131.3 million since the Adopted Plan. This decrease is mainly because of \$76 million less in fines and forfeitures, \$38 million less in charges for services, and \$14 million less in licenses, franchises.

This modification (MN-2) uses the \$616.7 million in new revenues and \$15.5 million from the General Reserve funds to prepay \$632.2 million in debt service for Fiscal 2022 in Fiscal 2021.

The resolution would also direct the City Clerk to forward a certified copy thereof to the Mayor and the Comptroller so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2021 Expense Budget as amended thereby as the budget for the remainder of the fiscal year. The above-captioned resolution would take effect as of the date adopted.

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

TO: Honorable Corey Johnson
Speaker

Honorable Daniel Dromm
Chair, Finance Committee

FROM: Latonia McKinney, Director, Finance Division
Raymond Majewski, Deputy Director/Chief Economist, Finance Division
Rebecca Chasan, Senior Counsel
Paul Sturm, Supervising Economist
Nashia Roman, Economist

DATE: December 17, 2020

SUBJECT: A Budget Modification (MN-2) for Fiscal 2021 that will appropriate \$616.7 million in new revenues.

INITIATION: By letter dated December 15, 2020, the Director of the Office of Management and Budget submitted to the Council, pursuant to section 107(e) of the New York City Charter, a request to appropriate \$616.7 million in new revenues. These new revenues with an additional \$15.5 million from General Reserve will be used for prepayments of \$632.2 million to increase the Budget Stabilization Account.

BACKGROUND: This modification (MN-2) seeks to recognize \$616.7 million in new revenues, implementing changes reflected since the June 2020 Adopted Budget. These funds will add \$632.2 million to the Budget Stabilization Account to prepay debt service for Fiscal 2022 expenses, and downwardly adjust the General Reserve by \$15.5 million.

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FISCAL IMPACT: This modification represents a net increase in the Fiscal 2021 budget of \$616.7 million.

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

Preconsidered Res. No. 1514

RESOLUTION APPROVING A MODIFICATION (MN-2) PURSUANT TO SECTION 107(e) OF THE CHARTER OF THE CITY OF NEW YORK.

By Council Member Dromm.

Whereas, At a meeting of the Committee on Finance of the City Council of the City of New York (the "City Council") on December 17, 2020, the Committee on Finance considered a communication, dated December 15, 2020, from the Office of Management and Budget of the Mayor of the City of New York (the "Mayor"), of a proposed request to recognize a net increase in revenue pursuant to Section 107(e) of the Charter of the City of New York (the "Charter"), attached hereto as Exhibit A (the "Request to Appropriate"); and

Whereas, Section 107(e) of the Charter requires the City Council and the Mayor to follow the procedures and required approvals pursuant to Sections 254, 255, and 256 of the Charter, without regard to the dates specified therein, in the case of the proposed appropriation of any new revenues and the creation of new units of appropriation; and

Whereas, Section 107(e) of the Charter requires that any request by the Mayor respecting an amendment of the budget that involves an increase in the budget shall be accompanied by a statement of the source of current revenues or other identifiable and currently available funds required for the payment of such additional amounts, attached hereto as Exhibit B (together with the Request to Appropriate, the "Revenue Modification");

NOW, THEREFORE, The Council of the City of New York hereby resolves as follows:

1. Approval of Modification. The City Council hereby approves the Revenue Modification pursuant to Section 107(e) of the Charter.

2. Further Actions. The City Council directs the City Clerk to forward a certified copy of this resolution to the Mayor and the Comptroller as soon as practicable so that the Mayor, the Comptroller and the City Clerk may certify the Fiscal 2021 Expense Budget as amended by this resolution as the budget for the remainder of the fiscal year.

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

ATTACHMENT:

(For text of the MN-2 and Exhibit B numbers, please see the New York City Council website at <https://council.nyc.gov> for the respective attachments section of [the M-270 & Res. No. 1514 of 2020 files](#))

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ; STEVEN MATTEO; Committee on Finance, December 17, 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).

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

Report for L.U. No. 709

Report of the Committee on Finance in favor of a Resolution approving Ridgewood Bushwick 203K, Block 3173, Lots 1 and 22; Block 3177, Lots 12 and 13; Block 3186, Lot 47; Block 3197, Lot 11; Block 3217, Lot 18; Block 3219, Lots 21 and 47; Block 3246, Lot 16; Block 3257, Lot 43; Block 3289, Lot 19; Block 3297, Lot 51; Block 3301, Lot 5; Block 3326, Lot 34; Block 3393, Lot 43; Block 3441, Lot 5; Brooklyn, Community District No. 4, Council Districts 34 and 37.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 17, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

December 17, 2020

TO: Hon. Daniel Dromm
Chair, Finance Committee
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division
Noah Brick, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of December 17, 2020 – Resolutions approving tax exemption for two Land Use items (Council Districts 34, 37, and 48)

Item 1: Ridgewood Bushwick 203K

Ridgewood Bushwick 203K is a project involving the conversion of 83 units in 17 scattered-site buildings in Bushwick from affordable rentals into limited-equity affordable cooperative units, upon a petition by existing rental tenants, and subject to an offering plan pending approval by the New York State Attorney General.

Ridgewood Bushwick Homesteading Assistance Housing Development Fund Corporation (“HDFC”) has owned the 17 buildings since 2006 and completed a moderate rehabilitation of the properties. Under the proposed project, the buildings will be transferred to a new HDFC, the Bushwick Community Residents HDFC, which in turn will execute a 40-year regulatory agreement with the Department of Housing Preservation and Development (“HPD”) requiring that the units be sold only to households with incomes up to 80% of the Area Median Income (“AMI”). To improve oversight of the scattered-site cooperative, and as a requirement of the Attorney General’s sign-off on the offering plan, the land under the buildings will be granted to the Interboro Community Land Trust, which in turn would execute a 99-year lease to the new HDFC.

HPD is requesting that the Council approve a full 40-year Article XI property tax exemption.

Summary:

- Borough – Brooklyn
- Block 3173, Lots 1 and 22; Block 3177, Lots 12 and 13; Block 3186, Lot 47; Block 3197, Lot 11; Block 3217, Lot 18; Block 3219, Lots 21 and 47; Block 3246, Lot 16; Block 3257, Lot 43; Block 3289, Lot 19; Block 3297, Lot 51; Block 3301, Lot 5; Block 3326, Lot 34; Block 3393, Lot 43; Block 3441, Lot 5
- Council Districts – 34 and 37
- Council Members – Reynoso and Diaz

- Council Member approval – yes
- Number of buildings – 17
- Number of units – 83
- Type of exemption – Article XI, full, 40-year
- Population – affordable homeownership
- Sponsors – Urban Homesteading Assistance Board and Riseboro Community Partnership
- Purpose – preservation
- Cost to the city – \$3 Million
- Housing Code Violations
 - Class A – 15
 - Class B – 17
 - Class C – 1
- AMI target – 80% AMI

Item 2: Scheuer House of Brighton Beach

Scheuer House of Brighton Beach is a senior housing development located at 3161 Brighton 6th Street in Brighton Beach, Brooklyn. Its 154 units include one studio and 153 one-bedroom apartment (inclusive of a single superintendent unit).

Brighton Beach HDFC, an affiliate of Jewish Association Serving the Aging, has been the owner and operator since 1981. The project has an existing Article XI property tax exemption and is also under a federal Housing Assistance Payments (HAP) Section 8 contract.

The HDFC proposes to refinance the project, and pay for moderate renovation, with a loan from the U.S. Department of Housing and Urban Development (“HUD”). At closing, the HDFC would also renew its Section 8 HAP contract for 20 years, and thereby obtain a mark-up-to-market rent increase from HUD, although tenants would continue to pay only 30% of their incomes in rent.

HPD is requesting that the Council approve a new partial 40-year Article XI property tax exemption. The HDFC and HPD would enter into a new regulatory agreement restricting the use of the development to rental housing for seniors with incomes up to 50% AMI.

Summary:

- Borough – Brooklyn
- Block 8693, Lot 12
- Council Districts – 48
- Council Members – Deutsch
- Council Member approval – yes
- Number of buildings – 1
- Number of units – 154
- Type of exemption – Article XI, partial, 40-year
- Population – affordable senior rental housing
- Sponsors – Brighton Beach HDFC, Jewish Association Serving the Aging
- Purpose – preservation
- Cost to the city – \$2.8 million
- Housing Code Violations – none
- AMI target – 50% AMI

(For text of the coupled resolution for L.U. No. 709, please see below; for text of the coupled resolution for L.U. No. 710, please see the Report of the Committee on Finance for L.U. No. 710 printed in these Minutes)

Accordingly, this Committee recommends the adoption of L.U. Nos. 709 and 710.

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

Res. No. 1515

Resolution approving an exemption from real property taxes for property located at (Block 3173, Lots 1 and 22; Block 3177, Lots 12 and 13; Block 3186, Lot 47; Block 3197, Lot 11; Block 3217, Lot 18; Block 3219, Lots 21 and 47; Block 3246, Lot 16; Block 3257, Lot 43; Block 3289, Lot 19; Block 3297, Lot 51; Block 3301, Lot 5; Block 3326, Lot 34; Block 3393, Lot 43; Block 3441, Lot 5) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 709).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 4, 2020 that the Council take the following action regarding a housing project located at (Block 3173, Lots 1 and 22; Block 3177, Lots 12 and 13; Block 3186, Lot 47; Block 3197, Lot 11; Block 3217, Lot 18; Block 3219, Lots 21 and 47; Block 3246, Lot 16; Block 3257, Lot 43; Block 3289, Lot 19; Block 3297, Lot 51; Block 3301, Lot 5; Block 3326, Lot 34; Block 3393, Lot 43; Block 3441, Lot 5) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “CLT” shall mean CLT Interboro CLT Housing Development Fund Corporation or a community land trust that acquires the land portion of the Exemption Area with the prior written consent of HPD.
 - b. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - d. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3173, Lots 1 and 22; Block 3177, Lots 12 and 13; Block 3186, Lot 47; Block 3197, Lot 11; Block 3217, Lot 18; Block 3219, Lots 21 and 47;

Block 3246, Lot 16; Block 3257, Lot 43; Block 3289, Lot 19; Block 3297, Lot 51; Block 3301, Lot 5; Block 3326, Lot 34; Block 3393, Lot 43; and Block 3441, Lot 5 on the Tax Map of the City of New York.

- e. "Expiration Date" shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned, leased or controlled by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - f. "HDFC" shall mean Ridgewood Bushwick Homesteading Assistance Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area and/or a leasehold interest in the Exemption Area with the prior written consent of HPD.
 - g. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
 - h. "J-51 Benefits" shall mean any tax benefits pursuant to Section 489 of the Real Property Tax Law which are in effect on the Effective Date.
 - i. "Owner" shall mean either (i) the HDFC, or (ii) the HDFC and the CLT.
 - j. "Regulatory Agreement" shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area or in the leasehold interest of the HDFC is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ; STEVEN MATTEO; Committee on Finance, December 17, 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).

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

Report for L.U. No. 710

Report of the Committee on Finance in favor of a Resolution approving Scheuer House of Brighton Beach, Block 8693, Lot 12; Brooklyn, Community District No. 13, Council District 48.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on December 17, 2020 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 709 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1516

Resolution approving an exemption from real property taxes for property located at (Block 8693, Lot 12) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 710).

By Council Member Dromm.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated December 4, 2020 that the Council take the following action regarding a housing project located at (Block 8693, Lot 12) Brooklyn (“Exemption Area”):

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

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

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

RESOLVED:

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

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
 - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
 - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which were authorized as of the Effective Date.
 - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$380,440, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
 - e. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
 - f. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 8693, Lot 12 on the Tax Map of the City of New York.
 - g. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - h. “HDFC” shall mean Brighton Beach Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.

- j. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - k. “Owner” shall mean the HDFC.
 - l. “Prior Exemption” shall mean the exemption from real property taxation for the Exemption Area approved by the New York City Council on March 9, 2005 (Resolution No. 875).
 - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed after September 1, 2020 establishing certain controls upon the operation of the Exemption Area during the term of the New Exemption.
2. The Prior Exemption shall terminate upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (i) seventeen percent (17%) of the contract rents in the applicable tax year, or (ii) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
5. Notwithstanding any provision hereof to the contrary:
- a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.

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

DANIEL DROMM, *Chairperson*; KAREN KOSLOWITZ, JAMES G. VAN BRAMER, ROBERT E. CORNEGY, Jr., LAURIE A. CUMBO, VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, MARK GJONAJ, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ; STEVEN MATTEO; Committee on Finance, December 17, 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. 2151-B

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

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on November 19, 2020 (Minutes, page 2424), respectfully

REPORTS:

Introduction

On December 15, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 2151-B and Int. No. 2171-A. The original bills were first heard on December 2, 2020. More information about these bills, along with the materials for that hearing, can be found at <https://on.nyc.gov/3afXdyH>.

Int. No. 2151-B

Pursuant to Local Law 152 of 2016 and Department of Buildings (DOB) rules, between January 1, 2020 and December 31, 2020, building gas piping systems must be inspected in community districts (CD) 1, 3 and 10 in all boroughs. DOB rules also require submission of a certification that all conditions identified in the inspection report have been corrected no later than 120 days or, if more time is needed, no later than 180 days following the inspection date.

Int. No. 2151-B would extend the December 31, 2020 inspection and certification deadline for buildings in CD 1, 3 and 10 in all boroughs to June 30, 2021. It would also require DOB to conduct targeted outreach regarding the requirements of Local Law 152 of 2016, submit a report describing the methods of targeted outreach employed by the agency, and solicit public comments related to the implementation of Local Law 152 of 2016.

This bill would take effect immediately, and the sections related to extending the compliance deadline would be retroactive to January 1, 2020.

Int. No. 2171-A

In 2017, 34 people were sickened, and the rest of a building evacuated, when a faulty oil burner caught fire in the basement of a Tribeca building that contained an Amish Market.¹ In the aftermath of this incident, the Council passed Local Law 191 of 2018.² Local Law 191 required the installation of carbon monoxide detectors in certain new Group M occupancies, which include department stores, drug stores, markets, and retail or wholesale stores. Local Law 191 also required the installation of carbon monoxide detectors in certain existing commercial buildings that were not previously required to have carbon monoxide detectors. Carbon monoxide detectors were required to be installed in these existing commercial buildings by January 1, 2021.

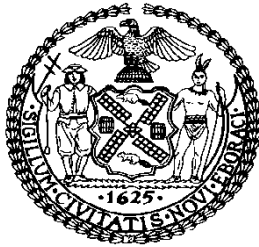
Int. No. 2171-A would extend the Local Law 191 compliance deadline by six months, until July 1, 2021.

This local law would take effect immediately, and would be deemed to have been in force and effect on and after January 1, 2021.

Update

On Tuesday, December 15, 2020, the Committee adopted Int. No. 2151-B by a vote of eight in the affirmative, zero in the negative, and zero abstentions, and Int. No. 2171-A by a vote of eight in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2151-B:)



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

PROPOSED INTRO. NO: 2151-B

COMMITTEE: Housing and Buildings

TITLE: A Local Law in relation to extending the deadlines for inspection and correction of building gas piping systems in certain community districts.

SPONSORS: Council Members Dromm, Cornegy, Kallos, Gjonaj, Brannan, Chin, Rosenthal and the Public Advocate (Mr. Williams).

SUMMARY OF LEGISLATION: Pursuant to Local Law 152 of 2016 and Department of Buildings (DOB) rules, between January 1, 2020 and December 31, 2020, building gas piping systems must be inspected in community districts (CD) 1, 3 and 10 in all boroughs. DOB rules also require submission of a certification that conditions identified in the inspection report have been corrected no later than 120 days, or if more time is needed, no later than 180 days following the inspection date.

Proposed Int. No. 2151-B would extend the December 31, 2020 inspection deadline for buildings in CD 1, 3 and 10 in all boroughs to June 30, 2021. The bill provides that for such buildings inspected between September 1, 2020 and December 31, 2020, the certification of correction may be submitted later than 120 days or later than 180 days following the inspection date, as applicable, but no later than June 30, 2021. This bill would also

¹ Sarah Maslin Nir, "34 People Sickened by Carbon Monoxide in Lower Manhattan," NY TIMES (Jun. 13, 2017) <https://www.nytimes.com/2017/06/13/nyregion/carbon-monoxide-leak-lower-manhattan.html>

² <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3371438&GUID=128D0201-1AD4-4158-B4E6-C2FE9C99A3C1&Options=ID|Text|Search=carbon+monoxide>

require DOB to conduct targeted outreach regarding the requirements of Local Law 152 of 2016, submit a report describing the methods of targeted outreach employed by the agency, and solicit public comments related to the implementation of Local Law 152 of 2016.

EFFECTIVE DATE: This legislation would take effect immediately and subdivisions b, c, d and e of section one would be retroactive to and deemed to have been in full force and effect as of January 1, 2020.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 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 Department would utilize existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A.

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

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the full Council on November 19, 2020 as Intro. No. 2151 and was referred to the Committee on Housing and Buildings (Committee). The legislation was subsequently amended and a joint hearing was held by the Committee and the Committee on Fire and Emergency Management on the amended version, Proposed Int. No. 2151-A, on December 2, 2020, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 2151-B, will be considered by the Committee on December 15, 2020. Following a successful vote, the bill will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 14, 2020.

(For text of Int. No. 2171-A and its Fiscal Impact Statement, please see the Report of the Committee on Housing and Buildings for Int. No. 2171-A printed in these Minutes; for text of Int. No. 2151-B, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 2151-B and 2171-A.

(The following is the text of Int. No. 2151-B:)

Int. No. 2151-B

By Council Members Dromm, Cornegy, Kallos, Gjonaj, Brannan, Chin, Rosenthal and the Public Advocate (Mr. Williams).

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

Be it enacted by the Council as follows:

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

Certification form. The term “certification form” means the certification required to be submitted to the department pursuant to subdivision 4 of section 28-318.3.3 of the administrative code of the city of New York and paragraphs (3) or (4) of subdivision (d) of section 103-10 of title 1 of the rules of the city of New York, stating that all conditions identified in the gas piping system periodic inspection report provided to a building owner have been corrected.

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

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

b. Notwithstanding the provisions of any other law or rule, building gas piping systems in community districts 1, 3 and 10 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York shall be inspected on or between January 1, 2020 and June 30, 2021, provided that the inspection requirements, including due dates for inspecting gas piping systems and submitting certification forms to the department in section 103-10 of title 1 of the rules of the city of New York shall apply after June 30, 2021.

c. Notwithstanding the provisions of any other law or rule, for building gas piping systems in community districts 1, 3 and 10 in each borough required to be periodically inspected pursuant to article 318 of chapter 3 of title 28 of the administrative code of the city of New York that are inspected on or between September 1, 2020 and December 31, 2020, such building owners may submit the certification form to the department later than 120 days following the building’s inspection date or later than 180 days following the building’s inspection date, as applicable, but in no event shall the certification form be submitted later than June 30, 2021.

d. Failure to submit the certification form required by subdivision c of this section shall be classified as a major violation subject to the provisions of chapter 2 of title 28 of the administrative code of the city of New York.

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

f. As soon as practicable but no later than March 31, 2021, the department shall conduct targeted outreach and education regarding the provisions of this section, which shall at a minimum include notifying building owners in community districts 1, 3 and 10 in each borough and posting information on the department’s website.

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

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

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

h. Beginning on January 1, 2021, and again on April 1, 2021, the department shall solicit public comments for a period of time no less than 45 days on the implementation of article 318 of chapter 3 of title 28 of the administrative code of the city of New York, including comments regarding the methods of targeted outreach employed by the department for compliance with subdivision f of this section.

i. No later than August 1, 2021, the department shall submit to the speaker of the council a report describing the methods of targeted outreach employed by the department for compliance with subdivision f of this section.

§ 2. This local law takes effect immediately and subdivisions b, c, d and e of section one are retroactive to and deemed to have been in full force and effect as of January 1, 2020.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, December 15, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Dromm and Barron.*

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. 2171-A

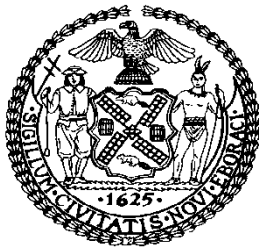
Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the date by which carbon monoxide detectors are required to be installed in commercial spaces.

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on December 10, 2020 (Minutes, page 2599), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 2151-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 2171-A:



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

PROPOSED INTRO. NO. 2171-A

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the date by which carbon monoxide detectors are required to be installed in commercial spaces. **SPONSORS:** Council Member Cornegy.

SUMMARY OF LEGISLATION: This legislation would extend the deadline to install carbon monoxide detectors in commercial buildings that are equipped with fire alarm systems and fall within occupancy groups A-1, A-2, A-3, B or M from January 1, 2021 to July, 1 2021.

EFFECTIVE DATE: This local law would take effect immediately, and be deemed to have been in force and effect on and after January 1, 2021.

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 because full compliance with the requirements of the legislation is anticipated.

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because any required expenditure would be borne by private parties.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Luke Zangerle, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was considered as a preconsidered item by the Committee on Housing and Buildings and the Committee on Fire and Emergency Management on December 2, 2020 and was laid over. The legislation was subsequently introduced to the full Council on December 10, 2020 as Intro. No. 2171 and was referred to the Committee on Housing and Buildings. The legislation was subsequently amended, and the amended version, Proposed Intro No. 2171-A, will be considered by the Committee on Housing and Buildings on December 15, 2020. Following a successful Committee vote, the bill will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 14, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2171-A:)

Int. No. 2171-A

By Council Members Cornegy, Rosenthal and Louis.

A Local Law to amend the administrative code of the city of New York and the New York city building code, in relation to the date by which carbon monoxide detectors are required to be installed in commercial spaces

Be it enacted by the Council as follows:

Section 1. Article 315 of chapter 3 of title 28 of the administrative code of the city of New York, as amended by local law number 191 for the year 2018, is amended to read as follows:

§ 28-315.11 Buildings that are equipped with a fire alarm system and that contain Group A-1, A-2, A-3, Group B or Group M occupancies. By [January] *July* 1, 2021, existing buildings equipped with a fire alarm system and that contain group A-1, A-2 or A-3, Group B or Group M occupancies shall comply with the retroactive requirements of section 908.7.3.1 of the New York city building code.

§ 2. Section 908.7.3.1 of the New York city building code, as amended by local law number 191 for the year 2018, is amended to read as follows:

908.7.3.1 Retroactive provisions for existing buildings. Notwithstanding any other provision of law, listed carbon monoxide detectors shall be installed in existing buildings that are equipped with a fire alarm system and that contain group A-1, A-2, A-3, Group B or Group M occupancies in accordance with Section 908.7.3 by [January] *July* 1, 2021.

§ 3. This local law takes effect immediately, and shall be deemed to have been in force and effect on and after January 1, 2021.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, December 15, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Dromm and Barron.*

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

Report of the Committee on Land Use

Report for Res. No. 1445-A

Report of the Committee on Land Use in favor of approving, as amended, an Authorizing Resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for the provision of telecommunications services.

The Committee on Land Use, to which the annexed authorizing resolution was referred on October 15, 2020 (Minutes, page 2215), respectfully

REPORTS:

SUBJECT

CITYWIDE

20215008 GFY

Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for the provision of telecommunications services.

INTENT

To approve with modifications an franchised authorization resolution submitted by the Department of Information Technology and Telecommunications for the granting of non-exclusive franchises for the installation of cable, wire and/or optical fiber and associated equipment on and in the inalienable property of the City (including through pipes, conduits and similar improvements thereto) to be used in providing one or more telecommunications services. The telecommunications services that such franchises would provide would be “Information Services” as such term is defined in the federal law. According to DoITT, “Information Services are high-speed voice and data franchises that are provided via city streets that are not cable television, public pay telephones, or mobile telecommunications services. The Council amendments would require any franchise agreement to include terms encouraging the provision of high-speed broadband service to low income residences and business, compliance with labor transparency laws and laws requiring net neutrality.

PUBLIC HEARING

DATE: October 13, 2020

SUBCOMMITTEE RECOMMENDATION

DATE: December 16, 2020

The Subcommittee recommends that the Land Use Committee approve the proposed resolution.

COMMITTEE ACTION

DATE: December 16, 2020

The Committee recommends that the Council approve the attached resolution.

(The following is the text of Res. No. 1445-A:)

Res. No. 1445-A

By Council Members Salamanca and Moya (by request of the Mayor).

Authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for the provision of telecommunications services.

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications (“DoITT”) as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, pursuant to Section 363 of the Charter (the “Charter”) of the City of New York (the “City”), the Commissioner of DoITT has made the initial determination of the need for franchises for telecommunications services; and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for the granting of such franchises pursuant to Section 363 of the Charter;

WHEREAS, the Council has determined that the granting of such franchises will promote the public interest, enhance the health, welfare and safety of the public and stimulate commerce by assuring the widespread availability of telecommunications services;

WHEREAS, the City and the Council recognize the pressing need to expand broadband access opportunities to all New Yorkers, particularly more affordable broadband options;

The Council hereby resolves that:

A. The Council authorizes DoITT, or any successor thereto, to grant non-exclusive franchises for the installation of cable, wire and/or optical fiber and associated equipment in the inalienable property of the City (including through pipes, conduits and similar improvements thereto) to be used in providing one or more telecommunications services (as that term is defined in Section C of this resolution) in the City.

B. For purposes of this resolution, “inalienable property of the City” shall mean the property designated as inalienable in Section 383 of the Charter. References herein to facilities “in the inalienable property” shall mean facilities located on, over or under the surface of such inalienable property.

C. The public services to be provided under such franchises shall be one or more “telecommunications services”, defined for the purposes of this resolution as the transmission of voice, data, information service and/or video signals, or any other form of wire communications or radio communications (as such terms are defined in subsections 59 and 40, respectively, of Section 3 of the federal Communications Act of 1934, as amended, or successor provisions thereto) but for purposes of this resolution “telecommunications services” shall not include any of the following: (i) “cable television services: as defined in the authorizing resolution adopted by the Council on May 15, 2012 as Resolution No. 1334, or any successor resolution thereto; (ii) “mobile telecommunications services” as defined in the authorizing resolution adopted by the Council on March 9, 2016 as Resolution No. 935 or any successor resolution thereto; and (iii) “public pay telephones” as defined in the authorizing resolution adopted by the Council on December 21, 2009 as Resolution No. 2309 or any successor resolution thereto.

D. All franchises granted pursuant to this resolution shall require the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council (the “Expiration Date”). No franchises shall be approved pursuant to this resolution by DoITT, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a request for proposals (“RFP”) or other solicitation shall be issued by DoITT. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review (“CEQR”) and Section 197-c of the Charter. The criteria to be used by DoITT to evaluate responses to such RFP or other solicitation shall include, but not be limited to, the following to the extent permitted by law:

- (1) the financial, legal, technical and managerial experience and capabilities of the applicant(s);
- (2) the adequacy of the proposed compensation to be paid to the City; and
- (3) the ability of the applicant(s) to maintain the property of the City in good condition

throughout the term of the franchise and in a manner consistent with the City's management of the public rights-of-way. In no event, however, shall DoITT include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including; and in no event shall DoITT apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided however, that no term or condition, whether or not listed hereinafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereinafter, shall be included in a written agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

- (1) the term of the franchise, including any option(s) to renew shall not exceed fifteen (15) years;
- (2) the compensation to be paid to the City shall be adequate and may include the provision of facilities or services to the City, or both. Such compensation shall not be considered in any manner in the nature of a tax, but such payments shall be made in addition to any and all taxes of whatever kind or description that are now or at any time hereafter may be required to be paid pursuant to any local law of the City or any law of the State of New York;
- (3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;
- (4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;
- (5) the City shall have the right to inspect the facilities of the franchisee located in the inalienable property of the City and to order the relocation of such facilities at the direction of DoITT;
- (6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;
- (7) all franchisees shall be required to maintain complete and accurate books of account and records sufficient to assure franchisee's compliance with the franchise agreement, which books of account and records shall be made available on demand to the City for inspection;
- (8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property of the City;
- (9) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;
- (10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment and investigations;
- (11) there shall be provisions to ensure adequate oversight by the City of franchisee's performance of its franchise obligations;
- (12) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior, written consent of the City and provisions to restrict changes in control of the franchisee without the prior written consent of the City;

- (13) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the agreement;
- (14) all franchisees shall have been subject, prior to the commencement of the franchise term to review under the City's Procurement and Sourcing Solutions Portal ("PASSPort") or any successor system;
- (15) all franchises shall include provisions incorporating the MacBride Principles;
- (16) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;
- (17) there shall be provisions requiring the franchisee to protect the property of the City, and the delivery of public services through, along or across such property, from damage or interruption of operation, as a result of the construction, installation, use, operation, maintenance, repair and/or removal of the franchisee's facilities in the inalienable property of the City;
- (18) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction, installation, use, operation, maintenance, repair and/or removal of the franchisee's facilities in the inalienable property of the City;
- (19) there shall be provisions requiring the franchisee to provide maps and other information, including resiliency information, regarding locations of facilities in the inalienable property of the City and, in accordance with applicable law, labor transparency reports;
- (20) there shall be provisions encouraging the franchisee to provide low cost affordable, high speed, broadband Internet access to both residential and commercial customers; and
- (21) there shall be provisions requiring that in the provision of any broadband Internet access service, the franchisee shall comply with any service obligations in accordance with applicable City, State and Federal law, including but not limited to service on a net neutral basis;

H. DoITT shall file with the Council the following documents:

- (1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;
- (2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and
- (3) on or before July 1 of each year, a report detailing the revenues received by the City during the preceding calendar year from each franchise granted pursuant to this resolution.

I. If any clause, sentence, paragraph, section or part of this resolution shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution or the application thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 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 L.U. No. 693

Report of the Committee on Land Use in favor of approving Application No. C 200155 HAK (DeKalb Commons) 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 633-639 DeKalb Avenue (Block 1774, Lots 74, 75, 76 and 77), 648-654 DeKalb Avenue (Block 1779, Lots 22, 24 and 26), 1187 Fulton Street (Block 2000, Lot 43), Borough of Brooklyn, Community District 3, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on November 19, 2020 (Minutes, page 2452) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3

C 200155 HAK

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 633-639 DeKalb Avenue (Block 1774, Lots 74, 75, 76 and 77), 648-654 DeKalb Avenue (Block 1779, Lots 22, 24 and 26), 1187 Fulton Street (Block 2000, Lots 43) as an Urban Development Action Area; and
 - b) an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such properties to a developer to be selected by HPD;

to facilitate the construction of three residential developments containing an approximate total of 84 affordable dwelling units and 1,470 square feet of commercial space, Borough of Brooklyn, Community District 3.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property to facilitate the development of two residential buildings and one mixed-use building containing a total of 84 affordable residential units and one unit for a superintendent, and 1,470 square feet of commercial space in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3.

PUBLIC HEARING**DATE:** November 17, 2020**Witnesses in Favor:** Seven**Witnesses Against:** Three**SUBCOMMITTEE RECOMMENDATION**

No action taken.

COMMITTEE ACTION**DATE:** December 16, 2020

Pursuant to Rule 11.10(f) of the Rules of the Council, the Chair of the Land Use Committee called the items up for review. The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz, Moya, Rivera, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1517

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 200155 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 633-639 DeKalb Avenue (Block 1774, Lots 74, 75, 76 and 77), 648-654 DeKalb Avenue (Block 1779, Lots 22, 24 and 26), 1187 Fulton Street (Block 2000, Lots 43), Borough of Brooklyn, Community District 3, to a developer selected by HPD (Preconsidered L.U. No. 693; C 200155 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on November 10, 2020 its decision dated November 4, 2020 (the “Decision”), on the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) regarding city-owned property located at 633-639 DeKalb Avenue (Block 1774, Lots 74, 75, 76 and 77), 648-654 DeKalb Avenue (Block 1779, Lots 22, 24 and 26), 1187 Fulton Street (Block 2000, Lots 43), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition

Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

to facilitate the development of two residential buildings and one mixed-use building containing a total of 84 affordable residential units and 1,470 square feet of commercial space in the Bedford-Stuyvesant neighborhood of Brooklyn, Community District 3 (ULURP No. C 200155 HAK) (the “Application”);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated November 13, 2020 and submitted to the Council on November 13, 2020, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on November 17, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the positive declaration, issued on June 4, 2019 (CEQR No. 18HPD078K) and a Final Environmental Impact Statement (FEIS) for which a Notice of Completion was issued on August 7, 2020 which identified significant adverse impacts with respect to shadows that cannot be mitigated and analyzed an alternative to the Proposed Project that could avoid the significant adverse impacts related to shadows which concludes that the development of a residential building would not be feasible under this alternative (the “Positive Declaration”).

RESOLVED:

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

- (1) The FEIS meets the requirements of 6 N.Y.C.R.R. Part 617;
- (2) Consistent with social, economic, and other essential considerations, from among reasonable alternatives thereto, adopted herein is one which minimizes or avoids adverse environmental impacts to the maximum extent practicable.

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 200155 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 200155 HAK and incorporated by

reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the 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 approves the designation of the Area as an urban development action area pursuant to Section 693 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 and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
- 2. **PROJECT:** DeKalb Commons
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 3
 - c. **COUNCIL DISTRICT:** 36
 - d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>	<u>ADDRESSES</u>
1774	74, 75, 76, 77	633-639 DeKalb Ave
1779	22, 24 and 26	648-654 DeKalb Ave
2000	43	1187 Fulton Street
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and

deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

- 5. TYPE OF PROJECT:** New Construction
- 6. APPROXIMATE NUMBER OF BUILDINGS:** 3
- 7. APPROXIMATE NUMBER OF UNITS:** 84 dwelling units, plus 1 superintendent unit
- 8. HOUSING TYPE:** Rental
- 9. ESTIMATE OF INITIAL RENTS from** Rents will be affordable to families earning 30% - 80% of the area median income ("AMI") Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
- 10. INCOME TARGETS** 30% to 80% of AMI
- 11. PROPOSED FACILITIES:** Approximately 2,512 square feet of commercial space
- 12. PROPOSED CODES/ORDINANCES:** None
- 13. ENVIRONMENTAL STATUS:** Environmental Impact Statement
- 14. PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 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 L.U. No. 703

Report of the Committee on Land Use in favor of approving Application No. 20215007 HIQ (N 210188 HIQ) submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York for approval of the by the Landmarks Preservation Commission's designation of Public School 48 (now P75Q at P.S. 48, The Robert E. Peary School) (Tax Map Block 10144, Lot 42), as an historic landmark (DL-519/LP-2646), Borough of Queens, Council District 28, Community District 12.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2616) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

QUEENS CB - 12

20215007 HIQ (N 210188 HIQ)

Designation by the Landmarks Preservation Commission [DL-519/LP-2646] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Public School 48 (now P75Q at P.S. 48, The Robert E. Peary School) (Tax Map Block 10144, Lot 42), as an historic landmark.

PUBLIC HEARING**DATE:** December 2, 2020**Witnesses in Favor:** Two**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** December 14, 2020

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

In Favor:

Koo, Barron, Levin, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** December 16, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz, Moya, Rivera, Borelli.

Against:

None

Abstain:

None

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

Res. No. 1518

Resolution affirming the designation by the Landmarks Preservation Commission of the Public School 48 (now P75Q at P.S. 48, The Robert E. Peary School) located at 155-02 108th Avenue (aka 155-02 - 156-00 108th Avenue and 108-01 - 108-03 155th Street) (Tax Map Block 10144, Lot 42), Borough of Queens, Designation List No. 519, LP-2646 (Preconsidered L.U. No. 703; 20215007 HIQ; N 210118 HIQ).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on October 1, 2020 a copy of its designation report dated September 22, 2020 (the "Designation"), designating the Public School 48 (now P75Q at P.S. 48, The Robert E. Peary School) located at 155-02 108th Avenue (aka 155-02 - 156-00 108th Avenue and 108-01 - 108-03 155th Street), Community District 12, Borough of Queens, as a landmark and Tax Map Block 10144, Lot 42, as its landmark site pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on November 20, 2020, its report on the Designation dated November 18, 2020 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on December 2, 2020; and

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

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 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 L.U. No. 704

Report of the Committee on Land Use in favor of approving Application No. 20215010 HHK (NYC Health & Hospitals/Woodhull II) submitted by the New York City Health and Hospitals Corporation, pursuant to Section 7385(6) of the HHC Enabling Act, for authorization to lease a parcel of land on the campus of NYC Health and Hospitals/Woodhull in Brooklyn to Comunilife, Inc., to be used for the development of an eight story multifamily residential building with supportive housing, Borough of Brooklyn, Council District 36, Community District 3.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2616) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 3

20215010 HHK

Application submitted by the New York City Health and Hospitals Corporation, pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act, for approval to lease a parcel of land on the campus of the New York City Health and Hospitals/Woodhull in Brooklyn to Comunilife, Inc., to be used for the development of an eight story multifamily residential building, Borough of Brooklyn, Council District 36, Community District 3.

INTENT

To approve the Lease by the New York City Health and Hospitals Corporation of a parcel of land consisting of approximately 13,000 square feet on the campus of the New York City Health and Hospitals/Woodhull, to be used for the development of an eight story multifamily residential building.

PUBLIC HEARING

DATE: December 2, 2020

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 14, 2020

The Subcommittee recommends that the Land Use Committee approve the Lease by the New York City Health and Hospitals Corporation, which will be a sublease to Comunilife, Inc. or an affiliate formed for the transaction, pursuant to the Lease Agreement.

In Favor:

Koo, Barron, Levin, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: December 16, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz, Moya, Rivera, Borelli.

Against:

None

Abstain:

None

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

Res. No. 1519

Resolution approving the leasing of a parcel of property consisting of approximately 13,000 square feet located on the campus of the New York City Health and Hospitals Corporation/Woodhull, Borough of Brooklyn (20215010 HHK; Preconsidered L.U. No. 704).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Health and Hospitals Corporation, filed with the Council on November 9, 2020, notice of the Board of Directors authorization dated November 4, 2020 of the leasing agreement of a parcel of property consisting of approximately 13,000 square feet on the campus of the New York City Health and Hospitals Corporation/Woodhull, Brooklyn to Comunilife, Inc. or an affiliate formed for the transaction, as tenant, upon the terms and conditions set forth in the Health and Hospitals Corporation resolution authorizing said leasing, a copy of which is attached hereto (the "Leasing"), Community District 3, Borough of Brooklyn;

WHEREAS, the Leasing is subject to review and action by the Council pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act;

WHEREAS, upon due notice, the Council held a public hearing on the Leasing on December 2, 2020; and

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

RESOLVED:

Pursuant to Section 7385(6) of the Health and Hospitals Corporation Enabling Act, the Council approves the Leasing in accordance with the terms and conditions set forth in the Board of Directors' resolutions authorizing the Leasing, copies of which are attached hereto.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 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 L.U. No. 705

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200086 ZMK (1501-1555 60th Street Rezoning) submitted by 1529-33 60th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an M1-1 District to an R7A District and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2616) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT**

BROOKLYN CB-12 - TWO APPLICATIONS RELATED TO 1501-1555 60TH STREET REZONING

C 200086 ZMK (Pre. L.U. No. 705)

City Planning Commission decision approving an application submitted by 1529-33 60th Street, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d:

1. changing from an M1-1 District to an R7A District property bounded by 15th Avenue, a line midway between 59th Street and 60th Street, a line 460 feet southeasterly of 15th Avenue, 60th Street, and the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division);

2. establishing within the proposed R7A District a C2-4 District bounded by 15th Avenue, a line midway between 59th Street and 60th Street, a line 460 feet southeasterly of 15th Avenue, 60th Street, and the northerly boundary line of the Long Island Railroad right-of-way (Bay Ridge Division);

as shown on a diagram (for illustrative purposes only) dated January 6, 2020, and subject to the conditions of CEQR Declaration E-556.

N 200087 ZRK (Pre. L.U. No. 706)

City Planning Commission decision approving an application submitted by 1529-33 60th Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the amendment to rezone the project area from an M1-1 zoning district to an R7A/C2-4 district and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area utilizing Option 2, to facilitate the construction of three mixed-use buildings containing a total of approximately 102 residential dwelling units and 32,219 square feet of ground floor commercial space on 60th Street (Block 5509, Lots 58, 64, 65, 68, 70 and Block 5516, Lots 14, 17, 20, and 21) in the Borough Park neighborhood of Brooklyn Community District 12.

PUBLIC HEARING

DATE: December 7, 2020

Witnesses in Favor: One

Witnesses Against: None

DATE: December 16, 2020

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: December 16, 2020

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. Nos. 705 and 706.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: December 16, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz, Moya, Rivera, Borelli.

Against:

Barron

Abstain:

None.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 16, 2020 (Remote Hearing).

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

Report for L.U. No. 706

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200087 ZRK (1501-1555 60th Street Rezoning) submitted by 1529-33 60th Street, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2616), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 705 printed in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 16, 2020 (Remote Hearing).

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

Report for L.U. No. 707

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 150178 ZMK (265 Front Street Rezoning) submitted by Michael Spinard, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-2 District to an R6A District and establishing within the proposed R6A District a C2-4 District, Borough of Brooklyn, Community District 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2617) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****BROOKLYN CB-2 - TWO APPLICATIONS RELATED TO 265 FRONT STREET****C 150178 ZMK (Pre. L.U. No. 707)**

City Planning Commission decision approving an application submitted by application submitted by Michael Spinard, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d:

1. changing from an M1-2 District to an R6A District property bounded by a line midway between Water Street and Front Street, a line 70 feet easterly of Gold Street, Front Street, and Gold Street; and
2. establishing within the proposed R6A District a C2-4 District property bounded by a line midway between Water Street and Front Street, a line 70 feet easterly of Gold Street, Front Street, and Gold Street

as shown on a diagram (for illustrative purposes only) dated January 21, 2020, and subject to the conditions of CEQR Declaration E-560.

N 180178 ZRK (Pre. L.U. No. 708)

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

INTENT

To approve the amendment to rezone the project area from M1-2 District to an R6A/C2-4 District and amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area, would facilitate the construction of a nine dwelling unit four-story building with 11,932 square feet of residential floor area, and 4,995 square feet of ground floor commercial space at 265 Front Street (Block 43, lot 1 and p/o Lot 41), in Vinegar Hill neighborhood of Brooklyn, Community District 2.

PUBLIC HEARING**DATE:** December 7, 2020**Witnesses in Favor:** Two**Witnesses Against:** Seven**Undecided:** One**SUBCOMMITTEE RECOMMENDATION****DATE:** December 16, 2020

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the applications by the Applicant on Pre. L.U. Nos. 707 and 708.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Ayala, Rivera, Borelli.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** December 16, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, R. Diaz, Moya, Rivera, Borelli.

Against:

None

Abstain:

None.

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

Res. No. 1520

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on ULURP No. C 150178 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 707).

By Council Members Salamanca and Moya.

WHEREAS, Michael Spinard, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M1-2 District to an R6A District and establishing within the proposed R6A District a C2-4 District, which in conjunction with the related action would facilitate the development of a four-story building with nine residential units and approximately 5,000 square feet of ground floor commercial space at 265 Front Street (Block 43, lot 1 and p/o

Lot 41), in the Vinegar Hill neighborhood of Brooklyn, Community District 2 (ULURP No. C 150178 ZMK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on November 27, 2020, its decision dated November 18, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 180178 ZRK (Pre. L.U. No. 708), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 7, 2020;

WHEREAS, by submission dated December 15, 2020 and submitted to the Council on December 15, 2020, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 16, 2020 (Remote Hearing).

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report for L.U. No. 708

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. N 180178 ZRK (265 Front Street Rezoning) submitted by Michael Spinard, 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 2, Council District 33.

The Committee on Land Use, to which the annexed Land Use item was referred on December 10, 2020 (Minutes, page 2617) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 707 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1521

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on Application No. N 180178 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 708).

By Council Members Salamanca and Moya.

WHEREAS, Michael Spinard, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the zoning resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the construction of a nine dwelling unit four-story building with 11,932 square feet of residential floor area, and 4,995 square feet of ground floor commercial space at 265 Front Street (Block 43, lot 1 and p/o Lot 41), in Vinegar Hill neighborhood of Brooklyn, Community District 2 (Application No. N 180178 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on November 27, 2020, its decision dated November 18, 2020 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 150178 ZMK (Pre. L.U. No. 707), a zoning map amendment to change an M1-2 District to an R6A/C2-4 District;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 7, 2020;

WHEREAS, by submission dated December 15, 2020 and submitted to the Council on December 15, 2020, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 16, 2020 (Remote Hearing).

Coupled to be Filed Pursuant to Letter of Withdrawal.

Report of the Committee on Oversight and Investigations

Report for Int. No. 1770-A

Report of the Committee on Oversight and Investigations 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 whistleblower protections for individuals subject to alleged adverse personnel actions.

The Committee on Oversight and Investigations, to which the annexed proposed amended local law was referred on October 17, 2019 (Minutes, page 3417), respectfully

REPORTS:

I. INTRODUCTION

On December 16, 2020, the Committee on Oversight and Investigations, chaired by Council Member Ritchie Torres, held a hearing on Proposed Int. No. 1770-A, in relation to whistleblower protections for individuals subject to alleged adverse personnel actions. This is the second hearing on this item. The first hearing was held on January 13, 2020, at which the Committee heard testimony from representatives of the Department of Investigation (“DOI”), good government groups, think tanks, higher education institutions, and non-profit organizations. At the vote on December 16, the Committee voted 8 in favor, 0 opposed and 0 abstentions on the bill.

II. BACKGROUND

DOI is one of the oldest law-enforcement agencies in the country,¹ and the first dedicated to fighting corruption.² As the City’s independent Inspector General, it has authority over more than 45 City agencies as well as those who conduct business with the City, including government contractors and subcontractors.³ DOI can investigate any issue which is deemed to be “in the best interests of the city,”⁴ most notably “fraud, waste and corruption.”⁵ Such investigations are conducted confidentially.⁶

City employees who report to DOI, the Council, the Public Advocate or the Comptroller, any “corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority” involving a City official or contractor are protected by the City’s whistleblower law.⁷ This whistleblower law was expanded in 2012 to protect employees of contractors and subcontractors engaged in City contracts valued at \$100,000 or more.⁸ If DOI finds any employee’s complaint to be credible, it may relay its findings to the relevant City agency, and can eventually refer the matter to the Mayor or the entity that appointed the agency head.⁹ Remedies for employees of contractors and subcontractors may include reinstatement to the employee’s former position or equivalent, with back wages; as well as reinstatement of earned seniority and other forms of relief necessary to

¹ *About DOI*, CITY OF NEW YORK DEPARTMENT OF INVESTIGATIONS, <https://www1.nyc.gov/site/doi/about/about.page>

² Simon Leen et. all, *Oversight and Enforcement of Public Integrity: A State-by-State Study*, COLUMBIA LAW SCHOOL CENTER FOR THE ADVANCEMENT OF PUBLIC INTEGRITY, (May 2018), https://www.law.columbia.edu/sites/default/files/capi-data/reports/newyork_2018.pdf

³ *Supra* note 1

⁴ Charter § 803 (b).

⁵ *Legal and Executive Authority*, CITY OF NEW YORK DEPARTMENT OF INVESTIGATIONS, <https://www1.nyc.gov/site/doi/about/legal-executive-authority.page>

⁶ See N.Y. Labor Law § 740; Administrative Code § 12-113; Charter § 803 (c) (5).

⁷ Administrative Code § 12-113 (b) (1).

⁸ Administrative Code § 12-113 (b) (2), (3).

⁹ Administrative Code § 12-113 (d), (e).

make them “whole.”¹⁰ However, City employees are not automatically entitled to remedies recommended by DOI—the employing agency has discretion in determining whether to take any recommended remedial action.¹¹ While employees of contractors may file suit to obtain relief under the whistleblower law, City employees do not have this right.¹²

New York City employees have an affirmative obligation to report corruption, criminal activity, and conflicts of interest to DOI pursuant to an Executive Order originally issued by Mayor Koch in 1978.¹³ An employee’s failure to report instances of corruption, waste, fraud or abuse by public officials or City contractors can result in an employee facing disciplinary action or termination.¹⁴ Mandatory reporting strengthens the City’s whistleblower law, as a duty to report places the onus on City employees and contractors to expose corruption, instead of relying on an employees’ good-will.

III. CITY, STATE AND FEDERAL PROTECTIONS FOR CITY EMPLOYEES

As there are many whistleblower laws at the City, State and Federal levels of government, City employees may avail themselves of various whistleblower statutes that apply to their claim. Whistleblower protections in the United States, and particularly in New York, make up a patchwork of laws that range from broad – covering all employees regardless of sector or line of work – to industry-specific. Requirements for gaining whistleblower protection also vary from law to law, for example, with respect to how the incident must be initially reported. Some statutes create a private right of action and others, like the City’s law with respect to City employees, do not.

The two most comprehensive whistleblower laws applying to City employees are the City’s whistleblower law for employees and public contractors, found in Administrative Code § 12-113, and the State’s whistleblower law for public employees (state and local), contained in Civil Service Law § 75-b. The State and City laws diverge in many ways, including: the type of government misconduct that grants whistleblower protection, the entity to whom misconduct must be reported, allowable adjudication and enforcement of the protections, and remedies that may be awarded. For example, City employees seeking protection under the State’s whistleblower law must have reported “a violation of a law, rule or regulation...[that] presents a...danger to the public health or safety” or action by a governmental entity or employee that the employee reasonably believes is a violation of any law, rule or regulation, to “a governmental body.”¹⁵ In contrast, the City requires the report of “corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority” to DOI or to “a council member, the public advocate or the comptroller.”¹⁶ The State’s law allows for a private right of action, unless the employee is subject to a collective bargaining agreement providing for arbitration;¹⁷ the City does not create a private right of action for City employees. The City’s law also covers City contractors and subcontractors,¹⁸ whereas Civil Service Law § 75-b does not.

Notably, the City’s law does not cover private sector employees, or former or prospective public employees. In contrast, Labor Law § 740 extends many of the protections afforded by Civil Service Law § 75-b to private employers. The types of misconduct covered are similar, with the former also encompassing health care fraud.¹⁹ Labor Law § 740 also includes a private right of action for private employees who report misconduct.²⁰ However, when the employee has revealed the misconduct to a public body, the employee must

¹⁰ Administrative Code § 12-113 (e) (2).

¹¹ Administrative Code § 12-113 (e) (1).

¹² Administrative Code § 12-113 (e) (2).

¹³ *Executive Order No. 16*, MAYOR OF THE CITY OF NEW YORK (JULY 26, 1976), available at:

https://www1.nyc.gov/assets/records/pdf/executive_orders/1978EO016.PDF

¹⁴ Margaret Garnett and Preet Bharara, *Remaining Silent About Corruption Should Not Be an Option?* THE NEW YORK TIMES (October 17, 2019) <https://www.nytimes.com/2019/10/17/opinion/whistle-blower-trump.html>

¹⁵ N.Y. Civil Service Law § 75-b (2) (a).

¹⁶ Administrative Code § 12-113 (b) (1).

¹⁷ N.Y. Civil Service Law § 75-b (3).

¹⁸ Administrative Code § 12-113 (b) (2).

¹⁹ N.Y. Labor Law § 740 (2) (a).

²⁰ N.Y. Labor Law § 740 (4).

have alerted their employer and provided a “reasonable opportunity” for correction in order to avail themselves of whistleblower protections.²¹

The table in Figure 1 illustrates these differences:

Figure 1.

	Administrative Code § 12-113 (“City whistleblower law”)	N.Y. Civil Service Law § 75-b (“State whistleblower law”)	N.Y. Labor Law § 740
Covered parties	City employees and City contractors/subcontractors	Public employees in NYS other than judges and members of the State Legislature	Private employees
Misconduct	Corruption, criminal activity, conflict of interest, gross mismanagement, abuse of authority	Violation of a law, rule or regulation presenting a danger to public health or safety or action by a governmental entity or employee which the employee reasonably believes is a violation of any law, rule or regulation	Violation of a law presenting a danger to public health or safety or which constitutes health care fraud
Reporting requirements	DOI, Council Member, Public Advocate, Comptroller	Governmental body	None
Adjudication/ Enforcement	City employees: DOI determines credibility. DOI issues findings and recommendations to employing agency. If remedial action is not taken, DOI refers matter to agency head and then to the Mayor or other official who appointed the agency head. City contractors/subcontractors: Private right of action against employer, but not City.	Arbitrator or hearing officer if subject to a collectively negotiated agreement; if not, a private right of action	Private right of action
Remedies	City employees: Determined by DOI and agency. City contractors/subcontractors: Range incl. injunction, reinstatement, double back pay plus interest and attorney’s fees.	Range that depends on any applicable collective bargaining agreement, but in some cases including reinstatement and compensation for lost wages and attorney’s fees.	Range including injunction, reinstatement and compensation of lost wages and attorney’s fees.

²¹ N.Y. Labor Law § 740 (3).

Employees may gain whistleblower protection for reports of City²² and State human rights law violations.²³ Other State laws that may be utilized are N.Y. Labor Law § 741 (protections for health care workers who report improper quality of health care) and § 736 (protections for employees reporting violations of the prohibition on the use of psychological stress evaluators). There are also protections for employees in certain specified industries.²⁴

Federal law protects public employees of the United States government only via the Whistleblower Protection Act.²⁵ Local government employees may receive protections under federal law for whistleblowing in particular circumstances, for example, reporting asbestos hazards at schools in violation of the Asbestos Hazard Emergency Response Act.²⁶ However, there is no comprehensive federal statute that protects employees of state or local governments, or of private entities.

IV. STRENGTHENING CITY WHISTLEBLOWER LAWS

City whistleblower laws could be amended in various ways to match ideas present in other statutes and in expert opinion. Unlike the State's whistleblower law, the City does not contain a private right of action for City employees. In addition, when a City employee commences a cause of action under the State's whistleblower law, it is unclear what, if any, role DOI may play in such proceedings.

The City's whistleblower law does not expressly contain protections for former or prospective employees, or for interns.²⁷ The City's law allows employees to file complaints when their employers "take an adverse personnel action"²⁸ but does not explicitly include threatening to take an action, as the federal whistleblower law and Labor Law § 740 does.²⁹ It also does not protect against retaliation for an employee refusing to participate in the employer's misconduct, which is protected under Labor Law § 740.³⁰

Some commentators have derided the City's procedure for resolving whistleblower retaliation claims, since they are resolved wholly within the City administration, and not an independent body.³¹ Finally, the City's whistleblower law requires DOI to conduct public education efforts for those covered by the law,³² but it does not put in place a concrete standard that ensures the trainings are provided to everyone, or on a large-scale.

V. UTILIZING WHISTLEBLOWER PROTECTIONS

It is unclear if existing resources are adequately educating City employees and contractors on the whistleblower law. DOI is mandated to produce an annual report on "Whistleblower Law Complaints" to the Mayor and Speaker pursuant to Section 12-113 of the City Administrative Code. In DOI's report from Fiscal Year 2019, the report states that "to ensure that City employees understand their obligations and the associated protections for them, DOI has continued to educate the City's workforce with in-person and online corruption prevention lectures."³³ The City's whistleblower statute requires DOI to conduct such trainings.³⁴ Yet, in Fiscal Year 2019, only 16,166 City employees attended one of the almost 450 in-person corruption prevention

²² Administrative Code § 8-107 (7).

²³ N.Y. Executive Law 296 (1) (e).

²⁴ E.g. Commercial goods transportation contractors (N.Y. Labor Law § 862-e); construction industry (N.Y. Labor Law § 861-f); nursing home employees and residents (N.Y. Social Services Law § 460-d); and school employees (N.Y. Education § 3028-d).

²⁵ 5 U.S.C. § 2302 (b) (8), (9).

²⁶ 15 U.S.C. § 2651.

²⁷ Administrative Code § 12-113 (a) (10).

²⁸ Administrative Code § 12-113 (b) (1).

²⁹ 5 U.S.C. § 2302 (b) (8); N.Y. Labor Law § 740 (2) (a).

³⁰ N.Y. Labor Law § 740 (2) (c). See also John D. Feerick, *Toward a Model Whistleblowing Law*, Fordham Urban Law Journal, 19 FDMULJ 585 (Spring 1992), p. 594.

³¹ William A. Herbert, *Protections for Public Employees Who "Blow the Whistle" Appear to Be Inadequate*, NEW YORK STATE BAR JOURNAL, 76-FEB N.Y. St. B.J. 20 (February 2004).

³² Administrative Code § 12-113 (h).

³³ See Margaret Garnett, *Whistleblower Law Complaints for Fiscal Year 2019*, DEPARTMENT OF INVESTIGATIONS, (October 31, 2019) https://www1.nyc.gov/assets/doi/reports/pdf/Whistleblower/Annual_WB_Letter-FY_2019.pdf

³⁴ Administrative Code § 12-113 (h).

and outreach lectures conducted by DOI. Approximately 33,539 City employees participated in online anti-corruption training in Fiscal Year 2019.³⁵ The 49,705 City employees³⁶ of the nearly 400,000 total employees of the City who received formal DOI training in Fiscal Year 2019 constitutes approximately 12% of the total City workforce.³⁷ Although over 85% of City employees did not receive educational trainings, the City requires all employees to report corruption and wrongdoing, at the risk of facing disciplinary action or termination.³⁸

Because certain City agencies may be more likely to engage in fraud, waste or corruption, or may employ persons exposed to riskier situations in their line of work, the Committee wishes to learn how DOI decides who receives training. The Committee also wishes to explore whether DOI plans to expand online training capacity to most, if not all, City employees. Further, the Committee would like to know the extent to which DOI resources are provided to contractors and subcontractors covered by the City's whistleblower law.

Perhaps due to the paucity of educational resources DOI provides to City employees, few whistleblowers have come forward in recent years to report wrongdoing. From 2014-2018, only 170 whistleblowers came forward, alleging they faced retaliation for reporting their complaint. Of the 170 cases DOI investigated over the five year period, only one employee was determined to qualify for whistleblower protection.³⁹ In Fiscal Year 2019, DOI received 32 complaints from individuals alleging job-related retaliation or sought protection for reporting misconduct,⁴⁰ but only opened investigations for 20 of them.⁴¹

VI. LEGISLATIVE ANALYSIS

Proposed Int. No. 1770-A would expand whistleblower protections in the following ways:

- Provide that certain persons who report misconduct to the Special Commissioner of Investigation for the New York City School District (“Special Commissioner of Investigation”) are eligible for whistleblower protection;
- Require the Special Commissioner of Investigation to investigate allegations of adverse personnel action that fall within the official’s jurisdiction and require the Corporation Counsel to investigate allegations of adverse personnel actions committed by the Special Commissioner of Investigation and high-ranking officials within the Department of Investigation;
- Provide that the investigating officer must provide periodic status updates regarding the investigation to the relevant whistleblower;
- Require that if the relevant agency or entity head fails to take remedial action recommended by or acceptable to the investigating officer with a certain time period, the relevant agency or entity must provide a written explanation regarding such failure to the relevant whistleblower and the investigating officer;
- Establish a private right of action for a relevant whistleblower who suffers adverse personnel action if the whistleblower’s employer does not take remedial actions recommended by or acceptable to the investigating officer; and

³⁵ See Margaret Garnett, *Whistleblower Law Complaints for Fiscal Year 2019*, DEPARTMENT OF INVESTIGATIONS, (October 31, 2019) https://www1.nyc.gov/assets/doi/reports/pdf/Whistleblower/Annual_WB_Letter-FY_2019.pdf

³⁶ This number assumes that no City employees were double counted by receiving both educational instructions, which DOI does not specify in its report. Accordingly, 49,705 represents the highest number of City employees that could have received educational training in Fiscal Year 2019.

³⁷ Lisette Camilo, *Workforce Profile Report*, DEPARTMENT OF CITYWIDE ADMINISTRATIVE SERVICES, https://www1.nyc.gov/assets/dcas/downloads/pdf/reports/workforce_profile_report_2017.pdf (Fiscal Year 2017).

³⁸ Executive Order No. 16, July 26, 1978, section 4. See also Margaret Garnett and Preet Bharara, *Remaining Silent About Corruption Should Not Be an Option?* THE NEW YORK TIMES (October 17, 2019) <https://www.nytimes.com/2019/10/17/opinion/whistle-blower-trump.html>.

³⁹ Jarrett Murphy, *Where Have All the Whistleblowers Gone?* CITY LIMITS, (October 10, 2019), <https://citylimits.org/2019/10/10/where-have-all-the-whistleblowers-gone/>

⁴⁰ See Margaret Garnett, *Whistleblower Law Complaints for Fiscal Year 2019*, DEPARTMENT OF INVESTIGATIONS, (October 31, 2019) https://www1.nyc.gov/assets/doi/reports/pdf/Whistleblower/Annual_WB_Letter-FY_2019.pdf

⁴¹ See Margaret Garnett, *Whistleblower Law Complaints for Fiscal Year 2019*, DEPARTMENT OF INVESTIGATIONS, (October 31, 2019) https://www1.nyc.gov/assets/doi/reports/pdf/Whistleblower/Annual_WB_Letter-FY_2019.pdf

- Require more comprehensive annual reporting by the Commissioner of Investigation regarding reports by whistleblowers on misconduct and adverse personnel action.

Section one of Proposed Int. No. 1770-A would add a new paragraph 11 to subdivision a of section 12-113 of the Administrative Code. This paragraph would define the term “special commissioner of investigation,” meaning the Special Commissioner of Investigation established by mayoral Executive Order No. 11 for the year 1990 or any successor officer, for the entirety of section 12-113 of the Administrative Code.

Section two of Proposed Int. No. 1770-A would amend subdivisions b through d of section 12-113 of the Administrative Code.

Paragraph 1 of subdivision b of section 12-113 would be amended to establish the Special Commissioner of Investigation as another official to which an officer or employee of a City agency can report information concerning alleged corruption, criminal activity, conflict of interest, gross mismanagement or abuse by another City officer or employee, with protection against adverse personnel action. This paragraph would be amended to require reports under this paragraph on alleged conduct within the jurisdiction of the Special Commissioner of Investigation to be referred to the Special Commissioner of Investigation; and such reports on conduct allegedly committed by the Commissioner of Investigation, the Special Commissioner of Investigation, or a Deputy Commissioner of Investigation to be referred to the Corporation Counsel.

Paragraph 2 of subdivision b of section 12-113 would be amended to establish the Special Commissioner of Investigation as another official to which an officer or employee of a covered contractor or covered subcontractor under section 12-113 can report information concerning alleged corruption, criminal activity, conflict of interest, gross mismanagement or abuse by another covered contractor or covered subcontractor, with protection against adverse personnel action. This paragraph would be amended to require reports under this paragraph on alleged conduct within the jurisdiction of the Special Commissioner of Investigation to be referred to the Special Commissioner of Investigation.

This bill would not amend paragraph 3 of subdivision b of section 12-113.

Paragraph 4 of subdivision b of section 12-113 would require the Special Commissioner of Investigation and the Corporation Counsel receiving a report of alleged adverse personnel action to, upon request, make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such a report.

Paragraph 5 of subdivision b of section 12-113 would be amended to establish the Special Commissioner of Investigation as another official to which an officer or employee of City agency can report information concerning conduct allegedly presenting a substantial and specific risk of harm to the health, safety, or educational welfare of a child by another City officer or employee, with protection against adverse personnel action. Such paragraph would be amended to generally require reports under this paragraph to be referred to the Commissioner of Investigation, but it would specifically require such reports on alleged conduct within the jurisdiction of the Special Commissioner of Investigation to be referred to the Special Commissioner of Investigation and such reports on conduct allegedly committed by the Commissioner of Investigation, the Special Commissioner of Investigation, or a Deputy Commissioner of Investigation to be referred to the Corporation Counsel.

Subdivision c of section 12-113 would be split into two paragraphs. Paragraph 1 would establish the Special Commissioner of Investigation and the Corporation Counsel as additional officials to which an officer or employee of a City agency or of a public agency or entity under the jurisdiction of the Commissioner of Investigation can report alleged adverse personnel actions. However, such an action can only be reported to the Special Commissioner of Investigation if it falls within the jurisdiction of the Special Commissioner of Investigation; and such an action can only be reported to the Corporation Counsel if it was allegedly committed by the Commissioner of Investigation, the Special Commissioner of Investigation, or a Deputy Commissioner of Investigation. Paragraph 2 would require referral of reports made under subdivision c that are within the jurisdiction of the Special Commissioner of Investigation to the Special Commissioner of Investigation, and referral of such reports on such actions allegedly committed by the Commissioner of Investigation, the Special Commissioner of Investigation, or a Deputy Commissioner of Investigation to the Corporation Counsel.

Paragraph 1 of subdivision d of section 12-113 would be amended to require the Special Commissioner and the Corporation Counsel to investigate complaints made under subdivision c of section 12-113 that they have received. Accordingly, paragraph 2 of subdivision d would be amended to require the Special

Commissioner of Investigation and the Corporation Counsel, in connection with such an investigation, to provide written notice regarding receipt of the complaint to the individual who made the complaint. Such notice would have to include the name of the contact person in the office of the Special Commissioner of Investigation or the Corporation Counsel, as applicable. This paragraph would also require the Commissioner of Investigation, the Special Commissioner of Investigation, and the Corporation Counsel to provide written notice at least once every 90 days regarding the status of the respective investigation to the individual who made the complaint. Paragraph 3 of subdivision d would be amended to require the Special Commissioner of Investigation and the Corporation Counsel to provide a written statement of the final determination regarding the investigation to the individual who made the complaint, and the statement would have to include the recommendations of the Special Commissioner of Investigation or the Corporation Counsel, as applicable, regarding remedial action (or would have to state that such official has determined to dismiss the complaint and terminate the investigation).

Section three of Proposed Int. No. 1770-A would split paragraph 1 of subdivision e of section 12-113 of the Administrative Code into five subparagraphs.

Subparagraph (i) of paragraph 1 of subdivision e of section 12-113 would require the Special Commissioner of Investigation and the Corporation Counsel, upon making a determination that an adverse personnel action has been taken in violation of paragraph 1 or 5 of subdivision b of section 12-113, to report without undue delay such official's findings and any recommendations to the head of the relevant agency or entity. The agency or entity head would be required to report a determination of whether to take remedial action back to the Special Commissioner of Investigation or Corporation Counsel, as applicable.

Subparagraph (ii) of paragraph 1 of subdivision e of section 12-113 would require the Special Commissioner of Investigation or the Corporation Counsel, as applicable, upon determining that the agency or entity head has not taken appropriate remedial action, to consult with the agency or entity head and afford the agency or entity head a reasonable opportunity to take such action.

If an agency or entity head does not take remedial action under subparagraph (ii), subparagraph (iii) of paragraph 1 of subdivision e of section 12-113 would require the Commissioner of Investigation, the Special Commissioner of Investigation, or the Corporation Counsel, as applicable, to report such official's investigative findings and the agency or entity head's response to the individual who made the complaint regarding alleged adverse personnel action under subdivision c of section 12-113. As is already required of the Commissioner of Investigation, the Special Commissioner of Investigation or the Corporation Counsel, as applicable, would be required to also report such official's investigative findings and the agency or entity head's response to (i) if the reporting individual is employed by an agency whose head or members are appointed by the Mayor, the Mayor; (ii) if the reporting individual is employed by a non-mayoral agency of the City, the City officer or officers who appointed the non-mayoral agency head; or (iii) if the reporting individual is employed by a public agency or another public entity under the jurisdiction of the Commissioner of Investigation, the officer or officers who appointed the head of the public agency or entity.

If the agency or entity head has not taken remedial action recommended by or acceptable to the Commissioner of Investigation, the Special Commissioner of Investigation, or the Corporation Counsel, as applicable, within 60 days from the date of the report made under subparagraph (iii) by the Commissioner of Investigation, the Special Commissioner of Investigation, or the Corporation Counsel to the designated officer or officers, subparagraph (iv) of paragraph 1 of subdivision e would require that the agency or entity head provide a written explanation detailing the specific reasons why the agency or entity has not taken such an action to the individual who made the complaint regarding adverse personnel action under subdivision c of section 12-113, as well as to the Commissioner of Investigation, the Special Commissioner of Investigation, or the Corporation Counsel, as applicable.

Subparagraph (v) of paragraph 1 of subdivision e of section 12-113 would allow the individual who made the complaint regarding adverse personnel action under subdivision c of section 12-113 to bring an action in court, within one year after the written explanation required under subparagraph (iv) is due to the individual, against the individual's employer for relief that is necessary to make the individual whole. However, the monetary value of this relief would not be permitted to exceed the monetary value of the remedial actions recommended with respect to the individual by the Commissioner of Investigation, Special Commissioner of Investigation, or the Corporation Counsel, as applicable. Furthermore, this relief would be required to be comparable to such recommended actions. The court would be required to award the individual litigation costs

and reasonable attorneys' fees if the individual prevails in the court action. An individual who brings a court action under subparagraph (v) would be required to provide notice of the action to the Commissioner of Investigation, Special Commissioner of Investigation, or Corporation Counsel, as applicable, but the individual's failure to provide the notice would not be considered a jurisdictional defect and would not be permitted as a defense to a court action under this subparagraph.

Section four of Proposed Int. No. 1770-A would amend subdivision i of section 12-113 of the Administrative Code to require the Commissioner of Investigation to consult with the Special Commissioner of Investigation and the Corporation Counsel in producing and forwarding to the Mayor and the Council a report (annual report to be made no later than October 31) concerning reports and complaints governed by section 12-113. This subdivision would also be amended to increase and specify reporting requirements for the last fiscal year: The comprehensive report would have to include the number of reports concerning conduct described in paragraph 1 of subdivision b of section 12-113 that were received, directly or by referral, by the Commissioner of Investigation, Special Commissioner of Investigation, and the Corporation Counsel (paragraph 1 of subdivision i); the number of reports concerning conduct described in paragraph 2 of subdivision b of section 12-113 that were received, directly or by referral, by the Commissioner of Investigation and the Special Commissioner of Investigation (paragraph 2 of subdivision i); the number of reports concerning conduct described in paragraph 5 of subdivision b of section 12-113 that were received, directly or by referral, by the Commissioner of Investigation, Special Commissioner of Investigation, and the Corporation Counsel (paragraph 3 of subdivision i); and the number of complaints made under subdivision c of section 12-113 that were received by the Commissioner of Investigation, Special Commissioner of Investigation, and the Corporation Counsel as well as the ultimate results of these complaints (paragraph 4 of subdivision i). Additionally, the report would have to include information about investigations conducted under subdivision d of section 12-113, such as the number of investigations open at the end of the last fiscal year and the median number of days that the investigations had been open, the number of investigations open for 90 or more but fewer than 180 days at the end of the last fiscal year, the number of investigations open for 180 or more but fewer than 365 days at the end of the last fiscal year, the number of investigations open from 365 or more but fewer than 730 days at the end of the last fiscal year, the number of investigations open for 730 or more days at the end of the last fiscal year, and the number of full-time and part-time personnel of the Department of Investigation (calculated based on full-time equivalency rates) at the end of the last fiscal year whose professional duties included conducting these investigations (paragraph 5 of subdivision i).

Section five of Proposed Int. No. 1770-A would add a new subdivision j to section 12-113 of the Administrative Code, which would provide that a referral of a report or complaint to the Special Commissioner of Investigation under subdivision b or c of section 12-113 would not be interpreted to take away the Commissioner of Investigation's authority to investigate or participate in the investigation of the referred issue.

Section six of Proposed Int. No. 1770-A provides that this local law would take effect 180 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1770-A:)



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

PROPOSED INT. No. 1770-A

COMMITTEE: Oversight and Investigations

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to whistleblower protections for individuals subject to alleged adverse personnel actions.

Sponsors: Council Member Torres, the Public Advocate (Mr. Jumaane Williams), and Council Members Kallos, Rosenthal and Ayala.

SUMMARY OF LEGISLATION: Proposed Int. No. 1770-A would expand whistleblower protections. Certain whistleblowers who report misconduct to the Special Commissioner of Investigation would be protected against adverse personnel actions. The Special Commissioner of Investigation would be required to investigate whistleblower allegations of actions that fall within the official’s jurisdiction, and the Corporation Counsel would be required to investigate adverse personnel actions allegedly committed by the Special Commissioner of Investigation and high-ranking officials within the Department of Investigation. Also, the investigating officer would be required to provide periodic status updates regarding the investigation to the relevant whistleblower. Furthermore, if the relevant agency or entity head fails to take remedial action recommended by or acceptable to the investigating officer within a certain time period, the agency or entity would have to provide a written explanation regarding this failure to the relevant whistleblower and the investigating officer.

This bill would also establish a private right of action for a relevant whistleblower who suffers adverse personnel action if the whistleblower’s employer does not take remedial actions recommended by or acceptable to the investigating officer. Finally, this bill would require more comprehensive annual reporting by the Commissioner of Investigation regarding reports by whistleblowers on misconduct and adverse personnel actions.

EFFECTIVE DATE: This local law would take effect 180 days after the bill becomes 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 the legislation would not affect the Department of Investigation and Special Commissioner of Investigation’s expenditures. The Law Department could face litigation costs to defend cases pertaining to the new private right of action this bill authorizes, as well as electronic discovery costs if the Law Department receives complaints, but there are sufficient budgetary resources to cover costs.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: The Department of Investigation
The Special Commissioner of Investigation
The Law Department

ESTIMATE PREPARED BY: Jack Kern, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on October 17, 2019 as Intro. No. 1770 and was referred to the Committee on Oversight and Investigations (Committee). The Committee held a hearing on January 13, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1770-A, will be considered by the Committee at a hearing on December 16, 2020. Upon successful vote by the Committee, Proposed Int. No. 1770-A will be submitted to the full Council for a vote on December 17, 2020.

DATE PREPARED: December 15, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1770-A:)

Int. No. 1770-A

By Council Members Torres, the Public Advocate (Mr. Williams), Kallos, Rosenthal and Ayala.

A Local Law to amend the administrative code of the city of New York, in relation to whistleblower protections for individuals subject to alleged adverse personnel actions

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 12-113 of the administrative code of the city of New York is amended by adding a new paragraph 11 to read as follows:

11. *“Special commissioner of investigation” shall mean the position of deputy commissioner of investigation for the city school district of the city of New York, as established by mayoral executive order number 11 for the year 1990, as amended, or any successor to the duties of such officer.*

§ 2. Subdivisions b through d of section 12-113 of the administrative code of the city of New York, as amended by local law number 33 for the year 2012, are amended to read as follows:

b. 1. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, [(i)] to the commissioner, [or (ii) to] a council member, the public advocate [or] the comptroller, [who shall refer such report to the commissioner] *or the special commissioner of investigation. Such report shall be referred to the commissioner unless (i) such conduct is within the jurisdiction of the special commissioner of investigation, in which case such report shall be referred to such special commissioner, or (ii) such conduct is alleged to have been committed by the commissioner, the special commissioner of investigation or a deputy commissioner of investigation, in which case such report shall be referred to the corporation counsel.* For the purposes of this subdivision, an agency of the city shall be deemed to include, but not be limited to, an agency the head or members of which are appointed by one or more city officers, and the offices of elected city officers.

2. No officer or employee of a covered contractor or covered subcontractor shall take an adverse personnel action with respect to another officer or employee of such contractor or subcontractor in retaliation for such officer or employee making a report of information concerning conduct which such officer or employee knows or reasonably believes to involve corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority by any officer or employee of such contractor or subcontractor, which concerns a contract with a contracting agency, [(i)] to the commissioner, [(ii) to] a council member, the public advocate [or] the

comptroller, [who shall refer such report to the commissioner] *the special commissioner of investigation*, [or (iii) to] the chief procurement officer, *the* agency chief contracting officer, or *the* agency head or commissioner of the contracting agency[, who shall refer such report to the commissioner]. *Such report shall be referred to the commissioner unless such conduct is within the jurisdiction of the special commissioner of investigation, in which case such report shall be referred to such special commissioner.*

3. Every contract or subcontract in excess of one hundred thousand dollars shall contain a provision detailing the provisions of paragraph two of this subdivision and of paragraph two of subdivision e of this section.

4. Upon request, the commissioner, council member, public advocate [or], comptroller, *special commissioner of investigation or corporation counsel* receiving the report of alleged adverse personnel action shall make reasonable efforts to protect the anonymity and confidentiality of the officer or employee making such report.

5. No officer or employee of an agency of the city shall take an adverse personnel action with respect to another officer or employee in retaliation for his or her making a report of information concerning conduct which he or she knows or reasonably believes to present a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, which concerns his or her office or employment, or by persons dealing with the city, which concerns their dealings with the city, [(i) to the commissioner, [(ii) to] a council member, the public advocate, the comptroller [or], the mayor, the special commissioner of investigation or [(iii) to] any superior officer. Such report shall be referred to the commissioner unless (i) such conduct is within the jurisdiction of the special commissioner of investigation, in which case such report shall be referred to such special commissioner, or (ii) such conduct is alleged to have been committed by the commissioner, the special commissioner of investigation or a deputy commissioner of investigation, in which case such report shall be referred to the corporation counsel.

c. 1. An officer or employee [(i)] of an agency of the city, or [(ii)] of a public agency or public entity subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, who believes that another officer or employee has taken an adverse personnel action in violation of subdivision b of this section may report such action (i) to the commissioner, or (ii) to the special commissioner of investigation, if such alleged adverse personnel action is within the jurisdiction of such special commissioner, or (iii) to the corporation counsel, if such alleged adverse personnel action is alleged to have been committed by the commissioner, the special commissioner of investigation or a deputy commissioner of investigation.

2. If such report concerns an alleged adverse personnel action that is within the jurisdiction of the special commissioner of investigation, such report shall be referred to such special commissioner, and if such report concerns an adverse personnel action that is alleged to have been committed by the commissioner, the special commissioner of investigation or a deputy commissioner of investigation, such report shall be referred to the corporation counsel.

d. 1. Upon receipt of a report made pursuant to subdivision c of this section, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall conduct an inquiry to determine whether retaliatory adverse personnel action has been taken.

2. Within fifteen days after receipt of an allegation pursuant to subdivision c of this section of a prohibited adverse personnel action, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall provide written notice to the officer or employee making the allegation that the allegation has been received by the commissioner, or the special commissioner of investigation or corporation counsel, as applicable. Such notice shall include the name of the person in the department of investigation, or in the offices of the special commissioner of investigation or the corporation counsel, as applicable, who shall serve as a contact with the officer or employee making the allegation. Thereafter, the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall at least once in every 90-day period provide written notice of the status of such investigation to such officer or employee.

3. Upon the completion of an investigation initiated under this subdivision [c of this section], the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, shall provide a written statement of the final determination to the officer or employee who complained of the retaliatory adverse personnel action. The statement shall include the [commissioner's] recommendations, if any, of the commissioner, or the special commissioner of investigation or corporation counsel, as applicable,

for remedial action, or shall state *that the commissioner, or the special commissioner of investigation or corporation counsel, as applicable*, has determined to dismiss the complaint and terminate the investigation.

§ 3. Paragraph 1 of subdivision e of section 12-113 of the administrative code of the city of New York, as amended by local law number 33 for the year 2012, is amended to read as follows:

1. (i) Upon a determination that a retaliatory adverse personnel action has been taken with respect to an officer or employee of an agency of the city in violation of paragraph one or five of subdivision b of this section, the commissioner, *or the special commissioner of investigation or corporation counsel, as applicable*, shall without undue delay report his or her findings and, if appropriate, recommendations to the head of the appropriate agency or entity, who [(i)] shall determine whether to take remedial action and [(ii)] shall report such determination to the commissioner, *or the special commissioner of investigation or corporation counsel, as applicable*, in writing.

(ii) Upon a determination that the agency or entity head has failed to take appropriate remedial action, the commissioner, *or the special commissioner of investigation or corporation counsel, as applicable*, shall consult with the agency or entity head and afford the agency or entity head reasonable opportunity to take such action.

(iii) If such action is not taken, the commissioner, *or the special commissioner of investigation or corporation counsel, as applicable*, shall report his or her findings and the response of the agency or entity head [(i)] *to the complainant and* if the complainant was employed by an agency the head or members of which are appointed by the mayor, to the mayor[, (ii)]; if the complainant was employed by a non-mayoral agency of the city, to the city officer or officers who appointed the agency head[,]; or [(iii)] if the complainant was employed by a public agency or other public entity not covered by the preceding categories but subject to the jurisdiction of the commissioner pursuant to chapter thirty-four of the charter, to the officer or officers who appointed the head of the public agency or public entity, who shall take such action as is deemed appropriate.

(iv) *If, within 60 days from the date of such report to the mayor or to the officer or officers who appointed the head of the agency or entity, such agency or entity has not taken either the remedial action recommended by, or other remedial action acceptable to, the commissioner, the special commissioner of investigation or the corporation counsel, as applicable, such agency or entity head shall provide a written explanation to the complainant and to the commissioner, or the special commissioner of investigation or corporation counsel, as applicable, of the specific reasons why such agency or entity did not take such remedial action.*

(v) *Within one year after such written explanation is due to be provided to such complainant, the complainant may bring an action in any court of competent jurisdiction against the complainant's employer to recover relief necessary to make the complainant whole; provided that the monetary value of such relief shall not exceed that_of the remedial actions recommended by the commissioner, the special commissioner of investigation or the corporation counsel, as applicable, with respect to such complainant and that such relief shall_otherwise be comparable to such_recommended actions. If such complainant prevails in such action, such court shall award such complainant litigation costs and reasonable attorneys' fees. A complainant who brings an action pursuant to this subparagraph shall provide notice of such action to the commissioner, the special commissioner of investigation or the corporation counsel, as applicable; provided, however, that failure to provide such notice shall not be a jurisdictional defect and shall not be a defense to an action brought pursuant to this subparagraph.*

§ 4. Subdivision i of section 12-113 of the administrative code of the city of New York, as amended by local law number 33 for the year 2012, is amended to read as follows:

i. Not later than October thirty-first of each year, the commissioner, *in consultation with the special commissioner of investigation and the corporation counsel*, shall prepare and forward to the mayor and the council a report [on the complaints governed by this section during] *that shall include, but need not be limited to, the following information for the preceding fiscal year*]. The report shall include, but not be limited to, the number of complaints received pursuant to this section, and the disposition of such complaints.]:

1. *The number of reports concerning conduct allegedly involving corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority, as described in paragraph 1 of subdivision b of this section, received by the commissioner, the special commissioner of investigation and the corporation counsel, whether directly or upon referral, in such fiscal year;*

2. *The number of reports concerning conduct allegedly involving corruption, criminal activity, conflict of interest, gross mismanagement or abuse of authority, as described in paragraph 2 of subdivision b of this*

section, received by the commissioner and the special commissioner of investigation, whether directly or upon referral, in such fiscal year;

3. The number of reports concerning conduct allegedly presenting a substantial and specific risk of harm to the health, safety or educational welfare of a child by another city officer or employee, as described in paragraph 5 of subdivision b of this section, received by the commissioner, the special commissioner of investigation and the corporation counsel, whether directly or upon referral, in such fiscal year;

4. The number of complaints made under subdivision c of this section that were received by the commissioner, the special commissioner of investigation and the corporation counsel, in such fiscal year, and the disposition of such complaints; and

5. With respect to investigations conducted under subdivision d of this section:

(a) The number of investigations open at the end of such fiscal year and the median number of days that such investigations had been open at the end of such fiscal year;

(b) The number of investigations open for 90 or more days, but fewer than 180 days, at the end of such fiscal year;

(c) The number of investigations open for 180 or more days, but fewer than 365 days, at the end of such fiscal year;

(d) The number of investigations open for 365 or more days, but fewer than 730 days, at the end of such fiscal year;

(e) The number of investigations open for 730 or more days at the end of such fiscal year; and

(f) As of the end of such fiscal year, the number of full-time plus part-time personnel of the department of investigation, calculated based on full-time equivalency rates, whose duties include conducting investigations under subdivision d of this section.

§ 5. Section 12-113 of the administrative code of the city of New York is amended by adding a new subdivision j to read as follows:

j. Any referral to the special commissioner of investigation pursuant to subdivision b or c of this section shall not be construed to divest the commissioner of authority to investigate or participate in the investigation of the matter that has been referred.

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

RITCHIE J. TORRES, *Chairperson*; BEN KALLOS, MARK TREYGER; RAFAEL SALAMANCA, Jr., DIANA AYALA, CARLINA RIVERA, KEITH POWERS, KALMAN YEGER; Committee on Oversight and Investigations, December 16, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Cabrera, Deutsch and Rodriguez.*

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 Parks and Recreation

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

Report for Int. No. 2187

Report of the Committee on Parks and Recreation in favor of approving and adopting, a Local Law in relation to the naming of 92 thoroughfares and public places, Pandit Ramlall Way, Borough of Queens, Henry Clayton Street, Borough of Queens, Little Guyana Avenue, Borough of Queens, Coach Skip Branch Way, Borough of Manhattan, Lou ‘Big Lou’ Torres Way, Borough of the Bronx, Terence Cardinal Cooke Way, Borough of Manhattan, Police Officer Randolph Holder Way, Borough of Manhattan, Akai Gurley Way, Borough of Brooklyn, MaryLou Cerqua Way, Borough of Staten Island, Clifford Holtermann Way, Borough of Staten Island, Peter Catello Way, Borough of Staten Island, Anthony M. Scarpaci Sr. Way, Borough of Brooklyn, Nilda Velazquez Way, Borough of the Bronx, Five Points, Borough of Manhattan, Bishop Michel White Way, Borough of the Bronx, Lt. Paramedic Edith Elida Torres Way, Borough of Queens, Yusuf Kirriem Hawkins Way, Borough of Brooklyn, Richard Wright Way, Borough of Brooklyn, Melquain Jatelle Anderson Drive, Borough of Brooklyn, Ida B. Wells Plaza, Borough of Brooklyn, Jitu Weusi Plaza, Borough of Brooklyn, Dr. Sam Pinn Way, Borough of Brooklyn, Joe Torres Way, Borough of the Bronx, Janta-Polczyńska Polish Heroes Way, Borough of Queens, Dr. Roy Hastick Sr. Way, Borough of Brooklyn, Bishop Ceacer Gooding Road, Borough of the Bronx, Naimah Bilal Way, Borough of the Bronx, Joanne Webb-Dixon Way, Borough of the Bronx, Brandon Hendricks-Ellison Boulevard, Borough of the Bronx, Daniel C. Cestaro Way, Borough of the Bronx, Beatrice Castiglia Catullo Way, Borough of the Bronx, Joe DeSimone Way, Borough of the Bronx, Lorraine Nugent Way, Borough of the Bronx, 5th Bombardment Squadron Memorial Way, Borough of Queens, Council Member Thomas V. Ognibene Way, Borough of Queens, Neir’s Tavern Way, Borough of Queens, Detective Jeffrey A. Lee Way, Borough of Queens, Rabbi Dr. Asher Murciano Way, Borough of Queens, Mary Sansone Way, Borough of Brooklyn, Joseph A. Ferris Way, Borough of Brooklyn, Jose A. Perez Way, Borough of Brooklyn, Pete Hamill Way, Borough of Brooklyn, Firefighter John “Jack” Toomey Way, Borough of Brooklyn, St. Raphael of Brooklyn Place, Borough of Brooklyn, Cecil Corbin-Mark Way, Borough of Manhattan, Lewis A. Fidler Way, Borough of Brooklyn, Mary “Mary C” Cali-Dalton Way, Borough of Staten Island, Floyd H. Flake Boulevard, Borough of Queens, David F. Bluford Way, Borough of Queens, Priscilla Carrow Way, Borough of Queens, Lorena Borjas Way, Borough of Queens, Vera E. Thompson Way, Borough of Queens, Lamont “Big L” Coleman Way, Borough of Manhattan, Calle Frenchie, Borough of Brooklyn, Antoinette Ali-Sanders Way, Borough of Queens, Chanta Howard Way, Borough of Queens, Benjamin Wright Way, Borough of Queens, Jules Taylor Way, Borough of Queens, Harry T. Burleigh Place, Borough of Manhattan, Walther Delgado Way, Borough of Manhattan, Victor Victor Way, Borough of Manhattan, Miguel A. Melenciano Way, Borough of Manhattan, Healthcare Heroes Way, Borough of Manhattan, Hon. Vito J. Titone Way, Borough of Staten Island, Coach John Tobin Corner, Borough of Staten Island, Nurse Patricia Mary Farrington Way, Borough of Staten Island, Educator & Athlete Arnold Obey Way, Borough of Staten Island, Albert “Al” Quinones Way, Borough of the Bronx, Heidi Hynes Way, Borough of the Bronx, Rev. Wendell T. Foster Way, Borough of the Bronx, Union Grove Missionary Baptist Church Way, Borough of the Bronx, Reverend Dr. Henry Bolden Boulevard, Borough of the Bronx, Frederick ‘Fred The Godson’ Thomas Avenue, Borough of the Bronx, Pastor Marie C. Norwood Way, Borough of the Bronx, Carl Reiner Lane, Borough of the Bronx, Anne Bancroft Way, Borough of the Bronx, Joseph Migliucci Way, Borough of the Bronx, Teitel Brothers Lane, Borough of the Bronx, Cosenza Way, Borough of the Bronx, Madonia Way, Borough of the Bronx, Lawrence Fisk Way, Borough of Brooklyn, Carmela ‘Mrs. C’ Casamento Way, Borough of Brooklyn, Glenda Cohen Street, Borough of Queens, Msgr. John C. Tosi Way, Borough of Queens, Don McCallian Way, Borough of Queens, George S. Kaufman Way, Borough of Queens, Luis Alvarez Way, Borough of Queens, Tarlach Mac

Niallais Way, Borough of Queens, Edward Charles “Whitey” Ford Way, Borough of Queens, Community Leader William L. Taitt Way, Borough of Staten Island, Big Punisher Way, Borough of the Bronx, Pfc. Luke N. Gasparre Way, Borough of Queens and the repeal of section 16 of local law number 158 for the year 2019 and sections 34, 37 and 45 of local law number 26 for the year 2020.

The Committee on Parks and Recreation, to which the annexed preconsidered proposed local law was referred on December 17, 2020, respectfully

REPORTS:

Comment:

On December 17, 2020, the Committee on Parks and Recreation will hold a hearing to vote on Preconsidered Int. No. 2187, in relation to the co-naming of ninety-two (92) thoroughfares and public places. The Council acts upon the authority granted in subdivision (b) of section 25-102.1 of the New York City Administrative Code which states:

b. Unless the local law specifically provides otherwise, any local law changing the name of a street, park, playground or portion thereof, or any facility or structure, located and laid out on the city map, that bears a name indicated on the city map shall not be construed to require a change in such name as it is indicated on the city map; provided, however, that in the case of a local law changing the name of a street or portion thereof, the name added by such local law shall be posted on a sign placed adjacent to or near a sign bearing the name of such street or portion thereof indicated on the city map.

The following street name changes are not to be construed as a change in the City Map, but as additional names to be posted near or adjacent to the street or location indicated on the City Map. Throughout this document, New York City is represented by NYC, New York State is represented by NYS and the United States is represented by U.S.

Section 1. Pandit Ramlall Way

Introduced by Council Member Adams

February 28, 1928 - January 16, 2019

Pandit Ramlall was a scholar, author, freedom fighter for Guyana’s independence and founder of the Annual Phagwah Parade held in Richmond Hill. He was the leader of the Arya Spiritual Center which educated youths regarding religion and culture. He received a plaque for his dedication to community involvement by the Guyana Cultural Association. Before he migrated to the United States in 1974, he was highly regarded in Guyana where he was born and raised. There, he served as a Member of Parliament advocating for the working class and at one point was jailed for nearly three years at Sibley Hall for his activism. In the United States, he studied psychology and received a diploma in Education. In 1975, he received the prestigious literary award at the first Vishwa Hindi Sammelan (World Hindi Conference) in Nagpur, India and also received numerous awards from Canada and the United States for his teachings and community work. In 2003, Queens Borough President Helen Marshall declared one day of the year as Pandit Ramlall Day.

Section 2. Henry Clayton Street

Introduced by Council Member Adams

June 17, 1943-January 9, 2019

Henry Clayton, Jr. relentlessly served his community starting in the 1970s, providing free extermination services in his Southeast Queens community. He then went on to open what became one of the largest black owned travel agencies in NYC in March of 1988, growing to employ over 30 black and brown community members who also went on to become professional entrepreneurs. He also partnered with Greater Allen A.M.E. Cathedral of New York to provide safe, affordable, and memorable trips for seniors and their families.

Additionally, he used his community route as a Frito-Lay salesman as a pathway to support, employ and mentor young men throughout Jamaica Queens. He provided holiday gifts out of his own pocket for over 150 families every year.

Section 3. Little Guyana Avenue

Introduced by Council Member Adams

This co-naming will commemorate the contributions of the Guyanese community in Richmond Hill. Guyanese now makes up the second largest immigrant group based on the 2010 census.

Section 4. Coach Skip Branch Way

Introduced by Council Member Ayala

Died August 2019

Floyd Branch, Jr. founded the NYC Bombsquad Basketball Classic, a non-profit league that served disadvantaged youth and aimed to keep kids in a safe environment. He founded the league in 1995 and ran the nonprofit for nearly 25 years until his death. He was a coach and mentor to thousands of youths. He served as head basketball coach of the varsity team at Rice High School for 11 years leading the team to four championship games. He also coached at Cardinal Hayes High School in the Bronx and received the Pepsi Cola Heroes in our Community Award in 2006, sponsored by 98.7 Kiss FM and later received the Native New Yorker Award from the John Hunter Memorial Camp Fund Inc.

Section 5. Lou ‘Big Lou’ Torres Way

Introduced by Council Member Ayala

December 3, 1957 – July 31, 2017

Lou ‘Big Lou’ Torres was born in the South Bronx and served as the Tenant Association President of Robert E. Moore Houses. He secured funding to install security cameras throughout the development to ensure safety throughout the community. He also hosted block parties and other events to celebrate the community. He was also the CEO of BIG LOU Films and led a successful career in the motion picture industry.

Section 6. Terence Cardinal Cooke Way

Introduced by Council Member Ayala

March 1, 1921 – October 6, 1983

Terence Cardinal Cooke was ordained a priest in 1945 and served as chaplain for St. Agatha’s Home for Children in Nanuet. Later he was appointed an Auxiliary Bishop of the Roman Catholic Archdiocese of New York by Pope Paul VI. In March 1968, he was named the seventh Archbishop of New York and was also named Vicar Apostolic for the United States Military. In 1969, he delivered the benediction at the inauguration of President Nixon. As archbishop, he founded Birthright, which offers women alternatives to abortion, the Inner-City Scholarship Fund, which provides financial aid for Catholic School students, an Archdiocesan Housing Development Program providing housing to the City’s disadvantaged and nine nursing homes. After his death, there was a movement to canonize him as a saint. In 1992, the Congregation for the Cause of Saints designated him as a Servant of God, the first step in the process that leads to beautification and then canonization as a saint. Documentation of Cooke’s life’s work was presented to Pope Benedict XVI in 2010. If approved, Cooke will receive the title Venerable, the second step leading to sainthood.

Section 7. Police Officer Randolph Holder Way

Introduced by Council Member Ayala

Died October 20, 2020

Randolph Holder served with the NYPD for five years and was assigned to Police Service Area 5. He was killed in the line of duty.

Section 8. Akai Gurley Way

Introduced by Council Member Barron

On November 20, 2014, Akai Gurley, a 28-year-old public housing resident was fatally shot by New York City Police Department (“NYPD”) Police Officer Peter Liang in a darkened stairwell at the Louis H. Pink

Houses in Brooklyn, New York. At a press conference on November 21, 2014, NYPD Commissioner William J. Bratton stated that the shooting appeared to be an accidental discharge.

Section 9. MaryLou Cerqua Way

Introduced by Council Member Borelli

Died April 12, 2016

MaryLou Cerqua was born and raised in Brooklyn, NY. She was a Con Edison employee for 30 years and upon retiring moved to Staten Island where she was heavily involved in volunteer work at St. Clare Church, Seaside Wildlife Nature Park, Crescent Beach, and cleanups at local parks.

Section 10. Clifford Holtermann Way

Introduced by Council Member Borelli

August 30, 1926 - January 4, 2018

Clifford E. Holtermann was a lifelong Staten Islander who was a member of the Masonic Lodge No. 916, St. Andrew's Episcopal Church, and Historic Richmond Town. He worked his entire life at Holtermann's Bakery, founded by his grandfather, which is still in business today and celebrated 140 years of business in October. Holtermann's Bakery was featured in "Cooks Illustrated" for having the "Best Crumbs" and served as a backdrop for NBC's "The Blacklist" and FX's "The Americans." He won a Louis R. Miller Business Leadership Award in 2010.

Section 11. Peter Catello Way

Introduced by Council Member Borelli

Died in April 2017.

Peter N. Catello was the owner of Catello Electrical Contracting for almost 50 years, and worked for six months as an electrician at the Fresh Kills Recovery site, working day and night to maintain the electrical and lights for the recovery operation. He will be included on the wall at the 9/11 Responders Remembered Park. He later sent several of his crews out to affected areas after Hurricane Sandy to help people restore power. He died of 9/11 related illness.

Section 12. Anthony M. Scarpaci Sr. Way

Introduced by Council Member Brannan

Died in 1989

Anthony Scarpaci took over the Scarpaci Funeral Home at the age of 21 after his father's death in 1939. The Scarpaci Funeral Home was established in 1910 and still operates currently. The Scarpaci family continues to give back to the community and those in need through charitable endeavors. Many of the family members have been active in community and service organizations including the Lions International, Knights of Columbus, Kiwanis International and Peitro's Fight. He was a founder of the Little Sons of Italy, a charity that donates to orphanages in Sicily and New York which also established free schools to teach new Americans how to speak English while guiding them through the citizenship application process and he was a founding member and president of the Ben-Bay Kiwanis Club, which has raised millions of dollars for various children's charities over the past 50 years and still continues today. In 1962, after St. Frances Cabrini Church burned down, he opened his funeral home so services could be held every Sunday to the community until the church was rebuilt.

Section 13. Nilda Velazquez Way

Introduced by Council Member Cabrera

September 9, 1942 – November 14, 2020

Nilda Velazquez moved to New York from Puerto Rico with her mother in 1948. In 1960, her mother died of cancer when she was 12 years old and she grew up in an orphanage. She attended school and raised her family the best way she could. She organized with her fellow mothers for better housing, better schools, and better living situations. She organized along with NYS Assemblyman Jose Rivera, and former NYC Council Member Maria Baez while serving in their state and city legislative offices respectively. She was renowned for her legendary constituent services. In addition to her being a public servant, she also was a community

activist. She participated in the Creston Avenue Block Association, providing block parties. She started the Davidson Family Community Association. She was active in the Bronx County Democratic Party with Roberto Ramirez and Jose Rivera as a judicial delegate and also served as the Democratic District Leader of the 78th Assembly District, running the North End Democratic Club. She ran for State Committee Member, and won with the highest plurality of everyone running with her. Whether it was fighting for Criminal Justice Reform or protesting cancer clusters stemming from the United States Naval bases in Vieques, Puerto Rico or fighting for basic living conditions in the West Bronx, she fought hard for the community.

Section 14. Five Points

Introduced by Council Member Chin

This co-naming would recognize the lives of tens of thousands of 19th century Irish, Italian, Chinese and Jewish immigrants, as well as the free African-Americans who lived together in this notorious slum where they faced considerable poverty and adversity while helping make the City the melting pot it is today.

Section 15. Bishop Michel White Way

Introduced by Council Member Cohen

October 4, 1949 – August 4, 2020

Bishop Michel White was the founder and pastor of the Cathedral at Greater Faith and served the Bronx community for over 30 years. Her contributions were numerous as she worked tirelessly to support less fortunate members in the community by hosting an annual Thanksgiving food drive, an annual coat drive, created a prison ministry, annual back to school rally, conducted neighborhood health fairs, toy drives for children, provided drug rehabilitation program, free concerts for the community, provided immigrants with immigration lawyers, visited the sick in hospitals, taught children how to sing and play instruments and worked closely with the NYPD for the safety of the community. In 2017, she gave the Opening Prayer for the New York State Assembly in Albany. She was a member of the Fresh Winds Ministry Alliance, Presiding Prelate of the Churches of the Living God and served on the Executive Council and later became the First Assistant to the Presiding Prelate.

Section 16. Lt. Paramedic Edith Elida Torres Way

Introduced by Council Member Constantinides

February 15, 1970 – February 8, 2017

Edith Elida Torres served as a paramedic for 23 years, as saving lives was the only calling she ever had. Like many of her fellow Bravest and Best, she rushed to the World Trade Center despite being off duty on the morning of September 11, 2001. She spent the rest of the day working the pile, rescuing survivors and looking for her colleague Carlos Lillo, who unbeknownst to Torres, had lost his life in the collapse of the south tower. She continued on in her duty, rising to the rank of lieutenant in 2005. She also collaborated with Lillo's family to honor him by having a park named in his memory as well as with the Carlos Lillo Memorial Paramedic Scholarship. She died of 9/11 related illness.

Section 17. Yusuf Kirriem Hawkins Way

Introduced by Council Member Cornegy

Died August 23, 1989

On the evening of Wednesday August 23rd, 1989, Yusuf Kirriem Hawkins, a 16-year-old from East New York was shot in the chest and killed in Bensonhurst, Brooklyn, marking the third killing of a black male by white mobs in New York City during the 1980's. Yusuf was a smart young man who was accepted to a technical school and had the brightest of futures ahead of him. On the night of August 23rd, Yusuf and his friends were visiting Bensonhurst to look at a used car. The group's attackers had been lying in wait for black youths that were expected to attend a party at the home of a teenage girl in the neighborhood. Some say the girl had previously dated one of the killers and/or she had invited black youths to her neighborhood to taunt the neighborhood boys. Hawkins and his friends walked onto the ambushers' block unaware that local residents were waiting to attack any group of black youths they saw. After the murder of Hawkins, police said that he had not in any way been involved with the neighborhood girl whom the killers believed Hawkins was dating. Yusuf's death led to demands of greater racial justice within New York City. A few days after his murder, 300

demonstrators marched through Bensonhurst in his name facing opposition from local residents in their fight for justice.

Section 18. Richard Wright Way

Introduced by Council Member Cumbo

September 4, 1908 – November 28, 1960

Richard Wright was an African American writer and poet who was employed by the Federal Writer's Project and received critical acclaim for "Uncle Tom's Children," a collection of four stories and was also well known for his 1940 bestseller "Native Son," and his 1945 autobiography, "Black Boy." Raised in Jackson, Mississippi, he was interested in American literature. By the age of 16, a short story he wrote was published in a Southern African American newspaper. In 1927, he moved to Chicago and joined the Communist Party after being frustrated with American capitalism. He joined the Federal Writers' Project and moved to New York City in 1937. In 1938, "Uncle Tom's Children" was published earning him a \$500 prize from *Story* magazine and led to a 1939 Guggenheim Fellowship. He published "Native Son" in 1940, which became a bestseller and the first novel written by an African American to be selected by the Book-of-the-Month Club. After becoming disillusioned with both the Communist Party and white America, he moved to Paris and wrote four more novels and lived there until his death.

Section 19. Melquain Jatelle Anderson Drive

Introduced by Council Member Cumbo

Died October 2017

Melquain Jatelle Anderson was killed while waiting at a bus stop outside of the Farragut Houses. His family later started a scholarship and emergency fund in his name at John Jay College where he earned his bachelor degree.

Section 20. Ida B. Wells Plaza

Introduced by Council Member Cumbo

July 16, 1862 – March 25, 1931

Ida B. Wells was an African-American journalist, abolitionist and feminist who led an anti-lynching crusade in the United States in the 1890s. She went on to found and become integral in groups for African-American justice. She was a teacher who became a vocal critic of the condition of African-American only schools in Memphis. In 1896, she formed the National Association of Colored Women and later became a founding member of the National Association for the Advancement of Colored People. She worked with the National Equal Rights League to end discriminatory hiring practices for government jobs and also created the first African-American kindergarten in her community and fought for women's suffrage.

Section 21. Jitu Weusi Plaza

Introduced by Council Member Cumbo

Died May 22, 2013

Jitu K. Weusi, formerly known as, Leslie R. Campbell, was a long-time educator and activist throughout his life. He was born and raised in Brooklyn and was very active in education, politics, social justice and music. He began his career in education with the New York City Department of Education in 1962 and was a founding member of the African-American Teachers Association (ATA). He was widely known for his involvement in the Ocean-Hill/Brownsville conflict that proved to be instrumental in bringing about changes nationwide in community control of public education. In the late 1960's, he left the Department of Education and opened the first Black independent private school for inner-city youth: Uhuru Sasa Shule (Freedom Now School). The school was one of the founding member schools of the Council of Independent Black Institutions (CIBI), an international umbrella organization for independent schools. Among his political accolades, he was essential in forming the New York Chapter of the National Black United Front (NBUF); African-Americans United for Political Power, which was a vital force in the election of Mayor David Dinkins; and, he worked vigorously on Reverend Sharpton's campaign to become the first black US Senator from New York. In 1970, he was the principal operator of the East Cultural and Educational Center, where he presented Jazz programs weekly which featured Freddie Hubbard, Max Roach, Betty Carter, Roland Kirk, Gary Bartz, Randy Weston,

Pharoah Sanders, McCoy Tyner, Hugh Masekela, Sun Ra and a host of other performers. An avid enthusiast, collector of and writer on Jazz music, he served as the chairperson of the Central Brooklyn Jazz Consortium for several years.

Section 22. Dr. Sam Pinn Way

Introduced by Council Member Cumbo

Died December 27, 2017

Dr. Sam Pinn Jr. was born in Rice, Virginia and later moved to New York to become a life-long resident of Bedford-Stuyvesant, Brooklyn. He served in the United States Army Reserves for eight years and was honorably discharged with the rank of Lieutenant. He earned his Bachelor of Arts degree in sociology from Morgan State University, a Masters of Social Work Degree from Rutgers University, and two Doctors of Law degrees bestowed by Mary Holmes College and Morgan State University. He was also a Licensed Master of Social Work (LMSW) in the State of New York. In May 1973, he helped found and then served as Chairman of the Fort Greene Council Inc. Under his leadership, the Council expanded its sponsorship of senior centers, offering a range of comprehensive services, from their first center located in Fort Greene-Clinton Hills to its present sponsorship of 13 centers located throughout Brooklyn. The expansion also included a meals-on-wheels program, two child care centers, COMPASS, and UPK for ALLs. He was a visionary who created and organized Jazz 966 in November 1990, opening its doors to the Brooklyn community at affordable admission fees at a modest \$15.00 donation, which was an alternative to the expensive Jazz clubs in New York City. Jazz 966 featured world renowned artist, such as Wynton Marsalis, Trumpeter; Houston Person, Saxophonist; Etta Jones, Jazz Singer; and their own Danny Mixon, Pianist. For five years, he hosted and produced "The Grand Ones," a weekly radio show formerly aired on WNYE, 91.5FM. He served as Chairman of Independent Brooklyn CORE for 16 years and helped fight for social justice and political empowerment. He was elected to Central Brooklyn's Community School Board No. 16, where he held the position of Chairman and was instrumental in initiating policies which dramatically improved the districts overall reading and math scores as well as its attendance rating. He was the recipient of more than 90 awards and accolades from various elected officials, block and tenant associations, PTAs, academic and religious orders, schools, fraternal groups, cultural institutions and other groups and was also honored by Ramapo College's Board of Trustees with its most prestigious award, the Fred and Florence Thomas Award. He was also the recipient of the inaugural Sam Pinn Educator Activist Award presented by Ramapo College's Minority Faculty and Staff Association for his years of advocacy on behalf of Ramapo's students, faculty and staff of color.

Section 23. Joe Torres Way

Introduced by Council Member Diaz

Died April 12, 2020

Joe Torres decided from a young age that he wanted to become a cook and eventually he opened Joe's Place, renowned for its Puerto Rican cuisine. Many famous people visited Joe's Place and author Kevin Fitzpatrick referred to Mr. Torres as one of the most beloved chefs in the Bronx in his book, *111 Places in the Bronx That You Must Not Miss*. He died of the coronavirus.

Section 24. Janta-Polczyńska Polish Heroes Way

Introduced by Council Member Dromm

Walentyna Janta-Polczyńska (1913 -2020) and Aleksander Janta-Polczyński (1908 – 1974) were heroes in the fight against Nazism. Walentyna was one of the last surviving members of the Polish government in exile which was formed after Nazi Germany invaded Poland. They moved to New York and opened an antiquarian bookstore and opened their home to Polish artists and writers who escaped Communist dictatorship that had taken power after the War. Walentyna was known as the first lady of American Polonia. When Poland was invaded in 1939, she became a personal secretary to General Wladyslaw Sikorski, the prime minister of the Polish government in exile and commander of the Free Polish Armed Forces. She translated and prepared reports by Jan Karski, the underground courier who delivered eyewitness accounts of atrocities against Jews in the Warsaw ghetto and helped organize Dawn, a clandestine radio station that broadcast to Poland from an intelligence complex in England. She was active with the Jozef Pilsudski Institute of America, a scientific research organization and archive in Brooklyn and the Kosciuszko Foundation (the American Center of Polish

Culture). She was awarded the Medal of Merit for Polish Culture by Poland's Ministry of Culture and National Heritage in 2011 and received the Jan Karski Eagle Award in 2016. Aleksander Janta-Polczyński was awarded the Cross of Valor, the Award of the Association of Polish Writers In Exile, Award for the Jurzykowski Foundation, among others for his writings. He was president of the American Council of Polish Cultural Clubs, a board member of the Polish Institute of Arts and Sciences of America and was second lieutenant of the cavalry of the Polish Army.

Section 25. Dr. Roy Hastick Sr. Way

Introduced by Council Member Eugene

May 10, 1950 – April 2020

Roy Hastick Sr. was uniquely adept at forging bonds and creating relationships with elected officials and business leaders that led to new opportunities for New Yorkers. He was a driving force in uniting businesspeople and a valued partner on so many issues directly impacting the Caribbean community. He joined the Battlehill Seminary in Grenada where he studied as a Catholic Priest for two years and later became the head detail for the Chief of Police in Tortola. He migrated to the United States in 1972 and worked at the Port Authority. He later joined the Brooklyn Economic Development Corporation to start discussions leading to the formation of a Caribbean American Chamber of Commerce (CACCI). In 1985, he founded the Caribbean American Chamber of Commerce and Industry, Inc. with 10 founding members and is still a well-recognized business entity. He was a well sought out motivational speaker and convened over 600 business development seminars. He was an elected delegate to the 1995 White House Conference on Small Business and was successful in getting Two-Way trade with the Caribbean region into the final recommendations that were submitted to the United States Congress. CACCI has provided emergency disaster relief in response to hurricane disasters in the Caribbean region and accomplished initiatives including providing weekly small business clinics, business services for microenterprises on how to start, manage, operate and expand a business in New York, workshops and business seminars. He received an Honorary Doctorate of Humane Letters from CUNY, the Goodwill Ambassador Award from the Jewish Community among many more.

Section 26. Bishop Ceacer Gooding Road

Introduced by Council Member Gibson

September 18, 1931 – April 2, 2014

Ceacer Gooding served in the United States Army and was later employed by the United States Postal Service. He attended the Manhattan Bible Institute and in 1958, was ordained as an Elder at Washington Temple COGIC and served as the Junior Pastor and Assistant Pastor of the Gospel Temple Church of America in New York City. He was Pastor of Gospel Temple Church of America in May 1965 for four years. In 1969, he and his wife founded Miracle Revival Center Church in Harlem, however, the congregation grew so much that they relocated to the Bronx. He was consecrated to the Bishopric in 1984 and became known as the "Radio Preacher" for 19 years, he was the recipient of numerous awards and was a very popular guest speaker and counselor.

Section 27. Naimah Bilal Way

Introduced by Council Member Gibson

September 14, 1945 – July 3, 2018

Naimah Bilal was a lifelong, tireless community advocate born and raised in Harlem, NY. She began her community involvement at an early age under the leadership of other prominent community members, who marched for the construction of an overpass for the FDR Drive. The community successfully won the attention of the city who addressed the public safety concern. Later, Ms. Bilal and her family moved to Lenox Avenue in Harlem, and she continued to be active on several committees at Masjid Malcolm Shabazz. Ms. Bilal worked for the NYS Division of Housing & Community Renewal (DHCR) Representing the Clerical Staff of this Agency and Delegate of DC 37 until retiring after 22 years in October 2007. Upon moving to the Bronx, she became involved with several community-based organizations, including the 44th Precinct Community Council, CASA (Community Action for Safe Apartments), the Tenant, Block, and Neighborhood Council for District 16, and the Bronx Community Board 4. She advocated for Bronx residents to know their rights, to have more affordable housing, to prevent displacement, to organize tenant associations, and to become vocal

community members. Naimah Bilal was the President of the 1515 Macombs Road Tenant Association. She modeled for her community civil engagement through her membership with the Bronx Democratic Club and her local community board. Furthermore, she was an active member of the DC37 Retirees. Ms. Bilal was a proud and accomplished mother, grandmother, great-grandmother, and a community organizer. She encouraged all to get involved, especially the Youth, so they have a full understanding of what is going on in their communities and awareness of their rights and responsibilities; she empowered her community to become civically engaged and united. Ms. Bilal served as a beautiful example of those essential values. She made significant contributions to the Bronx. District 16 mourned the passing of an incredible community leader and advocate, Ms. Naimah Bilal, on July 17, 2018. She was persistent and steadfast in her efforts to fight for affordable housing and improved quality of life for Bronxites. Her work and her memory will live on. Council Member Vanessa L. Gibson, Congressman Jose Serrano, and NYS Senator Jose Serrano have had the honor and the privilege of working with and honoring Ms. Bilal and her many contributions.

Section 28. Joanne Webb-Dixon Way

Introduced by Council Member Gibson

Died in 2017

Joanna Webb Dixon was a prominent member of her community. She was well known for her advocacy as a member of Community Board 3, participant of the 42nd precinct, and founding member of OEMs Bronx CERT 3. Joanne Webb-Dixon joined the Bronx 3 team in 2007, serving as deputy team chief until she passed away in 2017. Her accomplishments led to the annual Joanne Webb-Dixon NYC Cert Ambassador Award for community service. Each spring, NYC Emergency Management will present the award in Joanne's honor to the CERT team that shows exemplary service in preparing communities for emergencies through education and resiliency. The Bronx 3 CERT team serves neighborhoods including Claremont Village, Concourse Village, Crotona Park, Morrisania, Woodstock, and Melrose. She was a member of the Parkchester Branch of the NAACP – Executive Committee Member; SDFCA community School District Twelve Advisory Council Member; Big Brother/Big Sister Program – School Volunteer; The Taino Lions Club; South East Bronx Neighborhood Centers (SEBNC); Woodstock Terrace Board of Directors; Voz Entertainment Group – Administrator; Vice President; NYPD 42nd Precinct Community Council Inc. – Correspondence Secretary, City of New York Community Board #3 – Chairperson of the Health and Human Services Committee and an active supporter of the Williamsbridge Club of the National Association of Negro Business and Professional Women's Clubs Inc (NANBPWC). In addition to her many acts and deeds of kindnesses throughout her lifetime, The Williamsbridge Club was proud to present their Community Service Award to Joanne Webb-Dixon in May 2003 for her commitment and service to the community. Joanne served the seniors of the Davidson Center in the Bronx by helping them to monitor blood pressures through the New York City Department of Health.

Section 29. Brandon Hendricks-Ellison Boulevard

Introduced by Council Member Gibson

July 7, 2002 – June 29, 2020

Brandon Hendricks-Ellison was killed a week after he graduated from Metropolitan Soundview High School. He was the victim of random gun violence at a party. He was a star athlete on his high school basketball team and had earned a scholarship to St. John's University. A vigil was held in the Bronx after his death to protest gun violence and honor his life. As a result of his death, his family, along with local politicians and activists called for justice and change.

Section 30. Daniel C. Cestaro Way

Introduced by Council Member Gjonaj

Daniel C. Cestaro was a veteran during the Korean War 1950-1953 and businessman who was the owner of Cestaro furniture located on Morris Park Avenue since the 1960's. In 1973, he was one of the original founders of the Morris Park Community Association, serving as the first president and remained an active member throughout his life. He helped establish and develop the Morris Park Patrol and the Morris Park Columbus Day Parade. He helped establish Community Associations in Allerton Avenue, Pelham Parkway, Pelham Bay and Zerega Avenue which are vital associations in the community currently. He served on the

advisory board of Jacobi Hospital, Westchester Square Hospital and Calvary Hospital for over 30 years. He actively campaigned for numerous local politicians for the benefit of the community and was an active member of St. Francis Xavier Church where he founded the Home School Association.

Section 31. Beatrice Castiglia Catullo Way

Introduced by Council Member Gjonaj

November 1, 1916 – May 12, 2018

Beatrice Castiglia Catullo was a humanitarian and nurse who devoted her life to charity work. She helped build a chapel for the Sister Servants of Mary, organized and became the first president of the Parkchester chapter of Cancer Care Inc. and founded the Medical Mission Aid Center at St. Raymonds Parish. In 1964, she founded a home attendant service for the elderly being discharged from hospitals without proper home care. In 1965, she incorporated and named this organization Regional Aid for Interim Needs R.A.I.N., which has since become one of the largest non-profit social services agency in the Bronx. R.A.I.N. was awarded its first government contract by the New York City Department for the Aging in 1975 to provide home care services and continues today. She was the first female inducted into the Rotary Club of the Bronx, which created an award in her honor called the Beatrice Castiglia Catullo Award in 2016 and she was also awarded with an Honorary Doctorate Degree by Mercy College.

Section 32. Joe DeSimone Way

Introduced by Council Member Gjonaj

June 22, 1955 – October 22, 2020

Joseph Thomas DeSimone was born in the South Bronx. He attended Blessed Sacrament Cardinal Hayes. He was a gifted athlete and an even bigger sports fan, and from childhood filled his days with basketball, football, and baseball. Over the years, Joe took his passion for youth sports, determination, teamwork, hard-earned victories, and community to Spellman High School, where he coached both junior varsity and varsity football, leading his team to two A Division City Championships in 2006 and 2008 and joining the Catholic High School Football League Board of Governors. In 2018, he was inducted into the Spellman High School Hall of Fame, honored for his years of youth mentorship, the sense of family he created among his players, and the absolute conviction he cultivated that every single one of them was capable of and worthy of excellence. In 2015, he returned to the Warriors, and served three more years as League President. During this time, he evolved the league with a transition to technology and connectivity, while maintaining Warrior traditions and values. He led the Warriors until 2018, during which he also initiated a free youth training clinic, open to all children of the community. Each spring, more than 100 children participate in the free program that was dedicated to ‘taking children back outdoors for fitness and fun. In 2019, he was honored by the Morris Park Community Association for his lifelong commitment as a Bronxite, demonstrated through his level of involvement with Little League baseball and football in the Bronx. Youth sports was his passion, and made him a local celebrity in the neighborhood. On 9/11, he was at the World Trade Center performing search and rescue efforts with his team from Con Ed, and continued for weeks with 16-hour shifts. In 2006, Joe was diagnosed with Chronic Lymphocytic Leukemia. In 2008, the family had organized its first Team DeSimone for the Lymphoma Research Foundation’s Lymphomathon. Over the next 12 years the family, and the dear friends who are part of that family, have helped raise over \$100,000 to find a cure in Joe’s honor, and in 2018 were recognized with the LRF’s Marnie Gordon Founder’s Award.

Section 33. Lorraine Nugent Way

Introduced by Council Member Gjonaj

Died October 20, 2020

Lorraine Nugent was a dedicated community leader who devoted her time and leadership to many senior organizations in her community. Since 1990, she ran the local AARP group of seniors hosting monthly meetings. She was the first woman to be given the title of “commodore” for the Turner Club in Throggs Neck, which was originally organized in 1850 to give men a place to exercise and develop their physical abilities. She was president of the local chapter of the Red Hat Society, (One of the premier women’s social organizations in the world, the Red Hat Society based in Fullerton, CA, began with the gift of a red hat and has grown into a universal symbol for women around the globe as they victoriously celebrate turning 50 and

entering into the next phase of their lives. The social message behind the first red hat has resonated with millions of women around the globe regardless of race, creed, occupation, age or socio-economic status. Today, it is commonplace to see Red Hat Society members out frolicking and embracing life to the fullest in their now famous symbol, the "red hat.") a group for women 50 years old and over that offered several community service events and programs. It provides women with opportunities for social interaction, both for reconnecting with old friends and making new ones.

Section 34. 5th Bombardment Squadron Memorial Way

Introduced by Council Member Grodenchik

5th Bombardment Squadron was a bomber squadron based in Mitchel Field on Long Island. In the early morning of June 17, 1940, two Army B-18 bombers took off from Mitchel Field on for training drills. At 8:49 a.m., while the planes were flying at approximately 2,500 feet, the two Army B-18s locked wings. The two planes burst into flames and crashed into the residential community of Bellerose, Queens below. Local residents, many of whom were women, desperately tried to save the victims of the plane crash before the fire department and emergency medical staff arrived. Neighbors used garden hoses, a fire extinguisher and blankets to treat burn victims and put out fires. Three fire trucks, two engines and a rescue squad responded to the crash. Ultimately, the efforts of the community and the first responders were not enough to combat the impact of the crash and the subsequent heat and fire caused by the gasoline used to power the large planes. All eleven Army Airmen were killed as was Mrs. Emily Kraft, who died the next day from burns she received after her home was set ablaze by one of the planes.

Section 35. Council Member Thomas V. Ognibene Way

Introduced by Council Member Holden and Ulrich

December 12, 1943 – October 12, 2015

Thomas V. Ognibene was elected to the New York City Council in the November 1991 election in the newly created 30th Council District, and subsequently re-elected in 1993 and 1997, serving the full ten years allowed by term limits. During this time, he served on the Finance, Public Safety, Housing and Buildings, Standard and Ethics, and General Welfare committees. In 1995, he was appointed by Speaker Peter F. Vallone to the Council's Leadership Team and Budget Negotiating Committee, where he gained extensive experience in negotiating the City's legislative and financial agenda with the Mayor. On November 23, 1994, he was elected as the Minority Leader of the New York City Council. As Minority Leader, he was well known as respected for his passionate defense of his communities' middle class principles. He made numerous appearances on national and local television and radio and was particular well known for his appearances on NY1, where he was earned a reputation as an aggressive debate. He was instrumental in the complete renovation and reconstruction of Juniper Valley Park in the 1990s and early 2000s. He served as Executive Vice Chairman and Executive Director of the Queens County Republican Party, President of the Evergreen Republican Club, Law Chairman of the Queens County Conservative Party and was a member of the Blackstone Lawyers Club, Catholic War Veterans, American Legion, Americans of Italian Heritage and Glendale Kiwanis.

Section 36. Neir's Tavern Way

Introduced by Council Member Holden

Neir's Tavern recently celebrated 191 years in existence as a staple in the local community of Woodhaven. According to its website, founded in October of 1829, "it is one of the few old drinking establishments that have been in almost continuous operation (Prohibition notwithstanding) and in the same location, for its entire history." Neir's Tavern has been included in several Hollywood films, including Goodfellas starring Robert DeNiro, Joe Pesci, Ray Liotta, and Lorraine Bracco, and Tower Heist, starring Ben Stiller, Eddie Murphy, Tea Leoni, and Alan Alda. The Tavern has survived several ownerships and attempts to sell the property. Recently, Council Member Holden, along with the Queens Chamber of Commerce, Assembly Member Mike Miller, Community Board 9, and the Mayor's office, helped broker a lease agreement deal that would allow for the Tavern's continued operation at this location. Neir's Tavern has contributed to several philanthropic efforts over the years and has hosted food giveaways during the coronavirus pandemic. Under the leadership of

Loycent Gordon, an active FDNY firefighter, Neir's Tavern continues to serve the community with honor and distinction.

Section 37. Detective Jeffrey A. Lee Way

Introduced by Council Member Koslowitz

Died 2018

Detective Lee served with the NYPD for 25 years. He was assigned to the 112th Precinct Detective Squad and made hundreds of arrests, earning him promotions to Detective Investigator and Detective 2nd Grade. He died as a result of 9/11 related illness following his assignment to the search and recovery efforts at Ground Zero.

Section 38. Rabbi Dr. Asher Murciano Way

Introduced by Council Member Koslowitz

December 31, 1924 – May 8, 2020

Rabbi Dr. Asher Murciano was the Rabbi for the Sephardic Jewish Center for 67 years making him the country's longest serving Sephardic rabbi of the same congregation. Additionally, he was a noted rabbinical scholar. He was sent to Menkes, Morocco, to the home of the Chief Rabbi, where he studied and sang with the famous Sephardic singer, Joe Amar. Ordained by Rabbi Baruch Toledano, he achieved the highest degree of Yore Yore Yadin Yadin, an ordination that permits a rabbi to make rabbinical decisions on Jewish law. In 1948, arrangements were made by the Mirrer Yeshiva in Brooklyn, to bring the top eighteen students from Morocco to study at the world-renowned graduate school for Talmudic scholars. Shortly after arriving, he officiated at both Sephardic and Syrian synagogues in Brooklyn. While attending the Mirrer Yeshiva and Yeshiva University (YU) on weekdays, he commuted to Philadelphia to officiate at Mikve Israel, the Spanish and Portuguese Synagogue, as Assistant Rabbi and Hazan for three years. In 1953, he became the rabbi of the Sephardic Jewish Center of the Bronx. He earned his Ph.D. at NYU. He taught at York College and YU. He became a respected member of the Rabbinical Council of America and the New York Board of Rabbis. He was Chaplin to the Sephardic Jewish Brotherhood of America and the Sephardic Home for the Aged. For thirty-five years, he was a chaplain at Jacobi Hospital. He was beloved by all who knew him for his distinct religious services, Tora reading, Haftarat, scholarship, divre Tora. His services and compassion touched so many people, young and old, from all the Sephardic communities in the greater New York area.

Section 39. Mary Sansone Way

Introduced by Council Member Lander

June 12, 1916 – May 2018

Mary Sansone was a lifelong community activist. She founded the Congress of Italian-American Organization, a social services organization and CURE, a nonprofit corporation dedicated to reducing ethnic and racial tension and building diverse relationships throughout the community. When her son was killed in a plane accident, she created a scholarship program in his name for high school graduates. Working for the United Nations Relief Fund, she accompanied two orphaned children to twenty-three states to raise funds for war torn Italy. The trip culminated in a visit with President Truman where she was awarded his pen used to sign the bill allocating funding for this cause. In conjunction with Bayard Rustin, she formed the first coalition of Italian, African and Spanish Americans to stop gang violence that was plaguing the city. She helped establish the New Era Democratic Club, a group which backed candidates based on their platform not party ties and also helped start the first pre-K programs and after school and senior center activities

Section 40. Joseph A. Ferris Way

Introduced by Council Member Lander

October 10, 1934- June 20, 2020

Joseph A. Ferris was a five term New York State Assembly Member from Brooklyn, fighting against redlining policies and chairing the Science and Technology Committee, where he advocated for projects utilizing reusable energy. He also co-founded the Slope Independent Democrats which would become the Central Brooklyn Independent Democrats, a very important civic organization today. After his time in the Assembly, he stayed through the Park Slope Civic Council, the Kensington Community Council, both which

he also co-founded, and the Magnolia Tree Institute. All remain important community organizations to this day. Afterwards, he remained active in the community, testifying at community board hearings, working as a substitute teacher, and advocating for local issues ranging from manufacturing jobs to City Council term limits. Additionally, he worked to preserve important cultural touchstones, namely the Old Stone House in Washington Park, and helped found the Brooklyn Irish-American Day Parade. He passed away from COVID-19.

Section 41. Jose A. Perez Way

Introduced by Council Member Lander

Died April 27, 1994.

Jose A. Perez died after giving his life in the line of duty while responding to another officer's request for help. He was an outstanding and devoted man of peace who offered himself for the sake of saving others, and was posthumously awarded the New York Police Department Purple Shield Medal for his sacrifice.

Section 42. Pete Hamill Way

Introduced by Council Member Lander

1935-August 5, 2020

Pete Hamill was born in Park slope to Irish immigrants, and was the editor of three New York daily newspapers, working for over 40 years covering events and issues like conflicts in Vietnam, Lebanon, Nicaragua, and Northern Ireland as well as racial and class tensions throughout New York City. He wrote for the New York Daily News, the New York Post, Newsday, the Village Voice, New York magazine, and Esquire, among other publications. He won a Grammy award in 1975 for writing the liner notes to *Blood on the Tracks* by Bob Dylan, and is considered a legendary columnist and journalist for his extensive work and dedication covering New York City. He also authored numerous novels that popularized his writing style and love for New York City. He was considered a bona fide New York celebrity, featured in numerous gossip columns for being associated with figures like Jacqueline Kennedy, promoting his books on television, and attending numerous charity events and parties. He was also well-known for his advocacy, standing up to publishers over pay and treatment of employees, and also made news when, as Editor-in-Chief of the New York Post, promoted and hired several women and minority employees and reporters. He was a nationally recognized author and journalist for his books and columns, and won a George Polk Career Award in 2014 for his lifetime contributions to journalism.

Section 43. Firefighter John "Jack" Toomey Way

Introduced by Council Members Levin and Lander

Died December 6, 1987

John Toomey was assigned to Brooklyn's Ladder Company 123. He died in the line of duty when he suffered a heart attack while fighting a fire in a building on Crown Street.

Section 44. St. Raphael of Brooklyn Place

Introduced by Council Member Levin

November 20, 1860 – February 27, 1915

Raphael Hawaweeny was the first Orthodox bishop consecrated in North America in 1904. He founded *The Word*, the official news magazine of the Antiochian Archdiocese which is still published monthly today, and informs readers of Orthodox news and also educates and inspires with articles on faith and practice. He traveled throughout the United States and founded thirty parishes in North America. His feast day is celebrated in the Antiochian Archdiocese on the first Saturday of November. He founded a cathedral in Brooklyn's Little Syria and became St. Raphael of Brooklyn.

Section 45. Cecil Corbin-Mark Way

Introduced by Council Member Levine

Cecil Corbin-Mark was a long-time Harlem activist and was the Deputy Director of the non-profit WE ACT for Environmental Justice. He was an environmental advocate from Harlem who advocated for health protections and climate action and was instrumental in getting environmental laws passed. Prior to joining WE

ACT, he worked for the Bronx County District Attorney, NYS Justice Hon. W. T. Martin, the Mellon Minority Scholars Program and the NY Public Library. He served on the Center for Environmental Health, Clean and Healthy New York, the Louis E. Burnham Fund, the West Harlem Development Corporation, and Friends of the Earth USA and was the recipient of the 2010 Earth Day New York Award and the 2018 Marshall England Memorial Public Health Award. He assisted in the passage of a number of environmental justice laws, from lead paint regulations to emission reductions targeting climate change. He advocated at City Hall and the State Capitol, and testified before Congress about the health risks of climate change. He helped run summer basketball teams for neighborhood youth and mentored formerly incarcerated teens through the Friends of Island Academy.

Section 46. Lewis A. Fidler Way

Introduced by Council Member Maisel

May 27, 1956 – May 5, 2019

Lewis A. Fidler was a Council Member who represented the 46th District in Brooklyn, New York. While he served at the Council, he chaired the Youth Services Committee and served as assistant majority leader under Speaker Christine Quinn. He was president and chairperson of Hillel Foundation of Brooklyn, president of Brooklyn Division of American Jewish Congress, chairperson of the Wyckoff House Neighborhood Advisory Board, board member of the B'nai Brith Metro North Region and Community Advisory Board Member of the Fenichel House Home for Disabled Adults. He also was the Democratic State Committeeman and District Leader of the 41st Assembly District and Chairperson of Community Board 17.

Section 47. Mary “Mary C” Cali-Dalton Way

Introduced by Council Member Matteo

October 23, 1953 – 2019

Mary “Mary C” Cali-Dalton attended Bishop Kearney where she graduated in 1971 and spent her early years performing as a singer in a band called "The Underground Railroad" where her and her friend Maryanna performed a different variety of genres of music including Rock, Jazz and Disco. They were based in Brooklyn and Manhattan and performed at bars in the neighborhood and venues for parties and weddings. In 2002, she moved to New Dorp Beach and instantly fell in love with the neighborhood and was widely known throughout her neighborhood and community. When New Dorp Beach was hit by Hurricane Sandy in October 2012, although a victim herself of the storm, she worked tirelessly to make sure her neighbors and co-workers who were also affected did not go without help. She set up clothing and food donations within the Recreation Centers on the island and helped set up housing situations for those who had lost their homes. She joined the New York City Parks and Recreation in 1999 as a WEP participant and is recognized as a true success story for the Parks Department. In 2000, she was promoted to a Playground Associate and 5 months later, was promoted to a Recreation Specialist position. In 2002, she was promoted to Borough Director of Recreation. She was Chief of Recreation for Staten Island from 2003 until 2019 and was nicknamed "The Chief of Magic." She was Vice President of the Emerald Society in 2006 and became President of the Emerald Society in 2009 until her passing in 2019. Mary dedicated herself to everything she did in her life and she juggled many plates. No matter the situation at hand she always faced it with a smile and a coffee in hand for back up. She had the ability to make anyone laugh even through the toughest times. She had a hand in so many things in our community between the parks department and outreach for people struggling with addictions. Mary had struggled with alcohol addiction herself and was 20 years sober to the date of her death.

Section 48. Floyd H. Flake Boulevard

Introduced by Council Member Miller

Rev. Floyd H. Flake is a former member of the United States House of Representatives serving from 1987 to 1997, former president of Wilberforce University and senior pastor of the Greater Allen African Methodist Episcopal Cathedral. Greater Allen African Methodist Episcopal Cathedral has become one of the nation's foremost Christian churches and is listed among the top twenty churches in America in Outreach Magazine's Annual Survey. He also authored a best-selling book called, *The Way of the Bootstrapper: Nine Action Steps for Achieving Your Dreams*, and the, *African American Church Management Handbook*. In Congress, he funded the Nation's first One Stop Small Business Capital Center which is the model for additional centers

that are now operating in the Federal Empowerment Zones and provides technical assistance and loans to small businesses.

Section 49. David F. Bluford Way

Introduced by Council Member Miller

July 28, 1932 – May 26, 2020

David Franklin Bluford served in the U.S. Army during the Korean War, and earned an honorable discharge. Upon completing his undergraduate studies at Fayetteville State University in North Carolina, he earned a Masters of Arts from CUNY Hunter College, as well as certifications for Advanced Study in Education at Columbia University and St. John's University. He later served as an Assistant Superintendent and Junior High School Principal in East Harlem's Community School District 4, and a middle school teacher in Brooklyn's Community School District 23. His history as an administrator included stints as director of the Upward Bound college preparatory program at CUNY Queens College, and adjunct professor of educational administration at CUNY Brooklyn College and St. John's University. Locally, he served on the Board of Directors of the Queens Urban League, and as Chairman of the Alpha Phi Alpha Senior Center and Community School Board 29 in Southeast Queens. His personal affiliations also include the Jamaica NAACP branch, Freemasons, and Alpha Phi Alpha Fraternity, Inc. He received many awards, such as Outstanding Educator, Jamaica Branch of the NAACP, the Jackie Robinson Junior High School Man of the Year Award, The Distinguished Citizens Service Award and the Community Service Award.

Section 50. Priscilla Carrow Way

Introduced by Council Member Moya

January 9, 1955 – March 30, 2020

Priscilla Carrow was a community activist and public servant who dedicated her life to the East Elmhurst/Corona community. She worked with the New York State Department of Labor and the New York State Senate. In 1994, she worked for the New York City Health and Hospitals/Elmhurst. She was a member of the Communications Workers of America Local 1180 since 2006, was a Senior Shop Steward in her Union and was a long time member of Queens Community Board 4. She served as Executive Director for the Lefrak City Youth and Adult Activities Association and Program Director for the Kenny Anderson Basketball Classic to assist in encouraging healthy sports activities and opportunities for all ages. She served as a Delegate for the 11th Judicial Convention and County Committee person of the 35th Assembly District, Queens County. She also served as the chairperson of the National Council of Negro Women/Empress Life Members Guild, secretary for the Better Community League (BCL), member of the Ericsson Street Block Association 27th & 29th Avenues, the Fredrick Douglas Democratic Association, a member of the Corona East Elmhurst N.A.A.C.P., Friends of the Queens Library, chair of EHC Sports and Recreation Committee, You Can Go To College Committee, Co-Founder/Vice-President of the Democratic Association of the 21st Century Club, Sherwood Village Tenant Association President, member of First Baptist Church and received numerous awards from various civic organizations and elected officials. Her latest award from the late New York State Senator Jose Peralta who presented her with the 2015 Woman History Month Award in recognition of her Outstanding Community Service. She died of complications from COVID-19.

Section 51. Lorena Borjas Way

Introduced by Council Member Moya

May 29, 1960 – March 30, 2020

Lorena Borjas was born in Veracruz, Mexico in 1960 and came to the United States in 1980. She became an advocate for the LGBT Community and inspired many people. She made sure people were treated fair and justly whether it be at health clinics or courthouses. In 2012, she co-founded the Lorena Borjas Community Fund and was actively involved in many organizations including the Latino Commission on Aids, AIDS Center of Queens County, Hispanic AIDS Forum, the Latino Commission on AIDS and she became a counselor for the Community Healthcare Network's Transgender Family Program, where she worked to obtain legal aid for victims of human trafficking. She died of complications from COVID-19.

Section 52. Vera E. Thompson Way

Introduced by Council Member Moya
February 1, 1927 – June 12, 2005

Vera E. Thompson was a dedicated Funeral Director in East Elmhurst who opened the Vera E. Thompson Funeral Home On January 26, 1955 and continued to serve the community for over 50 years while providing comfort to hundreds of family's during their time of loss. She became the first African-American female Funeral Director in the history of Queens as she made her career in a then male dominated industry while balancing her profession and raising five children. She was a devoted catholic and standing member of the St. Gabriel Catholic Church and school where she raised her children. Her name and business graced Astoria Blvd along 94th Street for five decades as she became a true staple in the community.

Section 53. Lamont “Big L” Coleman Way

Introduced by Council Member Perkins
May 30, 1974 – February 15, 1999

Lamont “Big L” Coleman was an American rapper and songwriter from Harlem who was considered one of the greatest rappers of all time. He was known amongst underground hip-hop fans for his freestyling ability and eventually signed to Colombia Records. He was killed by an unknown assailant in 1999 and since then, many tributes have been given to him by The Source magazine and a mural was constructed in his honor at 140th Street and Malcolm X Boulevard. The mural attracts over 4,000 visitors each year.

Section 54. Calle Frenchie

Introduced by Council Member Reynoso
Died June 11, 2019

Santos “Frenchie” Ramos grew up in Puerto Rico and later came to New York in his 20's. When he was 36 years-old, he opened Frenchie's Gym in Williamsburg and remained open for 43 years, helping kids stay off the streets and away from drugs and gang violence. He also was a referee at the first WrestleMania.

Section 55. Antoinette Ali-Sanders Way

Introduced by Council Member Richards

Antoinette Ali-Sanders was a 3rd generation college graduate. She worked to improve the society as a community developer, organizer, and scholastically trained as a Landscape Architect, with a minor in Civil Engineering. She was one of the first Black women, to graduate in Landscape and Architecture from Rutgers University in New Brunswick, NJ. She worked for the NYC Parks Department for 35 years. As a Parks employee, she worked with the first group of women out in the field in 1981. While working for the Parks Department, she prepared contract drawings and documents, inspected, monitored, managed and supervised the construction of parks, playgrounds, structures, and the restoration of monuments. She founded a construction company called Metro Skyway Construction, a foundation for PEACE (Progressive Economics and Cultural Enrichment) and a trade union Jersey City Monitoring Trade Association. She worked closely with Rev. Al Sharpton, Mayor Dinkins and Dr. Fulani where she became a member of the Committee for Independent Community Actions. One of her last architectural projects was for a Pan African activist named Queen Makkada who was planning to build a school in Africa. She was given the honorary title of Lady Jamilah before her passing. She also hosted a cable access show promoting fairness and equal opportunities in education and wellness in the black community and was a member of the Association of Black Educator of New York.

Section 56. Chanta Howard Way

Introduced by Council Member Richards
Died on March 17, 2019

Chanta Monique Howard served as president of Redfern Housing Advisory Board, served as manager of the Stack Angels Dance group, co-founded the Rockaway Female Softball league and she was a strong pillar for the NYCHA Redfern Housing Development. She organized barbeque events and offered free school supplies for students. She assisted in founding multiple organizations. She founded the Redfern's Fallen Angels, an event where hundreds of residents gather in the middle of Redfern and honor former residents of

Redfern that have lost their lives to gun violence or sickness. She organized the It Takes a Village to Raise a Child event to honor all the seniors in the development by providing certificates labeled as Redfern Heroes.

Section 57. Benjamin Wright Way

Introduced by Council Member Richards

Benjamin Wright Jr. moved to New York City in 1950. He was employed by the City of New York for twenty-seven years, retiring as Assistant Deputy Commissioner of the Department of Homeless Services (DHS) in 1996. After retirement, he founded Green World Unlimited, Inc., located on Wall Street where he served as Chairman. He then spent the rest of his life organizing Southeast Queens and working with community based organizations. He served as president of the Southeast Queens Democratic Club, president of the Thurgood Marshall Regular Democratic Club, chairman of the board of the S.G.G.C. Community Service Agency, and afterschool service program which includes tutoring and free meals five days a week, was a lifelong member of the NAACP and was a board member as the treasurer of the Jamaica Branch, was a board member of the United Black Men of Queens where he served as vice president and treasurer, was a member of the Advisory Board of the Emblem Health Insurance Plan, was a member of the of the York College Community Advisory Committee, served on Community Board 12, was a member of the administrative board of the Springfield Gardens United Methodist Church and served as administrator of a GED Program for Adolescents in the Riker's Island Correctional Institution for Women.

Section 58. Jules Taylor Way

Introduced by Council Member Richards

January 19, 1962 – May 3, 2020

Jules Taylor, Jr. was born in Port-au-Prince, Haiti and later moved to the United States. He began his career in Human Resources and worked in various positions over the course of his more than 30-year career. His last position was at East Side House Settlement in the Bronx as their Human Resources Manager. After settling in Rosedale, Queens, NY, he became active with the JFK Rotary Club, and served as president from 2008 until 2010. As president, he assisted in helping the biggest fundraiser for the JFK Rotary Club, the "5K Runway Run" go from 150 runners to 1,500 runners and from \$10,000 to \$40,000 in 5 years. In addition, he served as president of the Brookville Park Tennis Club where he was instrumental in securing a brand new tennis court for the club. He was also served on the Board of the Rosedale Civic Association, Inc. for many years, where he held the positions of second vice-president and co-chair of the fundraising committee. He died of COVID-19.

Section 59. Harry T. Burleigh Place

Introduced by Council Member Rivera

December 2, 1866 – September 12, 1949

Henry "Harry" Thacker Burleigh was a baritone singer, composer and arranger. Born in Erie, Pennsylvania, he later became the first African-American soloist at St. George's Episcopal Church of New York, a position he held for over 50 years. He also became the first African-American chosen as a soloist at Temple Emanu-El, a synagogue. He also worked as an editor for G. Ricordi, a music publisher. Several of his compositions were published, including *Ethiopia Saluting the Colors*, *Jubilee Songs of the USA* and *Deep River*, his most memorable composition. He was a charter member of the American Society of Composers, Authors and Publishers (ASCAP) when it was established in 1914 and became a member of its board of directors in 1941. He received numerous awards, including the Spingarn Medal in 1917 and also received honorary degrees from Atlanta University and Howard University for his contributions as a vocalist and composer.

Section 60. Walther Delgado Way

Introduced by Council Member Rodriguez

Died in 2012

Walther Delgado was born in the Dominican Republic and migrated to New York City when he was 11 years-old. He saw a neighborhood, Washington Heights, with so much promise but plagued with inequality and lack of access to basic resources like education, housing and economic development. He made it his life

mission to fill the gap through community actions by leading from the front and engaging Washington Heights' best resource; its people. He was on the steering committee that founded both Alianza Dominicana and the Audubon Partnership. If not for his contribution, Alianza Dominicana would not have been the agent for change that it was for the community in the 1990's. Alianza Dominicana offered the first drug treatment program in the neighborhood, access to immigration lawyers, and so much more. The majority of his efforts, however, were spent on launching the Audubon Partnership based in Inwood, which allowed residents of Washington Heights and Inwood access to development services through lending and business advocacy classes. His goal was to teach residents how to help themselves, so that immigrants could create a fruitful, sustainable, and equitable livelihood. In 1998, the federally financed Upper Manhattan Empowerment Zone provided his organization with a \$750,000 revolving loan to fund commercial development within Community Board 12. As a result, many small businesses were begun which still function today. From 1998 until 2002, he served on the community board and eventually as the board Chair. In 2003, he helped create Sherman Creek Park.

Section 61. Victor Victor Way

Introduced by Council Member Rodriguez

December 11, 1948 – July 16, 2020

Victor José Victor Rojas was born in Santiago de los Caballeros. His professional life began in 1972, with the authorship of *La Casita* (The Little House), which he sang with Wilfrido Vargas. This piece became such a great success that it inspired the budding author to launch his career as a performer and composer, work that kept him busy for the rest of his life. In the 1970s, his dissatisfaction with domestic politics and economic policies in the Dominican Republic, added to increasing international turmoil, inspired him to write songs with social and political content as his aesthetic compass. Mr. Víctor also took part in the movement opposed to the Dominican dictator Rafael Trujillo, and he began to write protest songs. As a young man he traveled the country as part of youth groups protesting the government while receiving an education in local rhythms. Between 1973 and 1978, he founded and led the group *Nueva Fortuna*, with which he traveled all over the country. In 1978, he created the group *Flamboyán*, through which he projected his music as a sample of rhythmic intermixing. For five years he shared the stage with the most important figures of the Latin American song and performed in Puerto Rico, Venezuela, Cuba, the United States and Italy. Victor Victor studied the musical roots of merengue and bachata, recreated the genre and enriched it. Successes such as “*Mesita de noche*”, “*Ando buscando un amor*” y “*Así es mi amor*” were made with simplicity and beautiful metaphors and have been performed by leading Dominican and foreign vocalists. In 1990, he released his fourth album, entitled “*Un chin de veneno*”, which was an international success. It successfully fuses Caribbean rhythms in a new style. Victor Victor has to his credit the long-running albums entitled “*Álbum rojo*”, “*Flamboyán*”, “*Con sus flores y sus vainas*”, “*Cotidiano*”, “*Artistas por la paz*”, “*Inspiraciones*”, “*Tu corazón*” y “*Alma de Barrio*”. In 2007, he recorded the social-themed album “*Verde y negro*” as a tribute to the freedom fighters of the Dominican Republic. Victor died of COVID-19 at a hospital in Santo Domingo at age 71. The artist was awarded the Awards: Premios A Lo Nuestro, Aplauso 92, Ronda, ACE, Aplauso 98, ASCAP and ONDA. Victor Victor remains a beloved and influential artist for hundreds of thousands of Dominicans in New York City.

Section 62. Miguel A. Melenciano Way

Introduced by Council Member Rodriguez

Died October 2019

Miguel A. Melenciano was a renowned communicator and supervisor of the Central Electoral Board (JCE) in the United States. Many personalities of the Quisqueyan community in the City, including politicians, professionals, journalists, businessmen, artists, community members, winemakers, taxi drivers and ordinary citizens have lamented his death. He was a good communication and legal professional. He excelled as a JCE official during the 2004, 2008, 2010 and 2016 elections and was later transferred to the headquarters of that body in New Jersey, where he was appointed to supervise in all the states of the aforementioned constituency, which includes Canada. He was also financial and marketing manager of the Association of Winemakers of the United States (ASOBEU), where he did administrative work and began his first steps in media communication in the program "Enlace" that he produced and co-led with a reporter and Elías Barreras Corporán on a radio

station and channel 35 of Time Warner Cable. He collaborated with several national media including El Nuevo Diario, and was one of the first publishers on the European platform Globedia. The three of them ventured as pioneers of one of the first community FM radio stations that broadcast from CULTURARTE on Audubon Avenue in Upper Manhattan. He worked for years in the public relations team of the entertainment entrepreneur Félix Cabrera, with whom he organized the deliveries of turkeys on Thanksgiving Day and toys to poor children at Christmas. He was part of the organization and assembly of large shows staged by the JCE at the United Palace Theater in Upper Manhattan, stages in New Jersey, Florida and Puerto, to attract the Dominican vote abroad with great success. He was currently the co-anchor of the program "El Show de Carlos de La Vega", which is broadcast on Super Canal from 9:00 to 10:30 at night. His most recent media project was the newspaper "El Nacional USA" in digital and printed editions. He was also working with businessman Carlos Gómez and other leading figures in the Dominican diaspora in New York, being a business advisor and aspiring candidates for elective positions.

Section 63. Healthcare Heroes Way

Introduced by Council Member Rodriguez

This co-naming honors the thousands of dedicated medical and nursing professionals, EMT's, social workers, administrators, custodial and food service staff, volunteers and others vital to the continuity of care during the COVID-19 pandemic, especially those at New York Presbyterian/Columbia University Irving Medical Center.

Section 64. Hon. Vito J. Titone Way

Introduced by Council Member Rose

July 5, 1929 – July 6, 2005

Hon. Vito J. Titone served as an Associate Judge of the New York Court of Appeals from 1985 to 1998. He taught law at Staten Island College and also St. John's. He ran for the State Senate twice unsuccessfully but was elected to the State Supreme Court on Staten Island in 1969. Governor Hugh L. Carey named him to the Appellate Division in 1975. Staten Island Legal Services holds an annual Hon. Vito J. Titone Awards Luncheon celebrating individuals and programs that improve the quality of life for all Staten Island residents.

Section 65. Coach John Tobin Corner

Introduced by Council Member Rose

November 29, 1938 – September 12, 2019

John Tobin was an athlete, coach, and administrator, who was also considered to be one of the founders of modern interscholastic track on Staten Island. He was a Staten Island Sports Hall of Famer, Advance Service Award recipient, founding president of Board of Trustees of New World Prep Charter School. He was a high school principal, administrative superintendent, assistant to three Chancellors of the former New York City Board of Education and vice president of the Siemens Foundation. He coached cross country, track and field at St. Peter's, Port Richmond and Tottenville where he led his teams to many championships. His Tottenville team of 1982 holds the record for scoring the most points in New York City PSAL outdoor track and field championships with over 240 points. He was active with Staten Island Track, Running and Community, a member of the Staten Island Catholic Regional strategic planning committee, a member of the Ancient Order of Hibernians and a member of the Board of Advisors for the Gateway to Higher Education Program at CUNY's City College.

Section 66. Nurse Patricia Mary Farrington Way

Introduced by Council Member Rose

August 18, 1949 – August 28, 2020

Patricia Mary Farrington was the founder and executive director of Pax Christi Hospice who offered comfort and compassion to patients facing their last days of life. She attended St. Joseph's of Yorkville Elementary School and St. Jean Baptist High School before going on to attend the former St. Vincent's Nursing School in West Brighton in 1969. She earned her Bachelor of Science degree in nursing at C.W. Post College in Brookville, N.Y. and held a Master of Science degree in nursing from Wagner College. In 1988, she founded and became the executive director of Pax Christi Hospice at the former St. Vincent's

Hospital. She was named a 2003 Staten Island Advance Woman of Achievement. She was on the boards of the American Cancer Society, Meals on Wheels, the Staten Island Zoo and the Alzheimer's Association. She was honored by the Deputy Borough President, the Richmond University Medical Center and the CEO of the Sisters of Charity Healthcare System for her work.

Section 67. Educator & Athlete Arnold Obey Way

Introduced by Council Member Rose

Died March 2020

Arnold Obey was a long-time educator and a pillar in Staten Island's sports community starting from when he starred on Wagner College's basketball team in the mid-1960s. He grew up in the Bronx and helped lead DeWitt Clinton H.S. to a 38-1 record, two public school city championship games and one city title between his junior and senior years. He went on to a Hall of Fame career at Wagner, starting three years for the Seahawks and leading them to a 54-29 record during his tenure. He scored 1,018 career points on Grymes Hill. He became the boys' varsity basketball coach at Staten Island Academy. He was a Drug Awareness Teacher during his tenure. He was an Assistant Principal at PS 16 in Tompkinsville in the mid-1980s and later became principal at PS 31 in New Brighton. He ran the night center at PS 18 in West Brighton for several years. The Brighton Kiwanis Club honored him by naming a race after him in 2017 when the club held the Arnold Obey/Armed Forces Day 5K Run. The fundraiser helped collect funds for Staten Island's high school track & field teams. He was the recipient of numerous awards, specifically by Lifestyles for the Disabled of Staten Island for his leadership and dedication. He was also recognized by the Brown Bombers.

Section 68. Albert "Al" Quinones Way

Introduced by Council Member Salamanca

Died on December 2, 2019

Albert Quinones was born on Avenue of St. John in the South Bronx. He attended St. Anselm's Grammar School, Rice High School in Harlem, and the Borough of Manhattan Community College. He was a community and cultural activist who kept Playground 52 and Latin Jazz alive in the South Bronx. The late 1970's was a pivotal time for Alberto as he witnessed his childhood neighborhood burning and suffering neglect. In May 1980, he and three others founded 52 People for Progress, Inc. Now, 39 years later, over 250,000 hours of volunteer work, 52 People for Progress have created one of the best playgrounds in the South Bronx. Playground 52 is a living testament to Al's vision through a philosophy of community service, leadership development, empowerment, brotherhood, and caring, while providing access to world class music, culture and the arts. His other accomplishments in the South Bronx include the opening of Rainey Garden in 1984, and in 1989, the opening of Demera/Santiago Garden on Avenue St. John and Kelly Street. In 1990, the Miranda Theater was inaugurated and gave life to the 52 Latin Jazz Concert Series. Since then, over 200 concerts have been performed there, showcasing the talents of Johnny Pacheco, Conjunto Clasico, Tito Nieves, Manny Oquendo and Libre, and nine-time Grammy-award winner, Eddie Palmieri, among others. The success of 52 People for Progress, Inc. has to do with the many partners involved in realizing the dream. It has taken the effort of city-wide agencies, the community at large and the city with the leadership, passion and tenacity of Mr. Quinones.

Section 69. Heidi Hynes Way

Introduced by Council Member Salamanca

January 19, 1968 – November 24, 2019

Heidi Hynes graduated from Fordham University in the Bronx. She joined the Friars of Atonement's mission in Jamaica before returning to the Bronx. She participated in her community, in her parish, on the street, in civic organizations as a leader and advocate, agitator of the status quo and problem-solver with openness and humility. She served as the executive director at the Mary Mitchell Family and Youth Center in the Crotona neighborhood of the Bronx for many years and managed to secure funding to keep the doors open and start new programs and initiatives even during the austerity of recession. As executive director, she expanded programming to including after school programs, GED, sports, dance, music and youth employment initiatives. She started a farmer's market and community garden to provide healthy foods for the community

and launched a food delivery service that distributed healthy produce to low-income households. She also started a Safe and Healthy Neighborhood Campaign to address gun violence and helped create Bronx Peace Action to oppose the Iraq War. She was a member of the Northwest Bronx Community and Clergy Coalition, the Catholic Worker Movement and the Atlantic Life Community.

Section 70. Rev. Wendell T. Foster Way

Introduced by Council Member Salamanca

February 14, 1924 – September 3, 2019

The late Rev. Foster was a trailblazer well known for his community advocacy. He was empowered to run for the City Council by the indifference of the political leaders before him. After numerous attempts, he led a successful campaign empowered by the African-American community's support. In 1978, he became the first African-American from the Bronx to hold any political office. This historic achievement marked the start of diversity among Bronx political and government representation. As the former Council Member of District 16, he responded to the "Burning of the Bronx," by creating low-income homeownership opportunities in Highbridge and expanding parks and open space throughout his district. He served as Council Member for 24 years before passing the reign onto his daughter, Helen Diane Foster. His retirement from the City Council allowed him to dedicate his time fully to the congregation of Christ Church UCC. As their Pastor, he offered powerful sermons that encouraged worshippers to become more engaged in their spiritual and civic duties. He would serve in this role for 40 years before he became Pastor Emeritus.

Section 71. Union Grove Missionary Baptist Church Way

Introduced by Council Member Salamanca

Founded on October 23, 1946, by the late Reverend Jeremiah Crawford, Union Grove Missionary Baptist Church (UGMBC) has served thousands of New Yorkers of all backgrounds, age and race. From a membership of 13 at its original location at 221 East 98th Street, UGMBC has grown into one of the most respected members of the community in the Bronx, where they currently operate at 1488 Hoe Avenue, and the City. Currently under the leadership of Reverend Frederick Crawford, the third generation of the Crawford family to pastor at UGMBC, Union Grove continues to carry out many of the community service programming created under Rev. Jeremiah Crawford. Leaned upon by community leaders and elected officials alike, UGMBC has served as a critical partner to enhance the quality of life of New Yorkers. UGMBC's congregants have spearheaded numerous volunteer opportunities to serve the community beyond the walls of the parish. For those less fortunate, UGMBC runs food distribution programs and organizes an annual winter coat program that collects warm clothing to distribute to members of the community. During the warmer months, UGMBC organizes outdoor community events to give neighborhood youth a safe place to enjoy and play.

Section 72. Reverend Dr. Henry Bolden Boulevard

Introduced by Council Member Salamanca

Reverend Dr. Henry Bolden was born in Bluston, South Carolina. He eventually left South Carolina to pursue God's calling at Grace Baptist Church in Detroit, Michigan, under the pastorate of Rev. F.R. Robinson. Three years later, due to the sudden transition of Rev. Robinson, Rev. Bolden was elected to pastor. He then moved to the Bronx where he united with Greater Zion Baptist under the pastorate which he shared with Rev. Dr. Charles Britt. In the Bronx, his skills and gifts made room for him as he preached across the country for many years. In 1962, he became pastor of the New Tabernacle Baptist Church. After six years at New Tabernacle Baptist Church, he left to become the founding pastor of his lifelong church, the Greater Eternal Baptist Church, located in the South Bronx, 1969. During his time at Greater Eternal Baptist Church, he taught, licensed and ordained countless individuals into the two offices of the gospel ministry. He ordained Mount Lebanon Baptist Church's pastor, the Reverend James Morrison, as well as the Reverend Leon Davis and the Reverend Daniel E. Kelley, Jr., among others. He was also a lifetime member of the National Baptist Convention, the Baptist Ministers Conference of Greater New York and the Baptist Ministers Evening Conference of the Bronx, of which he was a founding member. At the commemoration of his 50th year of as a pastor, the National Baptist Convention honored him for his five decades of service to God and the community.

Section 73. Frederick ‘Fred The Godson’ Thomas Avenue

Introduced by Council Member Salamanca

January 1, 1985 – April 23, 2020

Frederick ‘Fred The Godson’ Thomas was a DJ and rapper from the South Bronx. He first broke into the rap scene with his 2010 mixtape, "Armageddon," with features from Busta Rhymes and Waka Flocka Flame and was named a part of the best emerging hip-hop talent in XXL Magazine’s freshman class in 2011, alongside present-day rappers Kendrick Lamar, YG, Meek Mill, Lil B and the late Mac Miller. On April 23, 2020, he died of COVID-19. He also recorded with Kevin Gates, Diddy, Meek Mill, Jadakiss, The Game, Fat Joe, Raekwon, Pusha-T, French Montana, Erick Sermon, Keith Murray and many more. He appeared on the “25/8 (Remix)” from the Queen of Hip-Hop Soul, Mary J. Blige. YouTube videos in which Fred The Godson appears or performs as a featured artist have been viewed over a combined fifty million times. On datpiff, his mixtapes have been downloaded over a million times and streamed over twelve and a half million times to date. A staple on the New York hip-hop scene, he frequently appeared on radio shows on Hot 97 with Funkmaster Flex as well as DJ Enuuff, The Breakfast Club on Power 105, and Sway In The Morning on Sirius Radio. His last studio effort, the mixtape “Gordo” featured New York artists, such as Dave East, Jim Jones, Joelle Ortiz, Vado and Jaquae has been streamed over three million times and downloaded over thirty thousand times to date. His last freestyle video with Hot 97’s Funkmaster Flex has a combined 15 million views with over two hundred and fifty thousand shares on social media. His music will inspire future generations.

Section 74. Pastor Marie C. Norwood Way

Introduced by Council Member Torres

May 4, 1931 – July 14, 2008

Pastor Marie C. Norwood joined the Gospel Temple Church of God in Christ in 1952 and served as a missionary and charity board worker for over nine years. She then served as an Evangelist in the Deliverance Evangelistic Center for over a decade. She then founded the Bronx Deliverance Center of Faith Church. She was also the Executive Director of Carroll M. Christian Day Care Center, Director of Louis Irby After School Center, Founder and Director of the Bronx Christian Business Women Association, member of the Council of Churches of New York, a member of the Bronx Shepherds Restoration Inc., Executive Board Member of the Interdenominational Women’s Conference, President of the Bronx Chapter of the IWC and served on the Community Board.

Section 75. Carl Reiner Lane

Introduced by Council Member Torres

March 20, 1922 – June 29, 2020

Carl Reiner was an actor, comedian, director, screenwriter, and author whose career spanned seven decades. He was part of Sid Caesar’s legendary team and went on to create “The Dick Van Dyke Show” and direct several hit films. He was born in the Bronx and graduated from high school at 16 and worked as a machinist while studying acting. He served the United States Army during WWII and later began his acting career. In 1995, he received the Writers Guild’s Laurel Award, a lifetime achievement award for a career in TV writing. In 2000 he won the Mark Twain Prize for Humor, presented by the Kennedy Center. In 2009 he was presented with the WGA’s Valentine Davies Award, recognizing both his writing legacy and valued service to the guild, the entertainment industry and community at large. He authored several memoirs and novels, including a sequel to “Enter Laughing,” “Continue Laughing,” “My Anecdotal Life” and “I Remember Me.”

Section 76. Anne Bancroft Way

Introduced by Council Member Torres

September 17, 1931 – June 6, 2005

Anne Bancroft was born in the Bronx and became an actress, director, screenwriter and singer. Through her career she received an Academy Award, three BAFTA Awards, two Golden Globe Awards, two Tony Awards and two Primetime Emmy Awards. She is also one of 24 thespians to achieve the Triple Crown of Acting. She was well known for her acting roles in The Graduate, The Turning Point and Agnes Of God.

Section 77. Joseph Migliucci Way

Introduced by Council Member Torres
November 18, 1938 – April 6, 2020

Joseph Migliucci was the fourth generation of the venerable Migliucci family of chefs and restaurateurs who opened Mario's Pizzeria in 1919 at 2342 Arthur Avenue in the Little Italy section of The Bronx. Joseph was the son of Mario and Rose, grandson of Giuseppe and great grandson of Scolastica whom collectively guided Mario's from a small pizzeria to a renowned Italian eatery patronized and beloved by multiple generations of customers. His parents urged Joseph to higher education and a professional career. While studying engineering in college he decided on a different course and left to join the family business. Joseph brought boundless energy, superior technical and mechanical skills and love for people, food and life to the restaurant. He learned all facets of the business: cooking, prepping, cleaning, repairing, purchasing, serving, hosting, marketing and finances. Trained by Mario and uncle Clemente, Joseph became both a world class chef and master pizza maker of Mario's signature thin crust Neapolitan style pies for which it remains famous. Generations of customers fortunate enough to eat a Joseph made pie attest that no one did it better. Far beyond preparing meals, Joseph touched countless individuals through his acts of love, kindness and friendship. Employees struggling with all kinds of life's obstacles, customers seeking comfort or advice, fellow businessmen needing assistance, friends needing help - or bail - and the 'down and out' fighting addiction needing guidance or a second chance, found it from Joseph. With a gentle heart, large frame and even bigger hands, he provided compassion to his fellow man so many times that the touching expressions of tribute arising from his sudden departure are far too many to list. Joseph displayed his generosity to the end. In his final days of life at the hospital as his condition deteriorated, he chose his fate and told the night nurse "...give the ventilator to somebody else who needs it..." Even in these trying times, true to his nature, he managed to touch the lives of those around him. He died of COVID-19.

Section 78. Teitel Brothers Lane

Introduced by Council Member Torres

Teitel Brothers Wholesale and Retail Grocery Company is located at 2372 Arthur Avenue in Little Italy of the Bronx. A third generation, family owned and operated business, Teitel Brothers offer the finest Italian imported, gourmet specialty items and the lowest retail and wholesale prices at market value. Jacob and Morris Teitel, brothers and Jewish Austrian immigrants, first arrived in America, through Ellis Island, in 1912. Tailors by trade, the brothers assimilated to the area, people, customs and way of life. In 1915, Jacob and Morris decided to start a new business together and opened Teitel Brothers Grocery Store. Although the neighborhood was, predominantly, Italian, it was not uncommon to find merchants of Jewish descent. In fact, Jacob learned to speak Italian before he learned to speak English. The family lived upstairs from the grocery store in a three bedroom apartment with five people. At the foot of the store's entrance sits a mosaic tile Star of David. Jacob had the Jewish Star installed during the Great Depression. Culture, religion and family values are at the heart of what makes Teitel Brothers still in business today. The store is run by Gilbert and his sons Jean, Michael, Eddie and Billy Fassbender, Eddie's childhood friend. Teitel Brothers is open year round Monday-Saturday, 7:00am-5:30m, except for Jewish Holidays. The store is, always, stocked with the best olive oils, tomatoes, jarred and bulk olives, aged vinegars, beans, pastas, imported and domestic cheeses, baccala, prosciutto, soppressata, fresh and dried sausages, flours, rice, nuts, candied and dried fruits, cookies, panettones, and much more. For over 100 years, Teitel Brothers has catered to a vast and distinctive clientele, including neighborhood retail customers and wholesale grocery stores and restaurants spanning the tri-state area and beyond.

Section 79. Cosenza Way

Introduced by Council Member Torres

Cosenza's fish market is on a very short list of family-owned businesses that have lasted for a century. The business celebrated its 100th year in business in January 2018.

Section 80. Madonia Way

Introduced by Council Member Torres

Madonia Bakery was established in the Bronx in 1918, selling traditional Italian breads and later expanding to desserts. Through its existence, the bakery has lasted through economic downturns and ownership changes. Still, the bakery draws many foodies and tourists from around the world each year.

Section 81. Lawrence Fisk Way

Introduced by Council Member Treyger

November 8, 1946 – December 20, 2018

Lawrence S. Fisk served in the United States Navy on the U.S.S. Forrestal, from which he was honorably discharged on June 1, 1966. He became an accountant working in large firms before becoming a sole proprietor. He was very involved in community activities. He founded the local chapter of the New York State Society of Independent Accountants and was a delegate to the State and National societies. He also held several offices, as well as President of the local chapter. He was an officer and active member in the Parent-Teacher Association of every school that his children attended and even ran for the school board of District 21 because he believed that a parent of a child attending the public school should have a voice in decisions being made. As a former minor league baseball player, he enjoyed being a volunteer umpire for local neighborhood groups. He served as a member of the 70th Precinct rescue squad for many years. For thirty years, he was a member of Community Board 13, where he served as a chair and was a member of various committees, such as street closing, police, fire and public safety, education, housing and zoning and land use. For several years, he was recognized for perfect attendance at board meetings.

Section 82. Carmela ‘Mrs. C’ Casamento Way

Introduced by Council Member Treyger

Died August 6, 2017

Carmela ‘Mrs. C’ Casamento ran the Eagle Cheese Company in Gravesend, Brooklyn. She was known for her famous mozzarella cheese. She ran Eagle Cheese from 1979 until 2013. She donated food to the NYPD during the Holiday’s, donated food and clothing to the poor and donated to local charities.

Section 83. Glenda Cohen Street

Introduced by Council Member Ulrich

Glenda Cohen was very involved in charitable community activities. In 1960, she joined Women’s American ORT (*Obschestvo Remeslenovo i. Zemledelcheskovo Trouda (Society for Trades and Agricultural Labor)*). She also volunteered for Cancer Care. In the early 1960s, she became a Cub Scout Den Mother for neighborhood boys. Around 1970, she began a career as a local, Howard Beach real estate agent. Over a span of forty years, her expertise earned her the title “Queen of the Condos” by her realtor peers. She was PS 232’s first school crossing guard from 1962 until 1964.

Section 84. Msgr. John C. Tosi Way

Introduced by Council Member Vallone

Died May 23, 2020

Msgr. John C. Tosi was a lifelong Queens resident. He was born in Flushing and attended St. Ann’s School and later went to Monsignor McClancy Memorial High School in Jackson Heights. He later studied at Cathedral College in Douglaston and Immaculate Conception Seminary in Huntington, LI. He was named a Monsignor in 1997 and also was a member of the Knights of the Holy Sepulchre. He served as an assistant at Our Lady of Grace, Howard Beach, 1973-87 and Resurrection-Ascension, Rego Park, 1987-91. In 1991, he was appointed executive secretary of the Diocesan Liturgical Commission, a position he held until 2005. In 1995, he assumed the additional duty of rector of St. James Cathedral in Downtown Brooklyn. In January 2005, he was named pastor of St. Luke’s, where he remained until his death.

Section 85. Don McCallian Way

Introduced by Council Member Van Bramer

August 17, 1934 – September 27, 2019

Don McCallian was a Sunnyside civic leader and member of Community Board 2, vice president of the NYPD 108th Precinct Community Council and former president of the United Forties Civic Association. He was also a member of numerous clubs such as the Sunnyside-Woodside Lions Club, the Kiwanis Club, the Sunnyside Chamber of Commerce and the Sunnyside Community Services. He was a long-time parishioner at St. Raphael's Church and was a very active volunteer at the church's food pantry.

Section 86. George S. Kaufman Way

Introduced by Council Member Van Bramer

1928 – 2018

George S. Kaufman took over a studio lot in Astoria that was once used by the Famous Players-Lasky and the Marx Brothers in 1982. The studio was added to the National Register of Historic Places. He renamed the lot Kaufman Astoria Studios and transformed it into a full-service, comprehensive studio, including more than 500,000 square feet of soundstages. The surrounding area was revitalized becoming the Kaufman Arts District, home to the Museum of the Moving Image. Many movies and television shows were filmed on the lot including Hair, The Wiz, Goodfellas, Sesame Street and many more. He was an active member of the Real Estate Board of New York and also served on the boards of a number of philanthropic and civil organizations, such as The Whitney Museum, the Fashion Institute of Technology, Exploring the Arts and the Museum of the Moving Image. He was the Founding Chairman of the Fashion Center BID and also a Korean War veteran.

Section 87. Luis Alvarez Way

Introduced by Council Member Van Bramer

October 1965 - June 2019

Luis Alvarez was a retired NYPD bomb squad detective who died from complications of cancer linked to 9/11 related illness. He worked with other first responders during the search and rescue operation at Ground Zero. He also worked tirelessly for an extension of the September 11th Victim Compensation Fund.

Section 88. Tarlach Mac Niallais Way

Introduced by Council Member Van Bramer

1963 – 2020

Tarlach Mac Niallais was an LGBTQ activist and disability rights advocate for over three decades. He began campaigning on LGBT and Republican prisoners' rights issues in Belfast, Ireland in the 1980's. He later went on to participate in the protests on Fifth Avenue with the Irish Lesbian and Gay Organization in the 1990's until recently when the Lavender and Green Alliance and other Irish LGBT groups could finally march in the St. Patrick's Day Parade. He protested Ian Paisley's anti-gay Free Presbyterian Church and Democratic Unionist Party and later became the formation manager of the LGBT Lavender and Green Irish group. He died of COVID-19.

Section 89. Edward Charles "Whitey" Ford Way

Introduced by Council Member Van Bramer

October 21, 1928 – October 8, 2020

Whitey Ford grew up in Queens and made his major league debut pitching for the Yankees in 1950 and spent his entire career with the team. He helped the Yankees win six World Series titles and 11 American League pennants in his 16 seasons. He had a career record of 236-106, setting the Yankees' record for victories. He was the Cy Young Award winner in 1961 and was a 10-time All-Star. His 10 World Series victories are the most for any pitcher and he pitched 33 and two-third consecutive scoreless innings in World Series play, breaking Babe Ruth's record. He also holds the record for World Series starts with 22, innings pitched with 146 and strikeouts with 94. He was inducted into the Hall of Fame in 1974.

Section 90. Community Leader William L. Taitt Way

Introduced by Council Member Rose

1947 – 2015

William L. Taitt was a political consultant and community liaison for many local political leaders, including Michael McMahon and Howard Golden, the former borough president of Brooklyn and for Democratic Staten Island Borough President Ralph Lamberti. He served in the Merchant Marines in 1965 and also served in the U.S. Air Force from 1969 to 1971 earning the rank of sergeant. He was a member of Occupy the Block and Get Out the Vote and served as president of Citizens Organized for Political Empowerment. He was appointed as a full voting member of the HIV Health and Human Services Planning Council of New York which established over 300 community-based programs to care for those affected by AIDS and HIV infection. He also served on the Community Board 1 and did political commentary for the television show Live and Direct on Staten Island Cable.

Section 91. Big Punisher Way

Introduced by Council Member Cabrera

November 10, 1971 – February 7, 2000

Christopher Lee Rios, better known as Big Pun, was a rapper from the Bronx. His album Capital Punishment reached No. 1 on the hip-R&B charts and was the first Latino solo rapper to go platinum. In his short career, he developed a substantial fan base and became a hero to the Puerto Rican community. When he died, thousands of fans attended his wake in the Bronx and a mural about him was painted on a building in his neighborhood.

Section 92. Pfc. Luke N. Gasparre Way

Introduced by Council Member Constantinides

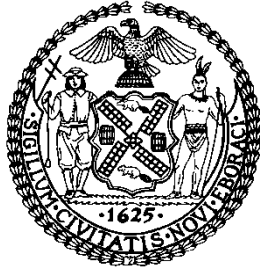
July 20, 1924 – February 13, 2020

Luke N. Gasparre entered military service in 1944 and was deployed to France, where he served in the 87th Infantry Division. During that time he participated in securing the city of Metz, and fought in the Battle of the Bulge. For his service, he received seven medals, including the Purple Heart and the Bronze Star. He was later awarded the French Legion of Honor as well. After the war, Gasparre returned to Astoria, where he started a family and took a job with the U.S. Postal Service. In 1964, he took a second job with the New York Mets at the recently-opened Shea Stadium and during his 55 years as an usher, witnessed two World Series victories, the legendary concert by the Beatles, and a visit from the Pope. Although he grew up a Yankees fan (and was once even quizzed on baseball and the Yankees to prove he was an American soldier), he became one of the most familiar, beloved faces at Shea Stadium and Citi Field.

Section 93. The REPEAL of Section 16 of Local Law number 158 for the year 2019. This section repeals Section 16 of Local Law number 158 for the year 2019.

Section 94. The REPEAL of Sections 34, 37 and 45 of Local Law number 26 for the year 2020. This section repeals Sections 34, 37 and 45 of Local Law number 26 for the year 2020.

(The following is the text of the Fiscal Impact Statement for Int. No. 2187:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PRECONSIDERED INTRO. NO. 2187

COMMITTEE: Parks and Recreation

TITLE: A Local Law in relation to the naming of 92 thoroughfares and public places.

SPONSOR (S): By Council Members Adams, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Jr., Cumbo, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Koslowitz, Lander, Levin, Levine, Maisel, Matteo, Miller, Moya, Perkins, Reynoso, Rivera, Rodriguez, Rose, Salamanca, Jr., Torres, Treyger, Ulrich, Vallone and Van Bramer.

In relation to the naming of 92 thoroughfares and public places, Pandit Ramlall Way, Borough of Queens, Henry Clayton Street, Borough of Queens, Little Guyana Avenue, Borough of Queens, Coach Skip Branch Way, Borough of Manhattan, Lou 'Big Lou' Torres Way, Borough of the Bronx, Terence Cardinal Cooke Way, Borough of Manhattan, Police Officer Randolph Holder Way, Borough of Manhattan, Akai Gurley Way, Borough of Brooklyn, MaryLou Cerqua Way, Borough of Staten Island, Clifford Holtermann Way, Borough of Staten Island, Peter Catello Way, Borough of Staten Island, Anthony M. Scarpaci Sr. Way, Borough of Brooklyn, Nilda Velazquez Way, Borough of the Bronx, Five Points, Borough of Manhattan, Bishop Michel White Way, Borough of the Bronx, Lt. Paramedic Edith Elida Torres Way, Borough of Queens, Yusuf Kirriem Hawkins Way, Borough of Brooklyn, Richard Wright Way, Borough of Brooklyn, Melquain Jatelle Anderson Drive, Borough of Brooklyn, Ida B. Wells Plaza, Borough of Brooklyn, Jitu Weusi Plaza, Borough of Brooklyn, Dr. Sam Pinn Way, Borough of Brooklyn, Joe Torres Way, Borough of the Bronx, Janta-Polczyńska Polish Heroes Way, Borough of Queens, Dr. Roy Hastick Sr. Way, Borough of Brooklyn, Bishop Ceacer Gooding Road, Borough of the Bronx, Naimah Bilal Way, Borough of the Bronx, Joanne Webb-Dixon Way, Borough of the Bronx, Brandon Hendricks-Ellison Boulevard, Borough of the Bronx, Daniel C. Cestaro Way, Borough of the Bronx, Beatrice Castiglia Catullo Way, Borough of the Bronx, Joe DeSimone Way, Borough of the Bronx, Lorraine Nugent Way, Borough of the Bronx, 5th Bombardment Squadron Memorial Way, Borough of Queens, Council Member Thomas V. Ognibene Way, Borough of Queens, Neir's Tavern Way, Borough of Queens, Detective Jeffrey A. Lee Way, Borough of Queens, Rabbi Dr. Asher Murciano Way, Borough of Queens, Mary Sansone Way, Borough of Brooklyn, Joseph A. Ferris Way, Borough of Brooklyn, Jose A. Perez Way, Borough of Brooklyn, Pete Hamill Way, Borough of Brooklyn, Firefighter John "Jack" Toomey Way, Borough of Brooklyn, St. Raphael of Brooklyn Place, Borough of Brooklyn, Cecil Corbin-Mark Way, Borough of Manhattan, Lewis A. Fidler Way, Borough of Brooklyn, Mary "Mary C" Cali-Dalton Way, Borough of Staten Island, Floyd H. Flake Boulevard, Borough of Queens, David F. Bluford Way, Borough of Queens, Priscilla Carrow Way, Borough of Queens, Lorena Borjas Way, Borough of Queens, Vera E. Thompson Way, Borough of Queens, Lamont "Big L" Coleman Way, Borough of Manhattan, Calle Frenchie, Borough of Brooklyn, Antoinette Ali-Sanders Way, Borough of Queens, Chanta Howard Way, Borough of Queens, Benjamin Wright Way, Borough of Queens, Jules Taylor Way, Borough of Queens, Harry T. Burleigh Place, Borough of Manhattan, Walther Delgado Way, Borough of Manhattan, Victor Victor Way, Borough of Manhattan, Miguel A. Melenciano Way, Borough of Manhattan, Healthcare Heroes Way, Borough of Manhattan, Hon. Vito J. Titone Way, Borough of Staten Island, Coach John Tobin Corner, Borough of Staten Island, Nurse Patricia Mary Farrington Way, Borough of Staten Island, Educator & Athlete Arnold Obey Way, Borough of Staten Island, Albert "Al" Quinones Way, Borough of the Bronx, Heidi Hynes Way, Borough of

the Bronx, Rev. Wendell T. Foster Way, Borough of the Bronx, Union Grove Missionary Baptist Church Way, Borough of the Bronx, Reverend Dr. Henry Bolden Boulevard, Borough of the Bronx, Frederick ‘Fred The Godson’ Thomas Avenue, Borough of the Bronx, Pastor Marie C. Norwood Way, Borough of the Bronx, Carl Reiner Lane, Borough of the Bronx, Anne Bancroft Way, Borough of the Bronx, Joseph Migliucci Way, Borough of the Bronx, Teitel Brothers Lane, Borough of the Bronx, Cosenza Way, Borough of the Bronx, Madonia Way, Borough of the Bronx, Lawrence Fisk Way, Borough of Brooklyn, Carmela ‘Mrs. C’ Casamento Way, Borough of Brooklyn, Glenda Cohen Street, Borough of Queens, Msgr. John C. Tosi Way, Borough of Queens, Don McCallian Way, Borough of Queens, George S. Kaufman Way, Borough of Queens, Luis Alvarez Way, Borough of Queens, Tarlach Mac Niallais Way, Borough of Queens, Edward Charles “Whitey” Ford Way, Borough of Queens, Community Leader William L. Taitt Way, Borough of Staten Island, Big Punisher Way, Borough of the Bronx, Pfc. Luke N. Gasparre Way, Borough of Queens and the repeal of section 16 of local law number 158 for the year 2019 and sections 34, 37 and 45 of local law number 26 for the year 2020.

SUMMARY OF LEGISLATION: The proposed law would add, through the posting of additional signs, the following new street names:

New Name	Present Name	Limits
Pandit Ramlall Way	None	At the southwest corner of 133rd Street and Liberty Avenue
Henry Clayton Street	169th Street	Between 137th Avenue and 140th Avenue
Little Guyana Avenue	Liberty Avenue	Between the Van Wyck Expressway and Woodhaven Boulevard
Coach Skip Branch Way	None	At the southeast corner of East 100th Street and Third Avenue
Lou ‘Big Lou’ Torres Way	None	At the southwest corner of East 149th Street and Jackson Avenue
Terence Cardinal Cooke Way	None	At the southeast corner of Fifth Avenue and East 106th Street
Police Officer Randolph Holder Way	None	At the intersection of East 120th Street and the FDR Drive
Akai Gurley Way	None	At the intersection of Eldert Lane and Linden Boulevard
MaryLou Cerqua Way	None	At the intersection of Wiman Avenue and Hylan Boulevard
Clifford Holtermann Way	None	At the southwest corner of Arthur Kill Road and Miles Avenue
Peter Catello Way	None	At the southwest corner of Arthur Kill Road and Industrial Loop West
Anthony M. Scarpaci Sr. Way	None	At the intersection of 14th Street and 86th Street

Nilda Velazquez Way	None	At the southwest corner of West Fordham Road and Davidson Avenue
Five Points	None	On the south side of Baxter Street and Worth Street
Bishop Michel White Way	White Plains Road	Between 233rd Street and 234th Street
Lt. Paramedic Edith Elida Torres Way	None	At the northeast corner of 21st Street and 34th Avenue
Yusuf Kirriem Hawkins Way	Verona Place	Between Fulton Street and Macon Street
Richard Wright Way	Carlton Avenue	Between Willoughby Avenue and Myrtle Avenue
Melquain Jatelle Anderson Drive	None	At the intersection of Gold Street and York Street
Ida B. Wells Plaza	Barclays Times Plaza	
Jitu Weusi Plaza	Putnam Plaza	
Dr. Sam Pinn Way	Fulton Street	Between Grand Avenue and Cambridge Place
Joe Torres Way	None	At the intersection of Westchester Avenue and Thieriot Avenue
Janta-Połączyńska Polish Heroes Way	None	At the south side of 43rd Avenue and Judge Street
Dr. Roy Hastick Sr. Way	None	At the intersection of Caton Avenue and Flatbush Avenue
Bishop Ceacer Gooding Road	None	At the intersection of Macombs Road and West Mount Eden Avenue
Naimah Bilal Way	None	At the intersection of Macombs Road and Goble Place
Joanne Webb-Dixon Way	None	At the southeast corner of Trinity Avenue and 161st Street
Brandon Hendricks-Ellison Boulevard	None	At the northeast corner of Park Avenue and East 156th Street
Daniel C. Cestaro Way	None	At the intersection of Morris Park Avenue and Hone Avenue
Beatrice Castiglia Catullo Way	None	At the intersection of Morris Park Avenue and Matthews Avenue
Joe DeSimone Way	None	At the intersection of Middletown Road and Stadium Avenue

Lorraine Nugent Way	None	At the intersection of Bayshore Avenue and Ampere Avenue
5 th Bombardment Squadron Memorial Way	None	At the intersection of Hillside Avenue and 239th Street
Council Member Thomas V. Ognibene Way	None	At the intersection of 83rd Street and Furmanville Avenue
Neir's Tavern Way	None	At the intersection of 78th Street and 88th Avenue
Detective Jeffrey A. Lee Way	None	At the southwest corner of Yellowstone Boulevard and Austin Street
Rabbi Dr. Asher Murciano Way	None	At the northwest corner of 108th Street and 67th Avenue
Mary Sansone Way	None	At the intersection of DeGraw Street and Henry Street
Joseph A. Ferris Way	None	At the southeast corner of 7th Avenue and 3rd Street
Jose A. Perez Way	None	At the northeast corner of 3rd Street and Prospect Park West
Pete Hamill Way	7th Avenue	Between 11th Street and 12th Street
Firefighter John "Jack" Toomey Way	Hoyt Street	Between Sackett Street and Union Street
St. Raphael of Brooklyn Place	State Street	Between Hoyt Street and Bond Street
Cecil Corbin-Mark Way	None	At the southwest corner of 143rd Street and Convent Avenue
Lewis A. Fidler Way	None	At the southwest corner of Avenue R and Haring Street
Mary "Mary C" Cali-Dalton Way	None	At the intersection of Cedar Grove Avenue and Milbank Avenue
Floyd H. Flake Boulevard	Merrick Boulevard	Between Jamaica Avenue and the Cross Island Parkway
David F. Bluford Way	None	At the northwest corner of 178th Place and Murdock Avenue
Priscilla Carrow Way	None	At the northeast corner of 98th Place and 57th Avenue
Lorena Borjas Way	83rd Street	Between 37th Avenue and Roosevelt Avenue
Vera E. Thompson Way	None	At the southeast corner of 94th Street and Astoria Boulevard

Lamont "Big L" Coleman Way	None	At the intersection of 140th Street and Malcolm X Boulevard
Calle Frenchie	None	At the northeast corner of Marcy Avenue and Broadway
Antoinette Ali-Sanders Way	None	At the intersection of Beach 17th Street and Seagirt Boulevard
Chanta Howard Way	None	At the intersection of Hassock Street and Beach Channel Drive
Benjamin Wright Way	None	At the intersection of 158th Street and 140th Avenue
Jules Taylor Way	None	At the intersection of 232nd Street and Edgewood Avenue
Harry T. Burleigh Place	None	At the southeast corner of East 16th Street and 3rd Avenue
Walther Delgado Way	None	At the southwest corner of 207th Street and Post Avenue
Victor Victor Way	None	At the intersection of 176th Street and Fort Washington Avenue
Miguel A. Melenciano Way	None	At the corner of Broadway and 213th Street
Healthcare Heroes Way	West 168th Street	Between Broadway and Fort Washington Avenue
Hon. Vito J. Titone Way	None	At the southeast corner of Hyatt Place and Central Avenue
Coach John Tobin Corner	None	At the northwest corner of Oakland Avenue and Nutly Place
Nurse Patricia Mary Farrington Way	None	At the northeast corner of Prospect Avenue and Pendleton Place
Educator & Athlete Arnold Obey Way	None	At the northeast corner of Jersey Street and Crescent Avenue
Albert "Al" Quinones Way	None	At the intersection of Avenue St. John and Kelly Street
Heidi Hynes Way	None	At the intersection of East 178th Street and Mapes Avenue
Rev. Wendell T. Foster Way	None	At the intersection of Forest Avenue and 161st Street
Union Grove Missionary Baptist Church Way	None	At the intersection of East 172nd Street and Hoe Avenue
Reverend Dr. Henry Bolden Boulevard	None	At the intersection of Elton Avenue and East 156th Street
Frederick 'Fred The Godson' Thomas Avenue	None	At the intersection of Leggett Avenue and Kelly Street

Pastor Marie C. Norwood Way	None	At the intersection of Bronx Park South and Mohegan Avenue
Carl Reiner Lane	None	At the intersection of Arthur Avenue and 188th Street
Anne Bancroft Way	None	At the intersection of Arthur Avenue and 188th Street
Joseph Migliucci Way	Arthur Avenue	Between 186th Street and 184th Street
Teitel Brothers Lane	None	At the intersection of Arthur Avenue and 186th Street
Cosenza Way	186th Street	Between Arthur Avenue and Hughes Avenue
Madonia Way	Arthur Avenue	Between 186th Street and 184th Street
Lawrence Fisk Way	None	At the intersection of East 2nd Street and Avenue Z
Carmela 'Mrs. C' Casamento Way	None	At the intersection of Avenue U and McDonald Avenue
Glenda Cohen Street	None	At the intersection of 153rd Avenue and 84th Street
Msgr. John C. Tosi Way	None	At the intersection of Clintonville Street and Locke Avenue
Don McCallian Way	None	At the southwest corner of 40th Street and Greenpoint Avenue
George S. Kaufman Way	None	At the northwest corner of 35th Avenue and 36th Street
Luis Alvarez Way	None	At the southwest corner of 50th Avenue and Vernon Boulevard
Tarlach Mac Niallais Way	None	At the southeast corner of 49th Street and 43rd Avenue
Edward Charles "Whitey" Ford Way	43rd Street	Between 34th Avenue and 35th Avenue
Community Leader William L. Taitt Way	None	At the northeast corner of Vanderbilt Avenue and Roff Street
Big Punisher Way	None	At the intersection of Grand Concourse and West Fordham Road
Pfc. Luke N. Gasparre Way	None	At the intersection of 43rd Street and 25th Avenue

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY21
Revenues	\$0	\$0	\$0
Expenditures	\$26,450	\$0	\$26,450
Net	\$26,450	\$0	\$26,450

IMPACT ON REVENUES: There would be no impact on revenues resulting from the enactment of this legislation.

IMPACT ON EXPENDITURES: This legislation would require the installation of 92 new street signs. It is estimated that each sign would cost \$37.50 and the labor to install each sign would be \$250, for a total cost of \$287.50 per sign. As such, the estimated total cost of enacting this legislation would be approximately \$26,450.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council, Finance Division

ESTIMATE PREPARED BY: Monika Bujak, Legislative Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Unit Head
Nathan Toth, Deputy Director
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: THE COMMITTEE ON PARKS AND RECREATION (“COMMITTEE”) AS A PRECONSIDERED INTRODUCTION ON DECEMBER 17, 2020 WILL CONSIDER THIS LEGISLATION. Upon a successful vote by the Committee, the bill would be introduced and submitted to the full Council for a vote on December 17, 2020.

FISCAL IMPACT SCHEDULE:

New Name	Number of Signs	Cost	Installation (street signs only)	Total Cost
Pandit Ramlall Way	1	37.5	250	287.5
Henry Clayton Street	1	37.5	250	287.5
Little Guyana Avenue	1	37.5	250	287.5
Coach Skip Branch Way	1	37.5	250	287.5
Lou ‘Big Lou’ Torres Way	1	37.5	250	287.5
Terence Cardinal Cooke Way	1	37.5	250	287.5
Police Officer Randolph Holder Way	1	37.5	250	287.5
Akai Gurley Way	1	37.5	250	287.5
MaryLou Cerqua Way	1	37.5	250	287.5

Clifford Holtermann Way	1	37.5	250	287.5
Peter Catello Way	1	37.5	250	287.5
Anthony M. Scarpaci Sr. Way	1	37.5	250	287.5
Nilda Velazquez Way	1	37.5	250	287.5
Five Points	1	37.5	250	287.5
Bishop Michel White Way	1	37.5	250	287.5
Lt. Paramedic Edith Elida Torres Way	1	37.5	250	287.5
Yusuf Kirriem Hawkins Way	1	37.5	250	287.5
Richard Wright Way	1	37.5	250	287.5
Melquain Jatelle Anderson Drive	1	37.5	250	287.5
Ida B. Wells Plaza	1	37.5	250	287.5
Jitu Weusi Plaza	1	37.5	250	287.5
Dr. Sam Pinn Way	1	37.5	250	287.5
Joe Torres Way	1	37.5	250	287.5
Janta-Polczyńska Polish Heroes Way	1	37.5	250	287.5
Dr. Roy Hastick Sr. Way	1	37.5	250	287.5
Bishop Ceacer Gooding Road	1	37.5	250	287.5
Naimah Bilal Way	1	37.5	250	287.5
Joanne Webb-Dixon Way	1	37.5	250	287.5
Brandon Hendricks-Ellison Boulevard	1	37.5	250	287.5
Daniel C. Cestaro Way	1	37.5	250	287.5
Beatrice Castiglia Catullo Way	1	37.5	250	287.5
Joe DeSimone Way	1	37.5	250	287.5
Lorraine Nugent Way	1	37.5	250	287.5
5 th Bombardment Squadron Memorial Way	1	37.5	250	287.5
Council Member Thomas V. Ognibene Way	1	37.5	250	287.5
Neir's Tavern Way	1	37.5	250	287.5
Detective Jeffrey A. Lee Way	1	37.5	250	287.5
Rabbi Dr. Asher Murciano Way	1	37.5	250	287.5
Mary Sansone Way	1	37.5	250	287.5

Joseph A. Ferris Way	1	37.5	250	287.5
Jose A. Perez Way	1	37.5	250	287.5
Pete Hamill Way	1	37.5	250	287.5
Firefighter John "Jack" Toomey Way	1	37.5	250	287.5
St. Raphael of Brooklyn Place	1	37.5	250	287.5
Cecil Corbin-Mark Way	1	37.5	250	287.5
Lewis A. Fidler Way	1	37.5	250	287.5
Mary "Mary C" Cali-Dalton Way	1	37.5	250	287.5
Floyd H. Flake Boulevard	1	37.5	250	287.5
David F. Bluford Way	1	37.5	250	287.5
Priscilla Carrow Way	1	37.5	250	287.5
Lorena Borjas Way	1	37.5	250	287.5
Vera E. Thompson Way	1	37.5	250	287.5
Lamont "Big L" Coleman Way	1	37.5	250	287.5
Calle Frenchie	1	37.5	250	287.5
Antoinette Ali-Sanders Way	1	37.5	250	287.5
Chanta Howard Way	1	37.5	250	287.5
Benjamin Wright Way	1	37.5	250	287.5
Jules Taylor Way	1	37.5	250	287.5
Harry T. Burleigh Place	1	37.5	250	287.5
Walther Delgado Way	1	37.5	250	287.5
Victor Victor Way	1	37.5	250	287.5
Miguel A. Melenciano Way	1	37.5	250	287.5
Healthcare Heroes Way	1	37.5	250	287.5
Hon. Vito J. Titone Way	1	37.5	250	287.5
Coach John Tobin Corner	1	37.5	250	287.5
Nurse Patricia Mary Farrington Way	1	37.5	250	287.5
Educator & Athlete Arnold Obey Way	1	37.5	250	287.5
Albert "Al" Quinones Way	1	37.5	250	287.5
Heidi Hynes Way	1	37.5	250	287.5

Rev. Wendell T. Foster Way	1	37.5	250	287.5
Union Grove Missionary Baptist Church Way	1	37.5	250	287.5
Reverend Dr. Henry Bolden Boulevard	1	37.5	250	287.5
Frederick 'Fred The Godson' Thomas Avenue	1	37.5	250	287.5
Pastor Marie C. Norwood Way	1	37.5	250	287.5
Carl Reiner Lane	1	37.5	250	287.5
Anne Bancroft Way	1	37.5	250	287.5
Joseph Migliucci Way	1	37.5	250	287.5
Teitel Brothers Lane	1	37.5	250	287.5
Cosenza Way	1	37.5	250	287.5
Madonia Way	1	37.5	250	287.5
Lawrence Fisk Way	1	37.5	250	287.5
Carmela 'Mrs. C' Casamento Way	1	37.5	250	287.5
Glenda Cohen Street	1	37.5	250	287.5
Msgr. John C. Tosi Way	1	37.5	250	287.5
Don McCallian Way	1	37.5	250	287.5
George S. Kaufman Way	1	37.5	250	287.5
Luis Alvarez Way	1	37.5	250	287.5
Tarlach Mac Niallais Way	1	37.5	250	287.5
Edward Charles "Whitey" Ford Way	1	37.5	250	287.5
Community Leader William L. Taitt Way	1	37.5	250	287.5
Big Punisher Way	1	37.5	250	287.5
Pfc. Luke N. Gasparre Way	1	37.5	250	287.5
Total	92	\$3,450	\$23,000	\$26,450

(For text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)

PETER A. KOO, *Chairperson*; JAMES G. VAN BRAMER ANDREW COHEN, MARK D. LEVINE, JUSTIN L. BRANNAN, MARK GJONAJ, FRANCISCO P. MOYA, ROBERT HOLDEN, DARMA V. DIAZ, ERIC A. ULRICH; Committee on Parks and Recreation, December 17, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Gibson, Adams, Koslowitz and Rose.*

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

Report of the Committee on Rules, Privileges and Elections

Report for M-264

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment of Miguelina Camilo as the Bronx County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed communication was referred on December 10, 2020 (Minutes, page 2463) and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

New York City Board of Elections – (Candidates for re-appointment by the Council)

- **Miguelina Camilo [M-264]**
- **Patricia Anne Taylor [M-265]**
- **Tiffany Townsend [M-266]**

The New York City Board of Elections (“BOE”) consists of ten commissioners, two from each of the City’s five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed [*New York State Election Law* § 3-200(3)].

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners [*New York State Election Law* § 3-200(2)]. The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report¹ of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections [*New York State Election Law* § 3-212(4)(a)].

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body [*New York State Election Law* § 3-204(1)]. In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period

¹ The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities [*New York State Election Law* § 3-212(4)(b)].

recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office [*New York State Election Law* § 3-204(4)].

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.² *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve [*New York State Election Law* § 3-204(5)].

BOE elects a President and a Secretary who cannot belong to the same political party [*New York State Election Law* § 3-312(1)]. The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year [*New York State Election Law* § 3-208].

A *Certificate of Party Recommendation* referencing Ms. Miguelina Camilo was filed with the Office of the City Clerk on December 1, 2020 at 6:41pm. The Secretary of the Bronx County Democratic Party signed this document. Ms. Camilo, a registered Democrat from Bronx County, is being recommended for re-appointment to serve for the remainder of a four-year term that will begin on January 1, 2021 and ends on December 31, 2024. Copies of Ms. Camilo's résumé and Committee report/resolution are annexed to this briefing paper.

A *Certificate of Party Recommendation* referencing Ms. Patricia Anne Taylor was filed with the Office of the City Clerk on December 1, 2020 at 4:02pm. The Chair of the Richmond County Democratic Party signed this document. Ms. Taylor, a registered Democrat from Richmond County, is being recommended for re-appointment to serve for the remainder of a four-year term that will begin on January 1, 2021 and ends on December 31, 2024. Copies of Ms. Taylor's résumé and Committee report/resolution are annexed to this briefing paper.

A *Certificate of Party Recommendation* referencing Ms. Tiffany Townsend was filed with the Office of the City Clerk on December 1, 2020 at 4:02pm. The Chair of the New York County Democratic Party signed this document. Ms. Townsend, a registered Democrat from New York County, is being recommended for re-appointment to serve for the remainder of a four-year term that will begin on January 1, 2021 and ends on December 31, 2024. Copies of Ms. Townsend's résumé and Committee report/resolution are annexed to this briefing paper.

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee **Patricia Anne Taylor [M-265]** and nominee **Tiffany Townsend [M-266]**, please see, respectively, the Reports of the Committee on Rules, Privileges and Elections for M-265 and M-266 printed in these Minutes; For nominee **Miguelina Camilo [M-264]**, please see immediately below:)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the New York State Election Law, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Miguelina Camilo as the Bronx County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

² According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

This matter was referred to the Committee on December 10, 2020.

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

Res. No. 1522

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF MIGUELINA CAMILO AS THE BRONX COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the re-appointment of Miguelina Camilo as the Bronx County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

KAREN KOSLOWITZ, *Chairperson*; DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON) (Remote Hearing); Committee on Rules, Privileges and Elections, December 17, 2020. *Other Council Members Attending: Ampy-Samuel, Cumbo, Rivera and Miller.*

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

Report for M-265

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment of Patricia Anne Taylor Carsel as the Richmond County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed Council communication was referred on December 10, 2020 (Minutes, page 2463) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-264, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Patricia Anne Taylor Carsel as the Richmond County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

This matter was referred to the Committee on December 10, 2020.

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

Res. No. 1523

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF PATRICIA ANNE TAYLOR CARSEL AS THE RICHMOND COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the re-appointment of Patricia Anne Taylor Carasel as the Richmond County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

KAREN KOSLOWITZ, *Chairperson*; DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, December 17, 2020 (Remote Hearing). *Other Council Members Attending: Ampry-Samuel, Cumbo, Rivera and Miller.*

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

Report for M-266

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment of Tiffany Townsend as the New York County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed Council communication was referred on December 10, 2020 (Minutes, page 2464) and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-264, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Tiffany Townsend as the New York County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

This matter was referred to the Committee on December 10, 2020.

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

Res. No. 1524

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF TIFFANY TOWNSEND AS THE NEW YORK COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the re-appointment of Tiffany Townsend as the New York County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

KAREN KOSLOWITZ, *Chairperson*; DEBORAH L. ROSE, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, December 17, 2020 (Remote Hearing). *Other Council Members Attending: Ampry-Samuel, Cumbo, Rivera and Miller.*

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. 696 & Res. No. 1525

Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200092 ZMK (312 Coney Island Avenue Rezoning) submitted by 312 Coney Island Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d, changing from a C8-2 District to an R8A District and establishing within the proposed R8A District a C2-4 District, Borough of Brooklyn, Community District 7, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on November 19, 2020 (Minutes, page 2452) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on December 10, 2020 (Minutes, page 2557), respectfully

REPORTS:

SUBJECT

BROOKLYN CB-7 – THREE APPLICATIONS RELATED TO 312 CONEY ISLAND AVENUE REZONING

C 200092 ZMK (Pre. L.U. No. 696)

City Planning Commission decision approving an application submitted by 312 Coney Island Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R8A District property bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street; and
2. establishing within the proposed R8A District a C2-4 District bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street;

as shown on a diagram (for illustrative purposes only) dated December 16, 2019, and subject to the conditions of CEQR Declaration E-555.

N 200093 ZRK (Pre. L.U. No. 697)

City Planning Commission decision approving an application submitted by 312 Coney Island Avenue LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations for a portion of the Special Ocean Parkway District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 200094 ZSK (L.U. No. 698)

City Planning Commission decision approving an application submitted by 312 Coney Island Avenue, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to modify:

1. The requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking

In connection with a proposed mixed-use development on property located at 312 Coney Island Avenue (Block 5322, Lots 10 & 20).

INTENT

To approve the amendment to the Zoning Map Section No. 16d, to change a C8-2 District to an R8A District, and establish within the proposed R8A District a C2-4 District; amend zoning text to designate a Mandatory Inclusionary Housing (MIH) area with Options 1 and 2, and a related section in ZR Article XI, Chapter 3 to modify setback requirements for sites in R8A districts adjacent to Park Circle within the Special Ocean Parkway District (SOPD); and grant an approval of the special permit pursuant to ZR Section 74-533 to waive required residential accessory parking spaces to facilitate a new, approximately 312,754 square-foot mixed-use development containing a church, a school, retail, and residential units, located at 312 Coney Island Avenue in the Windsor Terrace neighborhood of Community District 7, Brooklyn.

PUBLIC HEARING

(Pre. L.U. Nos. 696 and 697 Mandatory Items Only)

DATE: November 18, 2020

Witnesses in Favor: Twenty-four

Witnesses Against: Fifteen

(L.U. No. 698 Special Permit Item Only)

DATE: December 7, 2020

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** December 7, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on Pre. L.U. 696, and approve with modifications the decisions of the City Planning Commission on Pre. L.U. No. 697 and L.U. No. 698.

In Favor:

Moya, Levin, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** December 9, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated December 14, 2020, with the Council on December 15, 2020, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1525

Resolution approving the decision of the City Planning Commission on ULURP No. C 200092 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 696).

By Council Members Salamanca and Moya.

WHEREAS, 312 Coney Island Avenue, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, changing from a C8-2 District to an R8A District and establishing within the proposed R8A District a C2-4 District, which in conjunction with the related action would facilitate a mixed-use development with community facility use in the cellar, ground, and second floors, commercial use on the ground floor, and 278 residential units on the upper floors at 312 Coney Island Avenue in the East Windsor Terrace neighborhood of Brooklyn Community District 7 (ULURP No. C 200092 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on November 10, 2020, its decision dated November 4, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 200093 ZRK (Pre. L.U. No. 697), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to modify setback requirements in Zoning Resolution (ZR) Section Article XI, Chapter 3 to modify setback requirements for sites in R8A districts adjacent to Park Circle within the Special Ocean Parkway District (SOPD); and C 200094 ZSK (L.U. No. 698), a special permit pursuant to ZR Section 74-533 to waive required residential accessory parking spaces;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 18, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 16th, 2019 (CEQR No. 20DCP036K) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-555) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-555) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200092 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 16d:

1. changing from a C8-2 District to an R8A District property bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street; and
2. establishing within the proposed R8A District a C2-4 District bounded by Ocean Parkway, Park Circle-Machate Circle, Coney Island Avenue, Caton Place, and a line 150 feet easterly of East 8th Street;

as shown on a diagram (for illustrative purposes only) dated March 12, 2018, and subject to the conditions of the CEQR Declaration E-555, Borough of Brooklyn, Community District 7.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2020 (Remote Hearing).
Other Council Members Attending: Council Member Lander.

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

Report for L.U. No. 697 & Res. No. 1526

Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200093 ZRK (312 Coney Island Avenue Rezoning) submitted by 312 Coney Island Avenue, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations for a portion of the Special Ocean Parkway District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 7, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on November 19, 2020 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on December 10, 2020 (Minutes, page 2559), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 696 & Res. No. 1525 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1526

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200093 ZRK, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 697).

By Council Members Salamanca and Moya.

WHEREAS, 312 Coney Island Avenue, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying bulk regulations for a portion of the Special Ocean Parkway District and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Option 1, which in conjunction with the related action would facilitate a new, approximately 312,754 square-foot mixed-use development containing a church, a school, retail, and residential units, located at 312 Coney Island Avenue in the Windsor Terrace neighborhood of Community District 7, Brooklyn (Application No. N 200093 ZRK) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on November 10, 2020, its decision dated November 4, 2020 (the "Decision"), on the Application;

WHEREAS, the Application is related to applications C 200092 ZMK (Pre. L.U. No. 696), a zoning map amendment to change a C8-2 District to an R8A District, and establish within the proposed R8A District a C2-4 District; and C 200094 ZSK (L.U. No. 698), a special permit pursuant to ZR Section 74-533 to waive required residential accessory parking spaces;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 18, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 16th, 2019 (CEQR No. 20DCP036K) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-555) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-555) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200093 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

Matter ~~double struck out~~ is old, deleted by the City Council

Matter double-underlined is new, added by the City Council

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

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

* * *

**ARTICLE XI
Special Purpose Districts**

**Chapter 3
Special Ocean Parkway District**

* * *

113-12

Special Front Yard Regulations

For all #zoning lots# with frontage along Ocean Parkway, there shall be a 30 foot #front yard#. No obstructions including porches either open or enclosed, canopies or stairs are permitted within the #front yard#.

Any driveway within such #front yard# shall be perpendicular to the #street line# or, in the case where the #street wall# is not parallel with the #street line#, the driveway shall be perpendicular to the #street wall#.

Balconies pursuant to Section 23-13 may, by a depth of not more than six feet, penetrate #front yards#, except along Ocean Parkway.

113-13

Special Bulk Regulations for Lots Adjacent to Park Circle-Machate Circle

In R8A Districts, for #zoning lots# fronting on Park Circle-Machate Circle, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) ~~may~~ shall be modified to allow for #street walls# within 125 feet of a #wide street# to rise without setback to ~~the~~ a maximum #building# base height of 115 feet and allow for a minimum required setback of 10 feet above such base height, provided that the maximum #building# height shall not exceed: 115 feet within 100 feet of Ocean Parkway or within 30 feet of an R7A District; 125 feet between 100 and 150 feet of Ocean Parkway, within 20 feet of Coney Island Avenue, or between 30 and 50 feet from an R7A District; and 140 feet on any other portion of the #zoning lot#. For the purposes of this paragraph, distances shall be measured perpendicular to the #street line# or district boundary, as applicable.

113-20

SPECIAL PARKING AND OFF-STREET LOADING REGULATIONS

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

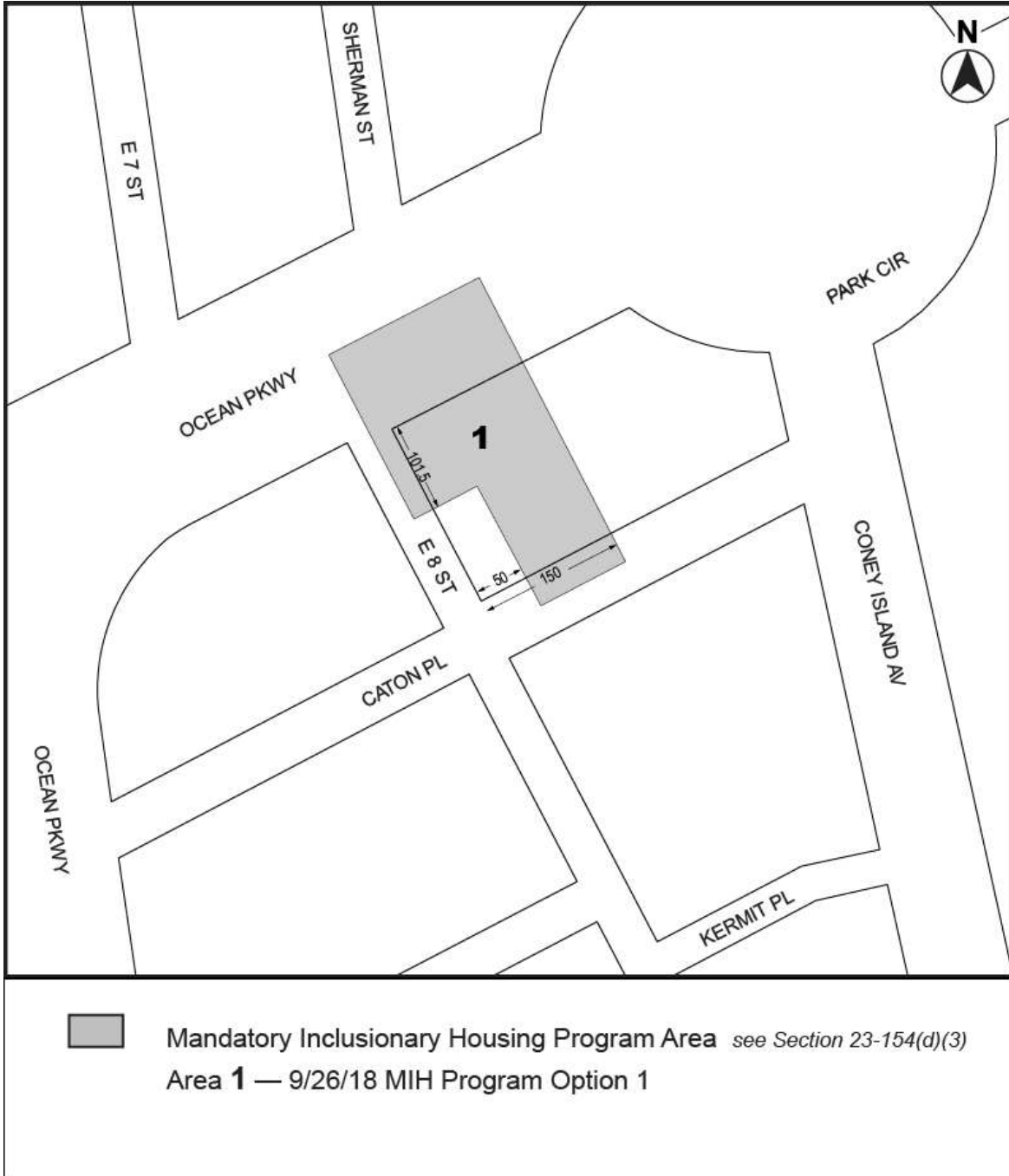
BROOKLYN

Brooklyn Community District 7

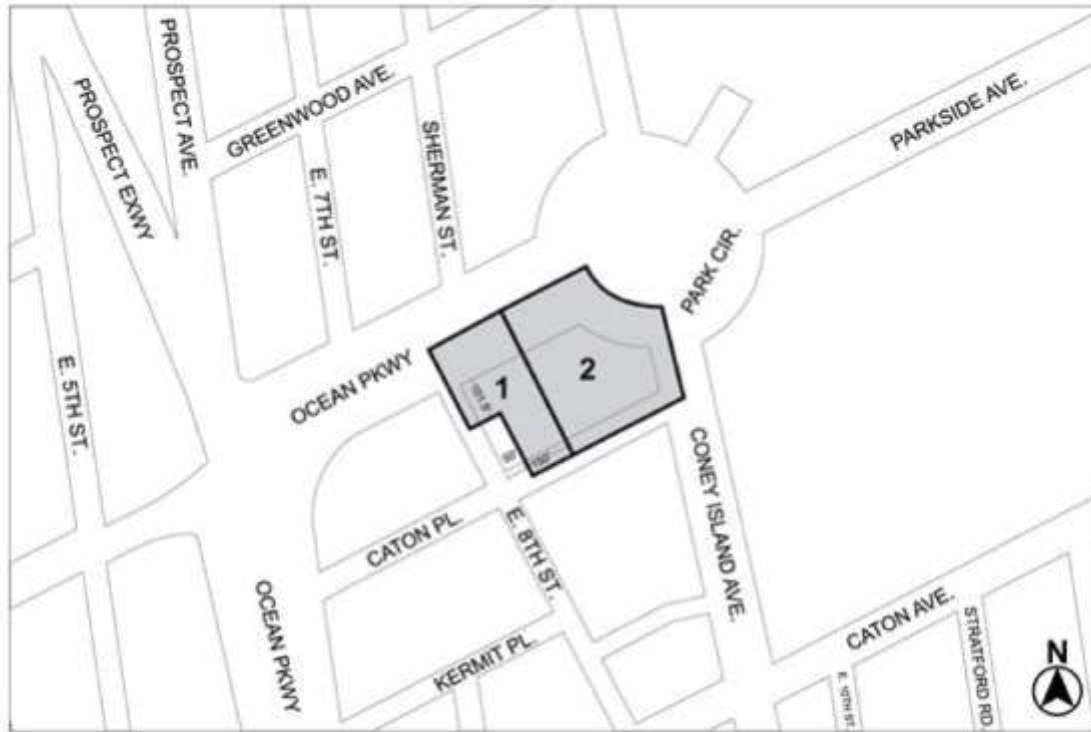
* * *

Map 3- [date of adoption]

[EXISTING MAP]



[PROPOSED MAP]



- Mandatory Inclusionary Housing Area *see Section 23-154(d)(3)*
- Area 1 — 9/26/18 — MIH Program Option 1
- Area 2 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 7, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI (Remote Hearing); Committee on Land Use, December 9, 2020. *Other Council Members Attending: Council Member Lander.*

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

Report for L.U. No. 698 & Res. No. 1527

Report of the Committee on Land Use in favor of approving, as modified, Application No. Application No. C 200094 ZSK (312 Coney Island Avenue Rezoning) submitted by 312 Coney Island Avenue, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to modify the requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking, in connection with a proposed mixed-use development on property located at 312 Coney Island Avenue (Block 5322, Lots 10 & 20), in Borough of Brooklyn, Community District 7, Council District 39.

The Committee on Land Use, to which the annexed Land Use item was referred on November 19, 2020 (Minutes, page 2453) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on December 10, 2020 (Minutes, page 2560), respectfully

REPORTS:

(For text of the updated report, please see the Report of the Committee on Land Use for L.U. No. 696 & Res. No. 1525 printed in the General Order Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 1527

Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 200094 ZSK, for the grant of a special permit (L.U. No. 698).

By Council Members Salamanca and Moya.

WHEREAS, 312 Coney Island Avenue, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to modify the requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) to waive all required accessory parking, to facilitate a new, approximately 312,754 square-foot mixed-use development containing a church, a school, retail, and residential units, located at 312 Coney Island Avenue (Block 5322, Lots 10 and 20) in the Windsor Terrace neighborhood of Community District 7, Brooklyn (ULURP No. C 200094 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on November 10, 2020, its decision dated November 4, 2020 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 200092 ZMK (Pre. L.U. No. 696), a zoning map amendment to change a C8-2 District to an R8A District, and establish within the proposed R8A District a C2-4 District; and N 200093 ZRK (Pre. L.U. No. 697), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area and to modify setback requirements in Zoning Resolution (ZR) Section Article XI, Chapter 3 to modify setback requirements for sites in R8A districts adjacent to Park Circle within the Special Ocean Parkway District (SOPD);

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-533 of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on December 7, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued December 16th, 2019 (CEQR No. 20DCP036K) which include an (E) designation to avoid the potential for significant adverse impacts related to air quality, noise, and hazardous materials (E-555) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-555) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200094 ZSK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter ~~double struck out~~ is old, deleted by the City Council
Matter double-underlined is new, added by the City Council

1. The property that is the subject of this application (C 200094 ZSK) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following plans, prepared by FXCollaborative Architects LLP, filed with this application and incorporated in this resolution:

Dwg. No.	Title	Last Date Revised
Z-001	Zoning Analysis	08/30/2019 <u>12/09/20</u>
Z-002	Site Plan	08/30/2019 <u>12/09/20</u>

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plan listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sublessee or occupant.
5. Upon failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning

Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted.

6. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city's or such employee's or agent's failure to act in accordance with the provisions of this special permit.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA, JOSEPH C. BORELLI; Committee on Land Use, December 9, 2020 (Remote Hearing).
Other Council Members Attending: Council Member Lander.

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

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

- | | | |
|------|-------------------------------|---|
| (1) | M-264 & Res 1522 - | Bronx County Democratic Committee recommending the name of Miguelina Camilo to the Council regarding her appointment to the office of Commissioner of Elections. |
| (2) | M-265 & Res 1523 - | Richmond County Democratic Committee recommending the name of Patricia Anne Taylor Carsel to the Council regarding her re-appointment as Richmond County Democratic Commissioner of Elections. |
| (3) | M-266 & Res 1524 - | New York County Democratic Committee recommending the name of Tiffany Townsend to the Council regarding her appointment to the office of Commissioner of Elections. |
| (4) | M-269 & Res 1513 - | Transfer City funds between various agencies in Fiscal Year 2021 to implement changes to the City's Expense Budget (MN-1). |
| (5) | M-270 & Res 1514 - | Appropriation of new City revenues in Fiscal Year 2021 (MN-2). |
| (6) | Int 1396-A - | Fast food employee layoffs. |
| (7) | Int 1415-A - | Wrongful discharge of fast food employees. |
| (8) | Int 1770-A - | Whistleblower protections for individuals subject to alleged adverse personnel actions. |
| (9) | Int 2058-A - | Education to report on remote learning attendance. |
| (10) | Int 2104-A - | Report on metrics regarding remote learning during the COVID-19 pandemic. |
| (11) | Int 2151-B - | Extending the deadlines for inspection and correction of building gas piping systems in certain community districts. |

- (12) **Int 2171-A -** Date by which carbon monoxide detectors are required to be installed in commercial spaces.
- (13) **Int 2187 -** The naming of 92 thoroughfares and public places.
- (14) **Res 1509 -** Designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (15) **Res 1445-A -** Granting of franchises for the provision of telecommunications services (**Authorizing Resolution**).
- (16) **L.U. 693 & Res 1517 -** App. C **200155 HAK (DeKalb Commons)** Borough of Brooklyn, Community District 3, Council District 36.
- (17) **L.U. 696 & Res 1525 -** App. C **200092 ZMK (312 Coney Island Avenue Rezoning)** Borough of Brooklyn, Community District 7, Council District 39.
- (18) **L.U. 697 & Res 1526 -** App. N **200093 ZRK (312 Coney Island Avenue Rezoning)** Borough of Brooklyn, Community District 7, Council District 39.
- (19) **L.U. 698 & Res 1527 -** App. C **200094 ZSK (312 Coney Island Avenue)** Borough of Brooklyn, Community District 7, Council District 39.
- (20) **L.U. 703 & Res 1518 -** App. **20215007 HIQ (N 210188 HIQ)** Borough of Queens, Council District 28, Community District 12.
- (21) **L.U. 704 & Res 1519 -** App. **20215010 HHK (NYC Health & Hospitals/Woodhull II)** Borough of Brooklyn, Council District 36, Community District 3.
- (22) **L.U. 707 & Res 1520 -** App. C **150178 ZMK (265 Front Street Rezoning)** Borough of Brooklyn, Community District 2, Council District 33 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).

- (23) **L.U. 708 & Res 1521 -** App. N **180178 ZRK (265 Front Street Rezoning)** Borough of Brooklyn, Community District 2, Council District 33 (**Coupled to be Filed pursuant to a Letter of Withdrawal**).
- (24) **L.U. 709 & Res 1515 -** Ridgewood Bushwick Brooklyn, Community District No. 4, Council Districts 34 and 37.
- (25) **L.U. 710 & Res 1516 -** Scheuer House of Brighton Beach, Brooklyn, Community District No. 13, Council District 48.

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, Cohen, Constantinides, Cornegy, Deutsch, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

The General Order vote recorded for this Stated Meeting was 46-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **M-264 & Res. No. 1522; M-265 & Res. No. 1523; and M-266 & Res. No. 1524:**

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

Negative – Van Bramer – **1**.

The following was the vote recorded for **M-269 & Res. No. 1513:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Cohen, Constantinides, Cornegy, Deutsch, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Koo, Koslowitz, Levin, Levine, Louis, Maisel, Miller, Moya, Perkins, Powers, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Barron, Kallos, Lander, Menchaca, Reynoso, and Van Bramer – **6**.

The following was the vote recorded for **M-270 & Res. No. 1514:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Cohen, Constantinides, Cornegy, Deutsch, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **42**.

Negative – Barron, Kallos, Menchaca, and Van Bramer – **4**.

The following was the vote recorded for **Int. No. 1396-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Cohen, Constantinides, Cornegy, D. Diaz, Dromm, Eugene, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **40**.

Negative – Borelli, Deutsch, Gjonaj, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

The following was the vote recorded for **Int. No. 1415-A:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Cohen, Constantinides, Cornegy, D. Diaz, Dromm, Eugene, Gibson, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **39**.

Negative – Borelli, Deutsch, Gjonaj, Ulrich, Vallone, Yeger, and the Minority Leader (Council Member Matteo) – **7**.

The following was the vote recorded for **Int. No. 2187:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Cohen, Constantinides, Cornegy, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Abstention – Deutsch and Yeger – **2**.

The following was the vote recorded for **Res. No. 1445-A:**

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

Negative – Miller – **1**.

The following was the vote recorded for **L.U. No. 696 & Res. No. 1525; L.U. No. 697 & Res. No. 1526; and L.U. No. 698 & Res. No. 1527:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Cohen, Constantinides, Cornegy, Deutsch, D. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Miller, Moya, Perkins, Powers, Reynoso, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Barron and Menchaca – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 1396-A, 1415-A, 1770-A, 2058-A, 2104-A, 2151-B, 2171-A, and 2187.*

INTRODUCTION AND READING OF BILLS

Int. No. 2186

By The Speaker (Council Member Johnson) and Council Members Reynoso, Lander, Rivera, Gibson, Kallos, Salamanca, Brannan, Levin, Rodriguez, Powers, Constantinides and Rosenthal.

A Local Law to amend the New York city charter, in relation to requiring a comprehensive long-term plan

Be it enacted by the Council as follows:

Section 1. Section 17 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 17 [Strategic Policy Statement] *Citywide Goals Statement.* a. On or before [the fifteenth day of November of nineteen hundred ninety] *April 15, 2023*, and every [four] *five* years thereafter, the [mayor] *director of the office of long-term planning* shall submit a preliminary citywide goal statement for the city to the borough presidents, council and community boards. *Prior to the release of the preliminary statement, the director shall convene at least one public meeting in each borough to solicit proposed goals in response to the long-term issues identified in the conditions of the city report.*

b. Such preliminary statement shall include: (i) [a summary of the most significant long-term issues faced by the city; (ii)] *citywide* policy goals related to the long-term issues *identified in the conditions of the city report required by subdivision j of section 20 which shall include but not be limited to goals to reduce and eliminate disparities across race, geography, and socioeconomic status in access to opportunity and the distribution of resources and development;* (ii) [(iii) proposed strategies for meeting such goals.] *quantitative citywide targets for housing, jobs and associated needed commercial, retail, and industrial space, open space, resiliency infrastructure, city facilities, school seats, public transportation, public utilities, and other infrastructure that the director of the office of long-term planning finds appropriate to include; and policy goals pertaining to the waterfront, with such targets established by the long-term planning steering committee and informed by the conditions of the city report;* (iii) *criteria and methodology established by the long-term planning steering committee for determining quantitative community district level targets for each community board within each category enumerated in paragraph ii of this subdivision, which shall include but not limited to prioritizing population growth, where applicable, in areas that have high access to opportunity and low risk for displacement, as determined by the conditions of the city report prepared pursuant to section 20; and (iv) a statement of the planning policy of the department of city planning and city planning commission, which shall take into consideration, at a minimum, the information contained in the conditions of the city report.* In preparing such *citywide goals* statement [of strategic policy], the [mayor] *director of the office of long-term planning* shall consider the strategic policy statements prepared by the borough presidents pursuant to subdivision fourteen of section eighty-two.

[b] c. On or before [the first day of February of nineteen hundred ninety-one] *July 1, 2023*, and every [four] five years thereafter, the [mayor] *director of long-term planning* shall submit a final *citywide goals* [strategic policy] statement for the city to the borough presidents, council and community boards. The final statement shall include such changes and revisions as the [mayor] *director of the office of long-term planning* deems appropriate after reviewing the comments received on the preliminary *citywide goals* [strategic policy] statement. *The director of the office of long-term planning shall hold at least one hearing in each borough for the public to comment on such preliminary citywide goals statement no less than 30 days prior to the release of the final citywide goals statement.*

§ 2. Paragraph 1 of subdivision b of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

1. develop and coordinate the implementation of policies, programs and actions to meet the long-term needs of the city, with respect to its infrastructure, environment [and], overall sustainability *and equitable distribution of resources and development* citywide, including but not limited to the categories of housing,

open space, brownfields, transportation, water quality and infrastructure, air quality, energy, [and] climate change; *economic_development, land use, public health, and arts and culture*; the resiliency of critical infrastructure, the built environment, coastal protection and communities; and regarding city agencies, businesses, institutions and the public;

§ 3. Subdivision d of section 20 of the New York city charter is REPEALED.

§ 4. Subdivision e of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[e] *d.* Long-term [sustainability] plan. 1. The director shall develop and coordinate the implementation of a comprehensive[,] long-term [sustainability] plan for the city. Such plan shall include, at a minimum:

[i. an identification and analysis of long-term planning and sustainability issues associated with, but not limited to, housing, open space, brownfields, transportation, water quality and infrastructure, air quality, energy, and climate change; and

ii. goals associated with each category established pursuant to paragraph one of subdivision b of this section and any additional categories established by the director, and a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal by no later than April twenty-second, two thousand thirty.]

i. policies and strategies for achieving the goals set forth in the citywide goals statement prepared pursuant to section 17 and for each such policy or strategy identified, capital, and expense budget needs required to implement each such policy or strategy;

ii. an analysis of the portions of the zoning resolution that merit reconsideration in light of the planning policy of the department of city planning and city planning commission and proposals for implementing such planning policy whether by amendment of the zoning resolution, development of plans, or otherwise;

iii. quantitative community district level targets for housing, jobs including associated needed commercial, retail, and industrial space, open space, resiliency infrastructure, city facilities, school seats, public transportation, public utilities, and other infrastructure corresponding to each such district that the director of the office of long-term planning finds appropriate to include;

iv. three potential land use scenarios for accommodating the community district level targets established by clause iii of this paragraph, each of which shall include all applicable proposed future land uses, including but not limited to: residential, commercial, industrial, institutions, open space, transportation, and utilities, with indications for relative height and density. Each of the three potential land use scenarios shall prioritize: (1) areas for population growth, where applicable, that have high access to opportunity and low risk for displacement, as determined by the conditions of the city report prepared pursuant to section 20, and (2) any other priorities identified by the director through the public engagement process pursuant to paragraph 3 of this subdivision; and

v. the capital investment needs of each community district under current conditions, any projects corresponding to the community district found in the most recent capital commitment plan, and any additional capital needs to accommodate the community district level targets.

2. [No later than April twenty-second, two thousand eleven, and no later than every four years thereafter, the director shall develop and submit to the mayor and the speaker of the city council an updated long-term sustainability plan, setting forth goals associated with each category established pursuant to paragraph one of subdivision b of this section and any additional categories established by the director, and a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal by no later than twenty years from the date each such updated long-term sustainability plan is submitted. No later than two thousand fifteen, and no later than every four years thereafter, the plan shall also include a list of policies, programs and actions that the city will seek to implement or undertake to achieve each goal relating to the resiliency of critical infrastructure, the built environment, coastal protection and communities. Such updated plan shall take into account the population projections required pursuant to subdivision d of this section. An updated] *Such* plan shall include [, for each four-year period beginning on the date an updated plan is submitted to the mayor and the speaker of the city council,] implementation milestones for each policy, program and action contained in such plan *including an identification of the responsible agency and a projected timeline for completion, where applicable,* [. An updated plan] and shall report on the status of the milestones contained in the immediately preceding [updated] plan. Where any categories, goals, policies, programs or actions have been revised in, added to or deleted from a [an updated] plan, or where any milestone

has been revised in or deleted from a [an updated] plan, the plan shall include the reason for such addition, revision or deletion. [The director shall seek public input regarding an updated plan and its implementation before developing and submitting such plan pursuant to this paragraph. The director shall coordinate the implementation of an updated long-term sustainability plan.]

3. *Following the release of the citywide goals statement required by section 17, the director shall hold at least one public meeting within each community district to solicit input on the draft comprehensive long-term plan.*

4. *No later than April 15, 2024, and no later than every tenth April 15 thereafter, the director shall submit to the council, borough presidents, and community boards a draft comprehensive long-term plan.*

5. *No later than 150 days after the submission of the draft comprehensive long-term plan, the long-term planning steering committee, applicable borough presidents, and applicable community boards shall each submit to the speaker of the city council a recommended preferred land use scenario for each applicable community district and may adopt suggested amendments to the corresponding community district level targets.*

6. *No later than February 15, 2025 and no later than every tenth February 15 thereafter, the council shall, after a hearing on the draft comprehensive long-term plan, adopt a single resolution establishing one preferred land use scenario for each community district. If the council fails to adopt a preferred land use scenario for each community district by such date, the director shall select preferred land use scenarios, which shall be accompanied by a written narrative describing the director's selection process.*

7. *Not later than June 5, 2025, and every tenth June 5 thereafter, the director shall submit to the speaker of the city council, borough presidents, and community boards, a final comprehensive long-term plan prepared in accordance with the provisions of this section. The final comprehensive long-term plan shall include the preferred land use scenario and community district level targets adopted by the council for each community district. If the council failed to adopt a preferred land use scenario, the final comprehensive long-term plan shall include the preferred land use scenario selected by the director for each community district. The director shall consider all public feedback in producing the final plan.*

8. *The plan required by this subdivision, and any amendment thereto, shall be subject to the provisions of the city environmental quality review procedure and shall be designed to also serve as, or be accompanied by, a generic environmental impact statement developed pursuant to the state environmental quality review act statute and regulations. No further compliance with such law shall be required for subsequent site specific actions that are in conformance with the conditions and thresholds established for such actions in the generic environmental impact statement and its findings.*

9. *If the citywide goals statement pursuant to subdivision d of section 17 adds, eliminates, or substantially changes the community district level targets pursuant to subdivision a of section 17 by increasing or decreasing the targets by more than ten percent, the director shall produce an amendment to the comprehensive long-term plan no later than June 4 in the fifth year following the release of the draft comprehensive long-term plan pursuant to this section. The director shall convene at least one public meeting in each borough on the updated comprehensive long-term plan and provide opportunities for the public to comment. Following the public meetings, any proposed updated preferred land use scenario shall be subject to council review and adoption pursuant to the procedures of paragraph 3 of this subdivision.*

§ 5. Subdivision f of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[f] e. Review and reporting. 1. No later than *December 31, 2022*, [April twenty-second, two thousand nine.] and no later than every *December 31* [April twenty-second] thereafter, the director shall prepare and submit to the mayor, [and] the speaker of the city council, *and the long-term planning steering committee* a report on the city's long-term planning and sustainability efforts. In those years when an updated long-term [sustainability] plan is submitted pursuant to paragraph two of subdivision [e] d of this section, such report may be incorporated into the updated long-term [sustainability] plan. The report shall include, at a minimum:

i. the city's progress made to implement or undertake policies, programs and actions, *including the community district level targets*, included in the [sustainability] comprehensive *long-term plan* [or updated sustainability plan required by subdivision e of this section] *and the ten-year capital strategy prepared pursuant to section 215*, since the submission of the most recent plan [or updated plan] or report required by

this paragraph, *which shall include all city-initiated land use actions studied, scoped, or filed since the prior report; and*

ii. any revisions to policies, programs or actions in the previous long-term [sustainability] plan, including the reason for such revision.

§ 6. Subdivision g of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[g] *f.* [There shall be a sustainability advisory board whose members, including, at a minimum, representatives from environmental, environmental justice, planning, architecture, engineering, coastal protection, construction, critical infrastructure, labor, business and academic sectors, shall be appointed by the mayor. The advisory board shall also include the speaker of the city council or a designee and the chairperson of the council committee on environmental protection or a designee. The advisory board shall meet, at a minimum, twice per year and shall provide advice and recommendations to the director regarding the provisions of this section.]

Long-term Planning Steering Committee. 1. There shall be a long-term planning steering committee consisting of thirteen members appointed by the mayor, speaker of the city council, and borough presidents. No later than February 1, 2022, the mayor shall appoint four members to the committee, the speaker of the city council shall appoint four members to the committee, and each borough president shall appoint one member each to the committee. In the event of a vacancy on the committee, a successor shall be chosen in the same manner as the original appointment. The committee shall include individuals who are members of groups historically underrepresented in planning and land use decision-making processes. Each appointed member shall have expertise in one or more of the following areas: planning, transportation, sustainability, resilience, housing, public utilities, social services, and economic development.

2. The steering committee shall: i. establish the citywide targets described by section 17 by majority vote no later than March 1, 2023 and every tenth March 1 thereafter, and as necessary revise no later than July 1 of the corresponding year;

ii. meet, at a minimum, twice per year and provide recommendations to the director regarding the provisions of this section;

iii. hold at least one annual hearing on the planning process and implementation of the comprehensive long-term plan;

iv. adopt criteria and methodology for establishing the three potential land use scenarios pursuant to subparagraph vii of subdivision d of section 20, no later than March 1, 2023 and every tenth March 1 thereafter, and as necessary revise no later than July 1 of the corresponding year;

v. adopt the community district level targets for any category within the previously adopted citywide targets, no later than February 1, 2024 and every tenth February 1, 204 thereafter; and

vi. no later than January 31 of each year, issue a report to the mayor and speaker of the city council that describes each meeting held by the committee and any other activities undertaken by the committee for the immediately preceding year.

3. Borough Steering Committees. The long-term planning steering committee shall no later than September 1, 2022 convene borough steering committees to inform the comprehensive long-term planning process and the long-term planning steering committee's obligations under paragraph 2 of this subdivision. In convening borough steering committees, the long-term planning steering committee shall ensure each borough steering committee reflects the diversity of each borough with respect to race, ethnicity, earnings, age, gender, ability, homeownership rates, and immigration status among other factors determined by the long-term planning steering committee. The borough steering committee shall provide recommendations to the comprehensive long-term planning steering committee on the citywide targets and potential land use scenario criteria and methodologies and on the committee's preferred land use planning scenario for each community district. Such recommendations, upon their transmittal to the steering committee, shall be sent to the mayor, speaker, borough presidents, and community boards.

§ 7. Subdivision h of section 20 of the New York city charter, as added by local law 17 of 2008, is amended to read as follows:

[h] *g.* The director shall post on the city's website, a copy of each [sustainability] *comprehensive long-term plan* required by subdivision [e] *d* of this section, and all reports prepared pursuant to this section, within ten days of their completion.

§ 8. Subdivisions i and j of section 20 of the New York city charter are renumbered h and i, respectively.

§ 9. Section 20 of the New York city charter, as added by local law 17 of 2008, is amended to add subdivision j as follows:

j. Conditions of the City report. 1. No later than February 7, 2023, and every five years thereafter, the director shall prepare and submit a report detailing the existing conditions of the city for the purpose of comprehensive long-term planning. No sooner than six months prior to the date established for the release of the report required by this subdivision, the director shall convene at least one public meeting in each borough to solicit feedback on existing conditions and areas of inquiry.

2. Such report shall include: i. a summary of the most significant long-term issues faced by the city as determined by the director and an identification and analysis of comprehensive long-term planning and sustainability issues associated with, but not limited to housing, employment, open space, transportation, education, city facilities and infrastructure, resiliency, energy, climate change, public health, arts and culture, economic development, zoning, and land use;

ii. an analysis of overall changes in demographic, housing, and economic data over the prior 20 years and projections for the subsequent 20 years, including population, race, ethnicity, age, and household family structures; housing market and production data; and changes in employment, the number and size of businesses, and industry sectors, and wages, as available;

iii. an assessment of the city's existing and projected affordable housing needs, with respect to the number and size of units, depth of affordability, and unit habitability, including projected needs for maintenance, repairs, capital improvements, and expiring regulatory tools for the city's existing affordable housing stock;

iv. a displacement risk index designed to predict areas with populations that are at risk for physical displacement based on indicators of population vulnerability, including but not limited to development potential, construction activity, median rents and rates of rent burden, housing market changes including residential property sales prices and the number and share of rent-stabilized units, eviction rates, employment and wage data, poverty rates, and projected climate change impacts;

v. an access to opportunity index that identifies disparities among populations with respect to social, economic, and physical determinants including but not limited to access and proximity to existing civic infrastructure including schools, libraries, health care centers, child care centers, parks and open space, proximity to public transit; the quality of existing transportation infrastructure including streets and sidewalks; school performance and graduation rates; proximity to employment; and access to healthy food;

vi. an assessment of segregation, including, but not limited to, fair housing and school segregation by race, ethnicity, or income;

vii. a climate change adaptation analysis that identifies short-, medium- and long-term threats to the city, including but not limited to those projections made by the New York city panel on climate change pursuant to paragraph 2 of subdivision 2 of section 3-122 of the administrative code;

viii. an assessment of waterfront resources for the natural waterfront, the public waterfront, the working waterfront, and the developing waterfront;

ix. rankings indicating how saturated each community district is with respect to city facilities and services discussed in section 203;

x. a physical needs assessment that assesses and rates the physical condition and state of repair of the city's capital assets, including, but not limited to, buildings, facilities, infrastructure, systems, or components thereof. Such physical needs assessment shall include a resiliency score for each capital asset calculated in accordance with a resiliency score matrix prepared by the office. Such resiliency score matrix may include but need not be limited to features such as elevation to reduce the risk of flooding over the anticipated useful life; flood-proofing of structures or equipment; energy efficiency; energy resilience, including energy storage with or without use of on-site renewable energy generation; and on-site storm water capture and management. Such physical needs assessment shall be prepared or reviewed by professional engineers or architects after a field inspection and shall contain a recommendation of whether to repair, replace or maintain each capital asset or component thereof, or take no action, as well as an assessment of the urgency and purpose of any such recommended action;

xi. an analysis of the five most recent social equity reports on the social economic and environmental health of the city required by section 16 of the Charter including data on the social, economic, and environmental conditions; gender, racial, ethnic and income disparities; and disparities relating to sexual

orientation, as well as other disparities as may be identified by such report, which may include national origin, citizenship status, age, and disability status, across the domains of education, health and wellbeing, housing, empowered residents and neighborhoods, economic security and mobility, core infrastructure and the environment, personal and community safety, and diverse and inclusive government;

xii. a summary of the significant plans and studies completed or undertaken by the department of city planning and adopted plans proposed pursuant to section 197-a in the preceding ten years; and

xiii. an analysis of all rezonings adopted no less than 10 years and no greater than 15 years prior to the release of the report required by this subdivision where the (1) amendments to the zoning regulations pertaining to such area were proposed by the city or a local development corporation; (2) the city planning commission approved or approved with modifications such amendments for a matter described in paragraph 3 of subdivision a of section 197-c of the charter; (3) the city planning commission decision was approved or approved with modifications by the council pursuant to section 197-d of the charter and is not subject to further action pursuant to subdivision e or f of such section; or (4) the amendments involved at least 10 blocks of real property in such area or increased permitted floor area by at least one million square feet. Such analysis shall review the impacts of such rezonings, including but not limited to changes in land use, production of housing units and affordable housing units, production of commercial and industrial space, median market-rate rent, project area population and key characteristics such as race, ethnicity, median household income, project area businesses, employment, and industry sectors and evaluate these impacts in comparison to the stated policy goals of the project.

§ 10. Subdivision 14 of section 82 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

14. On or before [the first day of] September 1, [nineteen hundred ninety] 2022, and every [four] five years thereafter, prepare a strategic policy statement for the borough and provide copies of such statement to the mayor, council, [and] community boards in the borough, *and the director of the office of long-term planning.* Such statement shall include: (i) a summary of the most significant long-term issues faced by the borough; (ii) policy goals related to such issues *that reduce and eliminate disparities across race, geography and socioeconomic status in access to opportunity and the distribution of resources and development;* and (iii) proposed strategies for meeting such goals. In preparing the statement, the borough president shall consult with the community boards in the borough.

§ 11. Subdivision b of section 197-c of the New York city charter, as amended by a vote of the electors on November 7, 1989 is amended to read as follows:

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, [and] (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law, *and (5) a statement of alignment describing how the application aligns, conflicts, or is not applicable to the comprehensive long-term plan prepared pursuant to subdivision d of section 20.* The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

§ 12. Subdivision c of section 197-c of the New York city charter is amended to read as follows:

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. *The department shall promulgate rules to determine whether such applications align with the comprehensive long-term plan required by subdivision d of section 20.* Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is

necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

§ 13. Subdivision h of section 197-c of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the department of citywide administrative services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action. *A written explanation of the rationale for such action shall accompany any (i) action of the city planning commission, or (ii) written recommendation of a community board, borough president, or borough board, which approve or modify an application which conflicts with the comprehensive long-term plan prepared pursuant to subdivision d of section 20.*

§ 14. Paragraph 1 of subdivision b of section 197-d of the New York city charter is amended to read as follows:

(1) any decision of the city planning commission to approve or approve with modifications a matter described in paragraph three *of subdivision a of section one hundred ninety-seven that is deemed to conflict with a land use scenario found in paragraph 7 of subdivision d of section 20, a matter described in paragraph [or] eight of subdivision a of section one hundred ninety-seven-c, a disposition of residential real property (as defined in this paragraph) pursuant to paragraph ten of subdivision a of section one hundred ninety-seven-c (except for dispositions to companies that have been organized exclusively to develop housing projects for persons of low income), a plan pursuant to section one hundred ninety-seven-a that is deemed to conflict with a land use scenario found in paragraph 7 of subdivision d of section 20, or a change in the text of the zoning resolution pursuant to sections two hundred or two hundred one that is deemed to conflict with a land use scenario found in paragraph 7 of subdivision d of section 20.* For purposes of this section, residential real property shall mean real property improved by structures, whether or not occupied, built for or converted to a use which is primarily residential, but shall not include property subsequently converted to non-residential use;

§ 15. Section 205 of the New York city charter is REPEALED.

§ 16. Subdivisions b and c of section 215 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

a. The ten-year capital strategy shall be issued by the mayor pursuant to section two hundred forty-eight after [(i)] 1. submission of a preliminary strategy by the department of city planning and the office of management and budget pursuant to section two hundred twenty-eight, and [(ii)] 2. submission of a report on the preliminary strategy by the city planning commission following a public hearing, pursuant to section two hundred thirty-four.

b. Contents of ten-year capital strategy. Each ten-year capital strategy shall include:

[(1)] 1. *A section detailing the cost to maintain existing city infrastructure and public buildings in a state of good repair so as to preserve structural integrity and prevent deterioration. This section shall include a cost estimate for every action recommended in the physical needs assessment required by subdivision j of section 20, and shall be prepared or reviewed by the professional engineers or architects who prepared or reviewed the physical needs assessment or by professional engineers or architects registered in the state of New York and employed by the office of management and budget or the agencies involved. The cost estimates shall be*

organized by agency and completed without regard to whether funds are available at the time the ten-year capital strategy is completed to do the work projected by the physical needs assessment;

2. [a] A narrative describing the strategy for the construction and development of [the] new city[']s capital facilities and infrastructure for the ensuing ten fiscal years; the factors underlying such strategy including goals, policies, constraints and assumptions and the criteria for assessment of capital needs and how those factors align with each goal or citywide budget priority set forth in the comprehensive long-term plan prepared pursuant to subdivision d of section 20 or any new goals or budget priorities set forth in the amendment to the draft comprehensive long-term plan; the anticipated sources of financing for such strategy; and the implications of the strategy, including possible economic, social and environmental effects. This section shall include tables presenting the capital commitments that would need to be made during each of the ensuing ten fiscal years, by program category and agency, to complete the projects proposed therein, regardless of whether such funds will actually be available or committed in the applicable build years; and

[(2) tables presenting the capital commitments estimated to be made during each of the ensuing ten fiscal years, by program category and agency. Where relevant the anticipated sources of financing for particular categories and projects shall be specified; and]

[(3)] 3. a map or maps which illustrate major components of the strategy as relevant.

c. Any project included in the ten-year capital strategy which addresses a goal or budget priority identified in the comprehensive long-term plan required by subdivision d of section 20 or that fulfill the capital investment needs of each community district as set forth in subdivision d of section 20, shall be so identified in the ten-year capital strategy.

[c] d. In the preparation of the preliminary ten-year capital strategy, the department of city planning and office of management and budget shall consider [(i)] 1. the citywide goals statement and the strategic policy statements of [the mayor and] the borough presidents [pursuant to section seventeen, (ii)] 2. relevant citywide, borough and community plans adopted pursuant to section one hundred ninety seven-a, 3. the physical needs assessment, and [(iii)] 4. the reports pursuant to section two hundred fifty-seven comparing the most recent ten-year capital strategy with the capital budgets and programs adopted for the current and previous fiscal years.

§ 17. Subdivision d of section 219 of the New York city charter, as renumbered and amended by a vote of the electors on November 7, 1989, is amended to read as follows:

d. The mayor shall require each agency to prepare and submit periodic reports in regard to the progress of its capital projects and projected capital projects for the succeeding ten fiscal years, including schedules and clear explanations of any delays for particular projects and summary information on each agency's record on such matters. If such proposed, added, or projected project was not previously anticipated by the physical needs assessment or ten-year capital strategy, the agency shall provide an assessment of the necessary addition or deviation. Such reports shall be published at least three times each year: no later than 120 days after the adoption of the capital budget; no later than 30 days after submission of the preliminary capital budget; and no later than 30 days after submission of the executive capital budget. Copies of such reports shall be transmitted by the mayor to the council, the city planning commission, the community boards, the borough boards and borough presidents, and posted online on the website of the office of management and budget in a machine-readable format. Such reports shall include, for each project, the dates set in the adopted capital budget for the completion of scope, design, and construction and any changes in such dates.

§ 18. Section 228 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 228 Draft ten-year capital strategy. Not later than the first day of November [in each even-numbered year] 2024 and every five years thereafter, the director of management and budget and the director of city planning shall jointly submit to the mayor, the council, the borough presidents and the city planning commission a draft ten-year capital strategy prepared in accordance with the provisions of section two hundred fifteen.

§ 19. Subdivision a of section 230 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

a. Not later than thirty days prior to the date set by the mayor in accordance with section two hundred thirty-one for the submission of departmental estimates, each community board shall submit to the mayor and the appropriate borough president a statement of its expense budget priorities and a statement of its capital

budget priorities for the ensuing fiscal year, in such form and containing such information as the mayor shall prescribe. The form prescribed by the mayor shall include (i) a method by which continuing support may be expressed by a community board for existing programs and capital projects; [and] (ii) reasonable limitations on the total number of expense and capital budget priorities which a community board may propose; *and* (iii) *a requirement that the community board identify whether each such expense and capital budget priority was included in the most recent statement of community district needs required by paragraph 10 of subdivision d of section 2800 and the reason for identification of any new needs or reprioritization.* The mayor shall provide each community board with reasonable notice of the date set for the submission of such priorities. The mayor shall ensure that representatives of each agency that delivers local services, or is responsible for capital projects, within any community district shall be available for consultation with the community board for such community district in the preparation of its statement of budget priorities.

§ 20. Section 234 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

Not later than the sixteenth day of January [in each odd numbered year] *2025 and every five years thereafter*, the city planning commission shall submit to the mayor, the borough presidents and the council a report containing its comments on the draft ten-year capital strategy submitted in accordance with section two hundred twenty-eight of this chapter, including such recommendations as it deems appropriate. The city planning commission, in the preparation of such report, shall, upon adequate public notice, hold a public hearing at which interested organizations and individuals may express their opinions regarding the draft ten-year capital strategy.

§ 21. Section 248 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

Not later than the twenty-sixth day of April [in each odd-numbered year] *2025 and every five years thereafter*, the mayor shall issue and publish a ten-year capital strategy, prepared in accordance with the provisions of section two hundred fifteen of this chapter.

§ 22. Subdivision f of section 1110-a of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

f. Not later than the first day of October of each year, commencing in nineteen hundred ninety and ending in 2022, the mayor shall transmit to the council estimates for the ensuing fiscal year and for each of the three succeeding fiscal years of the amounts, by agency and project type and, within project type, by personal services and other-than-personal services, necessary to maintain all major portions of the capital, consistent with the maintenance schedules on file with the mayor pursuant to subdivision e of this section. Such estimates shall be prepared or reviewed by the professional engineers or architects who prepared or reviewed such maintenance schedules or by professional engineers or architects registered in the State of New York and employed by the office of management and budget or the agencies involved. Such architects or engineers shall set forth in writing (1) their opinions as to the reasonableness of such estimates and whether such estimates have been logically derived from such maintenance schedules and (2) their recommendations, if any, for changes in such estimates. Such opinions and recommendations shall be centrally stored and accessible to any interested party.

§ 23. Section 1110-a of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to add a new subdivision h to read as follows:

h. Not later than the first day of October 2023, and not later than October 1 of each year thereafter, the mayor shall transmit to the council and post online in machine-readable format, an updated recommendation of whether to repair, replace or maintain each capital asset or component thereof, or take no action for every item deemed to be in poor condition or to require urgent maintenance or replacement pursuant to the physical needs assessment mandated by subdivision j of section 20. Such recommendation shall be accompanied by a cost estimate for the work projected by the recommended action. Such recommendations and estimates shall be prepared in the same manner as the recommendations contained in the physical needs assessment and the estimates contained in ten-year capital strategy pursuant to paragraph 1 of subdivision b of section 215.

§ 24. Paragraph 10 of subdivision d of section 2800 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

(10) Prepare and submit to the mayor, [on or before a date established by the mayor] *no later than September 15, 2022 and every two years thereafter*, [an annual] a statement of community district needs *in a*

form and containing such information as the mayor shall prescribe. The form prescribed by the mayor shall include: [including] a brief description of the district, the board's assessment of its current and probable future needs, [and] its recommendations for programs, projects, or activities to meet those needs, and a standardized qualitative and quantitative survey, including, but not limited to, ranked expense and capital budget priorities.

§ 25. Subdivision b of section 668 of the New York city charter, as amended by local law number 83 for the year 2017, is amended to read as follows:

b. The recommendation of a community board or borough board pursuant to subdivision a of this section shall be filed with the board of standards and appeals and a copy sent to the city planning commission. The board of standards and appeals shall conduct a public hearing and act on the proposed application. A decision of the board shall indicate whether each of the specific requirements of the zoning resolution for the granting of variances has been met and shall include findings of fact with regard to each such requirement. When the board of standards and appeals grants or denies an application for a variance or special permit, the board shall respond, as applicable, to any relevant recommendation *included in the comprehensive long-term plan required by subdivision d of section 20_or* filed with such board by a community board or borough board regarding such application. Inadvertent failure to comply with the preceding sentence shall not result in the invalidation of any board decision.

§ 26. Section 5 of the New York city charter, as amended by a vote of the electors on November 7, 1989, is amended to read as follows:

§ 5. Annual statement to the council. The mayor shall communicate to the council at least once in each year a statement of the finances, government and affairs of the city with a summary statement of the activities of the agencies of the city. [Such statement shall include a summary of the city's progress in implementing the goals and strategies contained in the most recent final strategic policy statement submitted by that mayor pursuant to section seventeen.]

§ 27. Sections 3, 8, 9, 15, 16, and 17 of this local law shall take effect February 7, 2023; sections 1 and 26 of this local law shall take effect April 15, 2023; sections 2, 12, and 20 of this local law shall take effect immediately; sections 4 and 7 of this local law shall take effect April 15, 2024; section 5 of this local law shall take effect December 31, 2022; section 6 of this local law shall take effect February 1, 2022; sections 10 and 19 of this local law shall take effect September 1, 2022; sections 11, 13, 14, and 25 of this local law shall take effect June 5, 2025, section 18 of this local law shall take effect November 1, 2024; section 22 of this local law shall take effect January 16, 2025; section 21 of this local law shall take effect April 25, 2025; section 23 of this local shall take effect October 1, 2023; and section 24 of this local law shall take effect September 15, 2022.

Referred to the Committee on Governmental Operations.

Preconsidered Int. No. 2187

By Council Members Adams, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Jr., Cumbo, R. Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Koslowitz, Lander, Levin, Levine, Maisel, Matteo, Miller, Moya, Perkins, Reynoso, Rivera, Rodriguez, Rose, Salamanca, Jr., Torres, Treyger, Ulrich, Vallone and Van Bramer.

A Local Law in relation to the naming of 92 thoroughfares and public places, Pandit Ramlall Way, Borough of Queens, Henry Clayton Street, Borough of Queens, Little Guyana Avenue, Borough of Queens, Coach Skip Branch Way, Borough of Manhattan, Lou 'Big Lou' Torres Way, Borough of the Bronx, Terence Cardinal Cooke Way, Borough of Manhattan, Police Officer Randolph Holder Way, Borough of Manhattan, Akai Gurley Way, Borough of Brooklyn, MaryLou Cerqua Way, Borough of Staten Island, Clifford Holtermann Way, Borough of Staten Island, Peter Catello Way, Borough of Staten Island, Anthony M. Scarpaci Sr. Way, Borough of Brooklyn, Nilda Velazquez Way, Borough of the Bronx, Five Points, Borough of Manhattan, Bishop Michel White Way, Borough of the Bronx, Lt. Paramedic Edith Elida Torres Way, Borough of Queens, Yusuf Kirriem

Hawkins Way, Borough of Brooklyn, Richard Wright Way, Borough of Brooklyn, Melquain Jatelle Anderson Drive, Borough of Brooklyn, Ida B. Wells Plaza, Borough of Brooklyn, Jitu Weusi Plaza, Borough of Brooklyn, Dr. Sam Pinn Way, Borough of Brooklyn, Joe Torres Way, Borough of the Bronx, Janta-Polczyńska Polish Heroes Way, Borough of Queens, Dr. Roy Hastick Sr. Way, Borough of Brooklyn, Bishop Ceacer Gooding Road, Borough of the Bronx, Naimah Bilal Way, Borough of the Bronx, Joanne Webb-Dixon Way, Borough of the Bronx, Brandon Hendricks-Ellison Boulevard, Borough of the Bronx, Daniel C. Cestaro Way, Borough of the Bronx, Beatrice Castiglia Catullo Way, Borough of the Bronx, Joe DeSimone Way, Borough of the Bronx, Lorraine Nugent Way, Borough of the Bronx, 5th Bombardment Squadron Memorial Way, Borough of Queens, Council Member Thomas V. Ognibene Way, Borough of Queens, Neir's Tavern Way, Borough of Queens, Detective Jeffrey A. Lee Way, Borough of Queens, Rabbi Dr. Asher Murciano Way, Borough of Queens, Mary Sansone Way, Borough of Brooklyn, Joseph A. Ferris Way, Borough of Brooklyn, Jose A. Perez Way, Borough of Brooklyn, Pete Hamill Way, Borough of Brooklyn, Firefighter John "Jack" Toomey Way, Borough of Brooklyn, St. Raphael of Brooklyn Place, Borough of Brooklyn, Cecil Corbin-Mark Way, Borough of Manhattan, Lewis A. Fidler Way, Borough of Brooklyn, Mary "Mary C" Cali-Dalton Way, Borough of Staten Island, Floyd H. Flake Boulevard, Borough of Queens, David F. Bluford Way, Borough of Queens, Priscilla Carrow Way, Borough of Queens, Lorena Borjas Way, Borough of Queens, Vera E. Thompson Way, Borough of Queens, Lamont "Big L" Coleman Way, Borough of Manhattan, Calle Frenchie, Borough of Brooklyn, Antoinette Ali-Sanders Way, Borough of Queens, Chanta Howard Way, Borough of Queens, Benjamin Wright Way, Borough of Queens, Jules Taylor Way, Borough of Queens, Harry T. Burleigh Place, Borough of Manhattan, Walther Delgado Way, Borough of Manhattan, Victor Victor Way, Borough of Manhattan, Miguel A. Melenciano Way, Borough of Manhattan, Healthcare Heroes Way, Borough of Manhattan, Hon. Vito J. Titone Way, Borough of Staten Island, Coach John Tobin Corner, Borough of Staten Island, Nurse Patricia Mary Farrington Way, Borough of Staten Island, Educator & Athlete Arnold Obey Way, Borough of Staten Island, Albert "Al" Quinones Way, Borough of the Bronx, Heidi Hynes Way, Borough of the Bronx, Rev. Wendell T. Foster Way, Borough of the Bronx, Union Grove Missionary Baptist Church Way, Borough of the Bronx, Reverend Dr. Henry Bolden Boulevard, Borough of the Bronx, Frederick 'Fred The Godson' Thomas Avenue, Borough of the Bronx, Pastor Marie C. Norwood Way, Borough of the Bronx, Carl Reiner Lane, Borough of the Bronx, Anne Bancroft Way, Borough of the Bronx, Joseph Migliucci Way, Borough of the Bronx, Teitel Brothers Lane, Borough of the Bronx, Cosenza Way, Borough of the Bronx, Madonia Way, Borough of the Bronx, Lawrence Fisk Way, Borough of Brooklyn, Carmela 'Mrs. C' Casamento Way, Borough of Brooklyn, Glenda Cohen Street, Borough of Queens, Msgr. John C. Tosi Way, Borough of Queens, Don McCallian Way, Borough of Queens, George S. Kaufman Way, Borough of Queens, Luis Alvarez Way, Borough of Queens, Tarlach Mac Niallais Way, Borough of Queens, Edward Charles "Whitey" Ford Way, Borough of Queens, Community Leader William L. Taitt Way, Borough of Staten Island, Big Punisher Way, Borough of the Bronx, Pfc. Luke N. Gasparre Way, Borough of Queens and the repeal of section 16 of local law number 158 for the year 2019 and sections 34, 37 and 45 of local law number 26 for the year 2020.

Be it enacted by the Council as follows:

Section 1. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pandit Ramlall Way	None	At the southwest corner of 133rd Street and Liberty Avenue

§2. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Henry Clayton Street	169th Street	Between 137th Avenue and 140th Avenue

§3. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Little Guyana Avenue	Liberty Avenue	Between the Van Wyck Expressway and Woodhaven Boulevard

§4. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Coach Skip Branch Way	None	At the southeast corner of East 100th Street and Third Avenue

§5. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lou 'Big Lou' Torres Way	None	At the southwest corner of East 149th Street and Jackson Avenue

§6. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Terence Cardinal Cooke Way	None	At the southeast corner of Fifth Avenue and East 106th Street

§7. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Police Officer Randolph Holder Way	None	At the intersection of East 120th Street and the FDR Drive

§8. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Akai Gurley Way	None	At the intersection of Eldert Lane and Linden Boulevard

§9. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
MaryLou Cerqua Way	None	At the intersection of Wiman Avenue and Hylan Boulevard

§10. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Clifford Holtermann Way	None	At the southwest corner of Arthur Kill Road and Miles Avenue

§11. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Peter Catello Way	None	At the southwest corner of Arthur Kill Road and Industrial Loop West

§12. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anthony M. Scarpaci Sr. Way	None	At the intersection of 14th Street and 86th Street

§13. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Nilda Velazquez Way	None	At the southwest corner of West Fordham Road and Davidson Avenue

§14. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Five Points	None	On the south side of Baxter Street and Worth Street

§15. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Michel White Way	White Plains Road	Between 233rd Street and 234th Street

§16. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lt. Paramedic Edith Elida Torres Way	None	At the northeast corner of 21st Street and 34th Avenue

§17. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Yusuf Kirriem Hawkins Way	Verona Place	Between Fulton Street and Macon Street

§18. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Richard Wright Way	Carlton Avenue	Between Willoughby Avenue and Myrtle Avenue

§19. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Melquain Jatelle Anderson Drive	None	At the intersection of Gold Street and York Street

§20. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Ida B. Wells Plaza	Barclays Times Plaza	

§21. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jitu Weusi Plaza	Putnam Plaza	

§22. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Sam Pinn Way	Fulton Street	Between Grand Avenue and Cambridge Place

§23. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe Torres Way	None	At the intersection of Westchester Avenue and Thieriot Avenue

§24. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Janta-Półczyńska Polish Heroes Way	None	At the south side of 43rd Avenue and Judge Street

§25. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Dr. Roy Hastick Sr. Way	None	At the intersection of Caton Avenue and Flatbush Avenue

§26. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Bishop Ceacer Gooding Road	None	At the intersection of Macombs Road and West Mount Eden Avenue

§27. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Naimah Bilal Way	None	At the intersection of Macombs Road and Goble Place

§28. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joanne Webb-Dixon Way	None	At the southeast corner of Trinity Avenue and 161st Street

§29. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Brandon Hendricks-Ellison Boulevard	None	At the northeast corner of Park Avenue and East 156th Street

§30. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Daniel C. Cestaro Way	None	At the intersection of Morris Park Avenue and Hone Avenue

§31. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Beatrice Castiglia Catullo Way	None	At the intersection of Morris Park Avenue and Matthews Avenue

§32. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joe DeSimone Way	None	At the intersection of Middletown Road and Stadium Avenue

§33. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lorraine Nugent Way	None	At the intersection of Bayshore Avenue and Ampere Avenue

§34. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
5 th Bombardment Squadron Memorial Way	None	At the intersection of Hillside Avenue and 239th Street

§35. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Council Member Thomas V. Ognibene Way	None	At the intersection of 83rd Street and Furmanville Avenue

§36. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Neir's Tavern Way	None	At the intersection of 78th Street and 88th Avenue

§37. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Detective Jeffrey A. Lee Way	None	At the southwest corner of Yellowstone Boulevard and Austin Street

§38. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rabbi Dr. Asher Murciano Way	None	At the northwest corner of 108th Street and 67th Avenue

§39. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mary Sansone Way	None	At the intersection of DeGraw Street and Henry Street

§40. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph A. Ferris Way	None	At the southeast corner of 7th Avenue and 3rd Street

§41. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jose A. Perez Way	None	At the northeast corner of 3rd Street and Prospect Park West

§42. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pete Hamill Way	7th Avenue	Between 11th Street and 12th Street

§43. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Firefighter John "Jack" Toomey Way	Hoyt Street	Between Sackett Street and Union Street

§44. The following street name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
St. Raphael of Brooklyn Place	State Street	Between Hoyt Street and Bond Street

§45. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cecil Corbin-Mark Way	None	At the southwest corner of 143rd Street and Convent Avenue

§46. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lewis A. Fidler Way	None	At the southwest corner of Avenue R and Haring Street

§47. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Mary "Mary C" Cali-Dalton Way	None	At the intersection of Cedar Grove Avenue and Milbank Avenue

§48. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Floyd H. Flake Boulevard	Merrick Boulevard	Between Jamaica Avenue and the Cross Island Parkway

§49. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
David F. Bluford Way	None	At the northwest corner of 178th Place and Murdock Avenue

§50. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Priscilla Carrow Way	None	At the northeast corner of 98th Place and 57th Avenue

§51. The following street name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lorena Borjas Way	83rd Street	Between 37th Avenue and Roosevelt Avenue

§52. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Vera E. Thompson Way	None	At the southeast corner of 94th Street and Astoria Boulevard

§53. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lamont "Big L" Coleman Way	None	At the intersection of 140th Street and Malcolm X Boulevard

§54. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Calle Frenchie	None	At the northeast corner of Marcy Avenue and Broadway

§55. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Antoinette Ali-Sanders Way	None	At the intersection of Beach 17th Street and Seagirt Boulevard

§56. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Chanta Howard Way	None	At the intersection of Hassock Street and Beach Channel Drive

§57. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Benjamin Wright Way	None	At the intersection of 158th Street and 140th Avenue

§58. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Jules Taylor Way	None	At the intersection of 232nd Street and Edgewood Avenue

§59. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Harry T. Burleigh Place	None	At the southeast corner of East 16th Street and 3rd Avenue

§60. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Walther Delgado Way	None	At the southwest corner of 207th Street and Post Avenue

§61. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Victor Victor Way	None	At the intersection of 176th Street and Fort Washington Avenue

§62. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Miguel A. Melenciano Way	None	At the corner of Broadway and 213th Street

§63. The following intersection name, in the Borough of Manhattan, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Healthcare Heroes Way	West 168th Street	Between Broadway and Fort Washington Avenue

§64. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Hon. Vito J. Titone Way	None	At the southeast corner of Hyatt Place and Central Avenue

§65. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Coach John Tobin Corner	None	At the northwest corner of Oakland Avenue and Nutly Place

§66. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Nurse Patricia Mary Farrington Way	None	At the northeast corner of Prospect Avenue and Pendleton Place

§67. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Educator & Athlete Arnold Obey Way	None	At the northeast corner of Jersey Street and Crescent Avenue

§68. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Albert "Al" Quinones Way	None	At the intersection of Avenue St. John and Kelly Street

§69. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Heidi Hynes Way	None	At the intersection of East 178th Street and Mapes Avenue

§70. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Rev. Wendell T. Foster Way	None	At the intersection of Forest Avenue and 161st Street

§71. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Union Grove Missionary Baptist Church Way	None	At the intersection of East 172nd Street and Hoe Avenue

§72. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Reverend Dr. Henry Bolden Boulevard	None	At the intersection of Elton Avenue and East 156th Street

§73. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Frederick 'Fred The Godson' Thomas Avenue	None	At the intersection of Leggett Avenue and Kelly Street

§74. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pastor Marie C. Norwood Way	None	At the intersection of Bronx Park South and Mohegan Avenue

§75. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carl Reiner Lane	None	At the intersection of Arthur Avenue and 188th Street

§76. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Anne Bancroft Way	None	At the intersection of Arthur Avenue and 188th Street

§77. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Joseph Migliucci Way	Arthur Avenue	Between 186th Street and 184th Street

§78. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Teitel Brothers Lane	None	At the intersection of Arthur Avenue and 186th Street

§79. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Cosenza Way	186th Street	Between Arthur Avenue and Hughes Avenue

§80. The following street name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Madonia Way	Arthur Avenue	Between 186th Street and 184th Street

§81. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Lawrence Fisk Way	None	At the intersection of East 2nd Street and Avenue Z

§82. The following intersection name, in the Borough of Brooklyn, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Carmela 'Mrs. C' Casamento Way	None	At the intersection of Avenue U and McDonald Avenue

§83. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Glenda Cohen Street	None	At the intersection of 153rd Avenue and 84th Street

§84. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Msgr. John C. Tosi Way	None	At the intersection of Clintonville Street and Locke Avenue

§85. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Don McCallian Way	None	At the southwest corner of 40th Street and Greenpoint Avenue

§86. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
George S. Kaufman Way	None	At the northwest corner of 35th Avenue and 36th Street

§87. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Luis Alvarez Way	None	At the southwest corner of 50th Avenue and Vernon Boulevard

§88. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Tarlach Mac Niallais Way	None	At the southeast corner of 49th Street and 43rd Avenue

§89. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Edward Charles "Whitey" Ford Way	43rd Street	Between 34th Avenue and 35th Avenue

§90. The following intersection name, in the Borough of Staten Island, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Community Leader William L. Taitt Way	None	At the northeast corner of Vanderbilt Avenue and Roff Street

§91. The following intersection name, in the Borough of the Bronx, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Big Punisher Way	None	At the intersection of Grand Concourse and West Fordham Road

§92. The following intersection name, in the Borough of Queens, is hereby designated as hereafter indicated.

New Name	Present Name	Limits
Pfc. Luke N. Gasparre Way	None	At the intersection of 43rd Street and 25th Avenue

§93. Section 16 of local law number 158 for the year 2019 is hereby REPEALED.

§94. Sections 34, 37 and 45 of local law number 26 for the year 2020 are hereby REPEALED.

§95. This local law shall take effect immediately.

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

Int. No. 2188

By Council Members Ayala, Kallos, Rosenthal, Miller, Perkins, Louis and Lander.

A Local Law to amend the administrative code of the city of New York, in relation to the police department’s response to students in emotional crisis in public schools

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-188 to read as follows:

§14-188 Response to students in emotional crisis. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Crisis intervention team. The term “crisis intervention team” means staff trained in de-escalating behavioral crises within schools, as created pursuant to the Department of Education Chancellor’s Regulation A-411 or any successor regulation or provision.

De-escalation techniques. The term “de-escalation techniques” means the use of verbal communication, body language, active listening, or tactics to defuse a volatile situation.

Mechanical restraints. The term “mechanical restraints” means any device or material attached or adjacent to the body that restricts freedom of movement or normal access to any portion of the body and that the individual cannot easily remove, including handcuffs and nylon or Velcro restraining devices.

Precinct officers. The term “precinct officer” means any police officer not assigned to the school safety division of the department

Serious physical injury. The term “serious physical injury” has the same meaning ascribed in section 10.00 of the penal law.

School safety personnel. The term “school safety personnel” means a school safety officer employed by the department or a police officer assigned to the school safety division of the department.

Student in emotional crisis. The term “student in emotional crisis” means a student that is displaying an emotional or behavioral reaction to the student’s surroundings or circumstances that escalates or intensifies and exceeds the student’s ability to cope and self-regulate.

b. When responding to a student in emotional crisis, school safety personnel shall:

1. intervene only at the request of on-site clinical school staff, if available, or the school’s crisis intervention team, if applicable;

2. intervene only after inquiring of school staff: (a) what interventions and de-escalation techniques the school used before contacting the school safety personnel, (b) whether the student’s parent or guardian had been contacted, and (c) whether the student’s behavior is believed to be a result of factors including but not limited to, age, medical conditions, mental impairment, developmental disability, serious functional limitation, language barrier, drug interaction or behavioral crisis;

3. employ all possible de-escalation techniques and engage with on-site clinical staff, if available; and

4. request assistance from a precinct officer only in circumstances where efforts pursuant to subparagraphs 1 – 3 of subparagraph have been unsuccessful and considering the following factors: (a) maintaining a safe learning environment for students, staff, and the community, (b) reducing the number of student arrests, (c) developing and sustaining positive relationships with students, staff, and the community, (d) the actual and developmental age of the student, and (e) the impact of precinct officer involvement on students and school climate.

c. Any precinct officer responding to a student in emotional crisis shall:

1. intervene only at the request of on-site clinical school staff, if available, or the school’s crisis intervention team, if applicable;

2. intervene only after inquiring of school staff: (a) what interventions and de-escalation techniques the school used before contacting the precinct officer, (b) whether the student’s parent or guardian had been contacted, and (c) whether the student’s behavior is believed to be a result of factors including but not limited to, age, medical conditions, mental impairment, developmental disability, serious functional limitation, language barrier, drug interaction or behavioral crisis; and

3. employ all possible de-escalation techniques and engage with on-site clinical staff, if available.

d. Unless otherwise authorized by state law:

1. department personnel shall not use mechanical restraints on a student in emotional crisis, unless restraints are necessary to prevent imminent serious physical injury to such child or another person, and such use of mechanical restraints is limited in duration to the extent to which such student presents a risk of causing serious physical injury to themselves or others; and

2. any determination that such student requires hospital transport for mental health evaluation shall be made by a clinically trained mental health professional.

e. Data collection. In all incident reports related to a department response to a student in emotional crisis, school safety personnel and precinct officers shall document:

1. De-escalation techniques utilized by the school staff prior to school safety personnel or precinct officer response.

2. De-escalation techniques used by school safety personnel or precinct officer.

3. School staff who called school safety personnel or precinct officer.

4. Whether a clinically trained mental health professional was available onsite and any interventions such individual provided.

5. If the student’s parent or guardian was notified prior to the department’s response to a student in emotional crisis.

6. If the student’s parent or guardian objected to transport of such student to the hospital.

7. Any injuries to the student or others.

f. Quality Assurance. The department shall conduct quality assurance checks to ensure that school safety personnel and precinct officers are complying with the provisions of this section and accurately completing the reporting requirements established in subdivision e of this section.

g. Training. 1. The department, in consultation with the department of education and the department of health and mental hygiene, shall develop and implement training regarding the identification of a student in emotional crisis. Such training shall be delivered annually to all school safety personnel and precinct officers who respond to schools prior to the start of each school year, include a proficiency examination or demonstration for each training component, and be developed in conjunction with outside experts. Such training shall include, but need not be limited to, the following subjects:

(a) Childhood emotional development and common manifestations of developmental disabilities and emotional crisis, including the impact of trauma and disabilities on behavior.

(b) Identifying a student that may be in need of medical care.

(c) Conflict resolution and de-escalating situations involving a student in emotional crisis.

(d) The emotional trauma inflicted by the use of mechanical restraints on minors, both to the student in emotional crisis and children bystanders.

(e) Best practices for the use of mechanical restraints on students, such as the type of such restraint and the manner of deployment.

(f) The school's de-escalation plan for students in emotional distress.

2. On October 1, 2021, and every October 1 thereafter, the department shall deliver to Council and post on its website a report detailing the substance of the training delivered pursuant to subdivision g of this section, including the outside expert utilized, the length and format of each training component. Such report shall also include the following information for the previous academic year:

(a) The number of school safety personnel and precinct officers responding to schools who received such training.

(b) The number of school safety personnel and precinct officers responding to schools that failed on their first attempt to demonstrate proficiency of the subject matter covered by the training as required by subdivision g of this section

(c) The number of school safety personnel that successfully demonstrated proficiency on the subject matter contained in the training as required by subdivision g of this section.

§ 2. This local law takes effect six months after it becomes law.

Referred to the Committee on Public Safety.

Res. No. 1508

Resolution supporting the passage of the Green Amendment to the New York State Constitution.

By Council Members Constantinides and Kallos.

Whereas, Article 1 of the New York State Constitution contains language explicitly protecting civil liberties such as freedom of speech, freedom of religious worship, freedom of assembly, habeas corpus, and equal protection under the law, however, it does not currently contain any provision guaranteeing New York residents access to a healthy environment; and

Whereas, The Green Amendment to the New York State Constitution would codify in the State's bill of rights that each person shall have a right to clean air and water, and a healthful environment; and

Whereas, A growing body of scientific research suggests that environmental hazards in the United States are often inequitably distributed, with poor communities of color more likely to be exposed to disproportionately high levels of environmental toxins, and more likely to suffer the consequences of proximity to polluting infrastructure; and

Whereas, Studies have shown that residence in environmental justice communities is associated with higher levels of infant and adult mortality, certain cancers, tuberculosis, asthma, and other respiratory illnesses; and

Whereas, Exposure to airborne environmental pollutants is especially detrimental to children, as their brains are still developing and because they take in more air and water per unit of their body size as compared to adults; and

Whereas, Childhood exposure to common airborne pollutants has been linked to reduced scores in intellectual development tests as well as increased incidences of psychiatric disorders, increased difficulties with emotional self-regulation, and a heightened risk for certain emotional or mental disorders; and

Whereas, In New York City, environmentally damaging infrastructure such as power plants and waste transfer stations tend to be situated in neighborhoods with high concentrations of self-identified minority individuals and high percentages of communities whose income is at or below the federal poverty guidelines; and

Whereas, These communities often suffer from significantly higher overall rates of asthma and hospitalization due to asthma than the citywide average, and have also been the hardest hit by the COVID-19 pandemic; and

Whereas, The addition of an amendment affirming New York City and New York State residents with access to clean air and water and a healthy environment would encourage legislators to more seriously consider environmental impacts and pollution concerns as part of the decision making process; now, therefore, be it

Resolved, That the Council of the City of New York supports the passage of the Green Amendment to the New York State Constitution.

Referred to the Committee on Environmental Protection.

Preconsidered Res. No. 1509

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

By Council Member Dromm.

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

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

Whereas, On June 14, 2018, the City Council adopted the expense budget for fiscal year 2019 with various programs and initiatives (the “Fiscal 2019 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving the new designation and/or changes in the designation for certain organizations receiving local, anti-poverty, and youth discretionary funding, and by approving the new designation and/or changes in the designation for certain organizations receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2020 Expense Budget by approving the changes in the designation for a certain organization receiving local discretionary funding, and by approving the changes in the designation for a certain organization receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2019 Expense Budget by approving the changes in the designation for a certain organization receiving funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2021 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the technical adjustment to a prior designation made to a certain organization receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of a certain organization receiving funding pursuant to the Public Health Funding Backfill Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the removal of funds from an administering agency pursuant to the Initiative for Immigrant Survivors of Domestic Violence in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the technical adjustment to a previous designation made to a certain organization receiving funding pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 17; and be it further

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

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving local discretionary funding pursuant to the Fiscal 2020 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2019 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the amendment of the description for the Description/Scope of Services for certain organizations receiving local, youth and anti-poverty discretionary funding and funding for a certain initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council designates the organizations that will receive equipment, specifically an automated external defibrillator, funded by the Beating Hearts Initiative as designated in Schedule C for Fiscal 2021, as set forth in Chart 27.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for Exhibits, please see the attachment to the resolution following the Report of the Committee on Finance for Res. No. 1509 printed in these Minutes).

Int. No. 2189

By Council Members Gjonaj, Yeger, Brannan, Rose, Ampy-Samuel, Vallone, Cornegy, Moya, Koo, Reynoso, Holden, Adams, Koslowitz and Ulrich.

A Local Law in relation to requiring the office of long-term planning and sustainability to study underground power lines

Be it enacted by the Council as follows:

Section 1. a. Definitions. As used in this section the term “office” means the office of long-term planning and sustainability.

b. Within six months of the effective date of this local law, the office shall conduct a study and submit a report to the mayor and the speaker of the council on the utilization of underground power lines in the city. To the extent that the data required by this subdivision has been made available by electric corporations that

provide electric service in the city, such study shall include, but need not be limited to, the following information for the most recent calendar year that such data is available, disaggregated by borough and community district, and any other areas as defined by the office:

1. The names of electric corporations that provide electric service in the city, including the number of residential customers and commercial customers serviced by underground power lines and above ground power lines by each such electric corporation, and the average cost per mile for maintenance and repair of underground power lines and above ground power lines for each such electric corporation;

2. The total number of power outages resulting from a failure of all electric utility infrastructure servicing a customer that were directly caused by damage resulting from weather events for the past ten years, including but not limited to damage resulting from: heat; cold; rain; flooding; trees; and wires downed by wind, snow or ice. The report shall provide a summary and statistical analysis of the data collected for each outage, including:

- (a) The number of customers affected;
- (b) The estimated number of persons affected;
- (c) Critical electric utility infrastructure affected;
- (d) Whether the power lines were located underground or above ground;
- (e) The cause and length of time of each such outage; and
- (f) The cost of restoring service;

3. The total number of power outages resulting from a failure of all electric utility infrastructure servicing a customer other than those directly caused by damage resulting from weather events, disaggregated by the cause of such outages. The report shall provide a summary and statistical analysis of the data collected for each outage, including:

- (a) The number of customers affected;
- (b) The estimated number of persons affected;
- (c) Critical electric utility infrastructure affected;
- (d) Whether the power lines were located underground or above ground;
- (e) The cause and length of time of each such outage; and
- (f) The cost of restoring service;

4. The estimated per mile cost of undergrounding power lines within the city, including a breakdown of the costs for labor and materials, and the variables, including population density, that would affect the final cost of undergrounding; and

5. A list of neighborhoods or service areas where relocating above ground power lines to underground locations would not be practical or would result in more severe power outages and the considerations that went into such determinations, and a list of neighborhoods or service areas where relocating above ground power lines to underground locations would be most advantageous and the considerations that went into such determinations.

§ 2. This local law takes effect immediately.

Referred to the Committee on Resiliency and Waterfronts.

Int. No. 2190

By Council Members Powers, Kallos and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to providing noise inspection reports

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-217.2 to read as follows:

§ 24-217.2 *Noise inspection reports.* a. *Where the department generates a noise inspection report pursuant to a complaint submitted through 311, any person may request a copy of such report by providing the*

311 tracking number on a form and in a manner to be specified by the department subject to subdivision d of this section.

b. Where the police department generates a noise inspection report pursuant to a complaint submitted through 311, any person may request a copy of such report by providing the 311 tracking number to the police department on a form and in a manner to be specified by such department subject to subdivision d of this section.

c. The department or police department shall provide a copy of a report requested under this section within 14 days of receiving such a request.

d. The department or police department shall not deny or decline to act on a request under this section on the ground that it fails to take the form of a freedom of information law request made pursuant to section 87 of the public officers law.

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

Referred to the Committee on Environmental Protection.

Int. No. 2191

By Council Members Rivera and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to reporting on surveillance data

Be it enacted by the Council as follows:

Section 1. Section 23-1201 of the administrative code of the city of New York, as added by local law 247 for the year 2017, is amended by adding new definitions of “surveillance technology” and “surveillance technology data” in alphabetical order to read as follows:

Surveillance technology. The term “surveillance technology” means any software, electronic device, system utilizing an electronic device, or similar device used, designed, or primarily intended to collect, retain, process, or share audio, electronic, visual, location, thermal, biometric, olfactory or similar types of data specifically associated with, or capable of being associated with or identifying, any individual or group. For the purposes of this section, surveillance technology shall not include: (i) office hardware, such as televisions, computers, credit card machines, copy machines, telephones and printers that are used for routine city business and transactions; (ii) databases and enterprise systems that contain information kept in the ordinary course of city business, including, but not limited to, human resource, permit, license and business records; (iii) physical access control systems, employee identification management systems and other physical control systems that are used in conjunction with city employment; (iv) medical equipment and systems used to record, diagnose, treat or prevent disease or injury, and used or kept in the ordinary course of providing city services; (v) parking ticket devices that lack the ability to record anything other than information required to complete a notice of violation returnable to the parking violations bureau; (vi) inquiries, complaints or service requests made to city agencies, including inquiries, complaints or service requests made through the 311 customer service center; and (vii) calls made to 911.

Surveillance technology data. The term “surveillance technology data” means any data acquired through the use of surveillance technology.

§2. Chapter 12 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-1206 to read as follows:

§ 23-1206 City agency surveillance report. a. No later than January 31, 2021, and by January 31 of every year thereafter, the director of operations shall submit the reports required by subdivision b of this section to the speaker of the council and the mayor, and post such reports to the city’s website. Such submission shall be a compilation of the reports required by subdivision b, each as it was received by the director of operations.

b. Each mayoral agency, with the exception of the police department, shall submit a report annually to the director of operations regarding the acquisition, collection, retention, disclosure, utilization and processing of surveillance technology data by such agency as well as the collection, retention, disclosure, utilization and

processing of surveillance technology data by any third party that such agency contracted with for such purpose, during the calendar year prior to the annual reporting date pursuant to subdivision a. Each agency's report shall include, but need not be limited to:

- 1. A general description of how surveillance technology data is collected, retained, processed or utilized by such agency;*
 - 2. Whether, and how often during the reporting period, surveillance technology data has been otherwise obtained from outside entities, how such data has been obtained and how frequently such surveillance data has been obtained;*
 - 3. A general description of whether, and how often, surveillance technology data has been shared with outside entities, including the name of any recipient outside entity, the type of data disclosed, the justification for the disclosure and whether the city received compensation for such disclosure;*
 - 4. The number of complaints received from the public during the reporting period about the collection, retention, processing and use of surveillance technology and a summary of the complaints received;*
 - 5. Whether surveillance technology data has been obtained or released by a third party without the knowledge and consent of the agency during the reporting period;*
 - 6. The total costs expended to maintain the surveillance technology during the reporting period, including personnel and other ongoing costs;*
 - 7. The total amount that has been spent on the acquisition of surveillance technology data from third parties that such agency has contracted with to acquire such data during the reporting period, and the identity of any such third party from whom such data has been acquired;*
 - 8. Where applicable, a general description of the physical objects that surveillance technology under such agency's control has been installed upon; and*
 - 9. Whether surveillance technology data has been shared with any city, state or federal agency during the reporting period and, if so, the name of the agency and the type of data shared.*
- c. The report required by subdivision a shall not contain the specific records that any surveillance technology collects, retains, discloses, utilizes or processes, nor shall it contain information protected, restricted or exempt from disclosure under state or federal law.*
- § 3. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2192

By Council Members Rosenthal, Dromm, Kallos, Adams, Cornegy and D. Diaz.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to advancing gender, racial, sexual orientation and income equity

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 16 of the New York city charter, as amended by local law number 177 for the year 2017, is amended to read as follows:

a. 1. For purposes of this section, the term "gender" includes actual or perceived sex and [shall] also [include] *includes* a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

2. The mayor shall submit an annual report to the council, borough presidents, and community boards analyzing the social, economic and environmental health of the city, including any disparities among populations including gender, racial groups, income groups and[,] sexual orientation, where relevant data is available, and proposing strategies for addressing the issues raised in such analysis. The report shall present and analyze data on the social, economic and environmental conditions, and gender, racial, and income disparities, and[,] disparities relating to sexual orientation, as available, as well as other disparities as may be

identified by the mayor within such conditions, which may include, national origin, citizenship status, age, and disability status, where relevant data is available, which are significantly related to the jurisdiction of the agencies responsible for the services specified in section [twenty seven hundred four,] 2704, the health and hospitals corporation, and such other agencies as the mayor shall from time to time specify.

3. The report shall include the generally accepted indices of economic security and mobility, poverty, education, child welfare, housing affordability and quality, homelessness, health, physical environment, transportation, criminal justice and policing, civic participation, public employment and such other indices as the mayor shall require by executive order or the council shall require by local law, including where possible generally accepted data or indices regarding gender, racial, and income-based disparities and disparities relating to sexual orientation, as available, within each indexed category of information, in addition to disparities based upon other population characteristics that may be identified by the mayor. *The report shall include both citywide equity metrics and data for each agency, with such metrics and data disaggregated by race, gender and, where relevant data is available, income and sexual orientation, regarding: (i) residents served; (ii) service locations and the available demographic characteristics of the areas served by location of service delivery; (iii) diversity in employment and hiring; (iv) contract utilization by domain and Minority and Women-Owned Business Enterprises distribution; and (v) key internal practices designed to ensure equitable service delivery, including any specialized positions, committees or programs.*

4. Such report shall be submitted no later than [sixty] 60 days before the community boards are required to submit budget priorities pursuant to section [two hundred thirty] 230 and shall contain: [(1)] (i) the reasonably available statistical data, for the current and previous five years, on such conditions in the city and, where possible, in its subdivisions disaggregated by gender, racial group, and income group, and sexual orientation to the extent that such data is available; and a comparison of this data with such relevant national, regional or other standards or averages as the mayor deems appropriate; [(2)] (ii) a narrative discussion of the differences and the disparities in such conditions by gender, racial group and income group, and sexual orientation, as available, and among the subdivisions of the city and of the changes over time in such conditions; and [(3)] (iii) the mayor's short and long term plans, organized by agency or by issue, for responding to the significant problems and disparities evidenced by the data presented in the report.

§ 2. Section 3-160 of the administrative code of the city of New York, as added by local law number 174 for the year 2017, is amended to read as follows:

§ 3-160 Equity assessments. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Agency. The term “agency” has the same meaning as such term is defined in section 1150 of the charter and includes the offices of the borough presidents, the comptroller and the public advocate.

Equity assessment. The term “equity assessment” means a systematic process of identifying policies and practices that may be implemented to address disparate outcomes on the basis of, at a minimum, gender, race, income, and sexual orientation, and any other relevant population characteristics that may be identified by the mayor.

Gender. The term “gender” includes actual or perceived sex and [shall] also [include] *includes* a person’s gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

[Relevant city agencies. The term “relevant city agencies” means the department of health and mental hygiene, the administration for children’s services, the department of social services and any other agencies designated by the mayor.]

Sexual orientation. The term “sexual orientation” means an individual's actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality and pansexuality.

b. Equity assessment. Not later than July 1, [2018, relevant city agencies] 2021, each agency shall complete gender, racial, and income equity assessments, and where relevant data is available, a sexual orientation equity [assessments] *assessment*, of [their] *the agency’s* actions, procedures, services and programs, employment, contracting practices, rulemaking and budgeting. Such assessments shall be submitted to the

mayor, in a format and manner determined by the mayor's office of operations or other city office that the mayor may designate.

c. Equity action plan. Not later than January 1, [2019, the relevant city] 2022, agencies shall:

1. Identify, and create a plan to address, any disparate outcomes based on gender, race, and income, and sexual orientation to the extent that relevant data is available, and any other population characteristics examined as part of equity assessments conducted by such agencies; and

2. Submit to the mayor a plan to address any disparate outcomes identified.

d. Reporting requirement. Not later than July 1, [2019] 2022, and no later than July 1 every two years thereafter, [the relevant city] agencies shall report to the speaker and the mayor on efforts they have undertaken to implement their equity action plans. Such reports shall be made publicly available online.

e. Equity committee.

1. There shall be an equity committee created to:

(a) make recommendations to [the relevant city] agencies, after seeking input from other employees and officials of the city having the necessary expertise, with respect to the nature and scope of equity assessments, and the development and implementation of equity action plans;

(b) review publicly available reports required pursuant to subdivision d of this section; and

(c) make recommendations to the mayor and speaker based on such reports.

2. The committee shall consist of at least five members. The mayor shall appoint four members, including the chair of the committee, and the speaker shall appoint one member. Appointments to the committee shall occur within 90 days of the effective date of this section. Any vacancy in membership shall be filled in the same manner as the original appointment. The mayor shall have the discretion to appoint agency officials and outside experts to the committee, including, but not limited to, members of the commission on human rights and the commission on gender equity. Prior to the completion of the action plans, the committee shall meet as often as needed, as determined by the committee in consultation with the mayor, but not less than twice annually. The committee shall cease to exist following its submission to the mayor and the speaker of any recommendations it may make following its review of the third report required pursuant to subdivision d of this section.

§ 3. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Preconsidered Int. No. 2193

By Council Member Vallone.

A Local Law in relation to an assessment of the feasibility of storing city agencies' electronic data on cloud computing systems

Be it enacted by the Council as follows:

Section 1. Assessment of the feasibility of storing city agencies' electronic data on cloud computing systems.

a. Definitions. For the purposes of this section, the term "department" means the department of information technology and telecommunications.

b. The department shall conduct an assessment to determine the feasibility of storing city agency electronic data at rest on cloud computing systems, rather than on physical data storage systems owned by the city.

c. No later than September 1, 2021, the department shall submit to the speaker of the council a report of the results of the assessment conducted pursuant to subdivision b of this section. Such report shall include, but not be limited to, the following:

1. an establishment of data classification categories for use with cloud computing services, including an inventory of the various data types;

2. an analysis of the feasibility and security of storing data from each data classification category on the cloud, including the legal implications, if any;
3. an analysis of the feasibility of transitioning legacy systems to utilize the cloud;
4. an analysis of any implications related to current software licenses;
5. an estimate of the costs, per unit of data, of storing, retrieving, and removing data from the average cloud computing system;
6. potential cost differentials, in both personal services and other than personal services costs, between physical data storage and cloud storage;
7. a brief analysis of the prospective cloud computing service providers, including a description of their physical principal places of business; and
8. recommendations on the requirements that a prospective cloud computing service provider should meet, such as on the physical data center location, the physical security of the data center, the deployment model of the cloud computing system, the disaster recovery strategy, the mechanics of reporting a security breach, the data duplication process utilized, the level of encryption utilized, the financial stability of the provider, the auto-deletion options, suggested auditing protocols, and any terms that a contract with a cloud computing service provider should include, such as an indemnification clause.

§ 2. This local law takes effect immediately.

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

Int. No. 2194

By Council Member Van Bramer.

A Local Law in relation to requiring the department of cultural affairs to study the real estate issues impacting cultural spaces

Be it enacted by the Council as follows:

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

City. The term “city” means the city of New York.

Cultural space. The term “cultural space” means a facility where arts and cultural activities are conducted.

Department. The term “department” means the New York city department of cultural affairs.

§ 2. Study. The department shall conduct a study of the real estate issues driving the displacement of cultural spaces in the city and issue recommendations designed to address these issues with the goal of strengthening and preserving existing and incentivizing new cultural spaces. This study shall include, but not be limited to, an assessment of policy options, such as the creation of an entity with the expertise and ability to lease, develop, purchase and otherwise control and sublease real estate to promote cultural spaces. The department shall conduct the study in consultation with community members, property owners and developers, staff from relevant city agencies, artists, cultural organizations, architectural designers, real estate brokers, legal professionals and cultural stakeholders.

§ 3. Report. a. No later than 270 days after the effective date of this local law, the department shall submit a report to the mayor and the speaker of the council setting forth its findings, as well as recommendations for legislation and policy to address any challenges identified. The report shall include a summary of information considered in formulating any conclusions or recommendations.

b. The department shall publish the report electronically on its website no later than 10 days after submission to the mayor and the speaker of the council.

§ 4. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the study.

§ 5. Effective date. This local law takes effect immediately.

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 2195

By Council Member Van Bramer.

A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to certification of artists and the issuance of identity cards for certified artists

Be it enacted by the Council as follows:

Section 1. Chapter 67 of the New York city charter is amended by adding a new section 2508 to read as follows:

§ 2508. *Artist certification. a. The commissioner of cultural affairs shall establish by rule a process by which artists may apply to be recognized as certified artists. The commissioner shall establish the criteria for such certification process, provided that such criteria shall not be based on the content of, or the viewpoints expressed by, an applicant's artistic work. Such process shall be in addition to, and shall not replace, the process of certification of an artist for the purpose of establishing eligibility for a joint living-working space pursuant to chapter 1 of title 58 of the rules of the city of New York.*

b. The commissioner of cultural affairs shall maintain and update at least monthly a list of all artists who are certified pursuant to subdivision a of this section or pursuant to chapter 1 of title 58 of the rules of the city of New York. For the purpose of issuance of a New York city identity card with a certified artist designation pursuant to subdivision d-1 of section 3-115 of the administrative code, the commissioner of cultural affairs shall confirm to the administering agency the status of an applicant as an artist certified pursuant to subdivision a of this section or pursuant to chapter 1 of title 58 of the rules of the city of New York, provided that the certified artist consents to the release of such information.

§ 2. Section 3-115 of the administrative code of the city of New York is amended by adding a new subdivision d-1 between subdivisions d and e to read as follows:

d-1. Certified artist designation. The administering agency shall issue to any applicant who is eligible for a New York city identity card pursuant to this section and who has been confirmed as a certified artist by the commissioner of cultural affairs pursuant to subdivision b of section of 2508 of the charter a New York city identity card with a certified artist designation. Such New York city identity card shall display, in addition to the information set forth in paragraph (1) of subdivision c of this section, the cardholder's designation as a certified artist.

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

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Res. No. 1510

Resolution calling on the New York City Department of Sanitation and the Department of Parks and Recreation to continue to engage and collaborate with local communities to encourage and allow community composting to be carried out on parkland that is safe for residents.

By Council Members Reynoso, Van Bramer, Kallos and Constantinides.

Whereas, Compost is organic material consisting of materials such as leaves, grass, food scraps and non-recyclable paper that can be added to soil to assist in the growth of vegetation, and is often used to beautify parks, gardens and also used for landfill developments; and

Whereas, The average New York City resident disposes of approximately 15 pounds of waste at home per week, which combined totals more than three million tons of residential waste altogether per year for the entire City, not including waste from commercial establishments; and

Whereas, Approximately 31 percent of what New Yorkers dispose of in the trash is food scraps, yard waste and soiled paper that cannot be recycled; and

Whereas, When these materials are sent to landfills to decompose, they release methane gas, a greenhouse gas that is highly more potent than carbon dioxide; and

Whereas, Instead of sending these materials to landfills, they can be composted and be used to benefit the environment and the City by enriching soil, retaining moisture and suppressing plant diseases and pests, reduce reliance on chemical fertilizers and reduce methane emissions from landfills; and

Whereas, Historically, the vast majority of composting that occurred in New York City was conducted at the community level, through the City's green markets, at non-profits and at neighborhood composting sites in locations, such as community gardens and certain parks; and

Whereas, In prior years, the New York City Department of Sanitation (DSNY) and the Department of Parks and Recreation (DPR) entered into a Memorandum of Understanding that DSNY collect leaves and yard trimmings separately from solid waste so they can be recycled as mulch and compost at parklands under DPR where composting and mulching sites could be established; and

Whereas, The City created the NYC Compost Project in 1993, which provided education on composting, as well as fostered community level composting initiatives throughout the City; and

Whereas, In 2013, DSNY began offering curbside organic waste collection services to residents of Westerleigh, Staten Island in a pilot program to test the feasibility of collecting such waste from people's homes; and

Whereas, This program was deemed a success and later expanded to over 100,000 households across the City; and

Whereas, On May 4, 2020, DSNY announced the suspension of the curbside composting program through June 30, 2021 due to budget cuts, however residents can make their own compost and are encouraged to do so; and

Whereas; The suspension includes the closures of food scrap drop-off sites due to social distancing mandates and budget cuts to GrowNYC's zero waste programs and the NYC Compost Project; and

Whereas, In addition, DPR is expected to close composting facilities at certain sites and does not have plans to renew licenses with non-profit groups, such as Big Reuse, who operate the composting facility under the Queensboro Bridge, and the Lower East Side Ecology Center, which bases its composting facility in East River Park; and

Whereas, Big Reuse and the Lower East Side Ecology Center collect nearly two million pounds of food waste annually, which is used by community gardeners and city agencies; and

Whereas, Climate advocates have expressed concerns that these closures and budget cuts will have negative impacts on the City, including potential for more greenhouse gases affecting the environment, and also puts necessary environmental and social services at a low priority; and

Whereas, These composting closures on parkland, along with budget cuts and suspending the curbside composting program puts the City in jeopardy of losing nearly half of its composting capacity which will not benefit the City in reducing its greenhouse gases and potentially further delay the City's goal of sending zero waste to landfills by 2030; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Sanitation and the Department of Parks and Recreation to continue to engage and collaborate with local communities to encourage and allow community composting to be carried out on parkland that is safe for residents.

Referred to the Committee on Parks and Recreation.

Res. No. 1511

Resolution calling upon Congress to pass, and the President to sign, legislation requiring that any public housing development undergoing the Rental Assistance Demonstration Program (RAD) conversion to include as part of the conversion process, a full vote of all tenants in the respective public housing development at the end of a robust resident outreach process, with a majority of tenants favorably approving, in order for the conversion to move forward.

By Council Members Rivera and Kallos.

Whereas, In 2011, the Federal Administration created the Rental Assistance Demonstration program (RAD) managed by the United States (U.S.) Department of Housing and Urban Development (HUD) to provide tools to Public Housing Authorities (PHA) to financially stabilize and protect the long-term affordability of public housing developments while carrying out necessary repairs and upgrades of buildings systems, grounds, and apartment units; and

Whereas, The RAD process financing encourages private investments including the formation of public-private partnerships for the preservation and improvement of the public housing developments; and

Whereas, As of January 2020, the New York City Housing Authority (NYCHA) was in need of \$40 billion for the repairs and improvements of its public housing, such as mold remediation, roofs replacement, bathrooms and kitchens upgrades, new flooring, buildings facades repairs, new fencing, and asphalt and concrete work, among other work; and

Whereas, NYCHA provides housing for about 400,000 NYCHA residents, and serves to connect them to community-based resources and services, as well as to opportunities for economic upward mobility; and

Whereas, In New York City, the RAD conversion process is currently referred to as Permanent Affordability Commitment Together (PACT) and was initiated in March 2015, when the HUD approved the NYCHA's PACT/RAD participation application for the Ocean Bay Bayside public housing complex in Far Rockaway, Queens; and

Whereas; Overall, NYCHA plans to convert at least one third, or about 62,000 apartment units, of its public housing stock into PACT/RAD developments; and

Whereas, Prior to submitting a RAD participation application, a Housing Authority is required by the HUD to engage in a public participation process which includes notifying in writing the residents and the resident organization, if any, of the contemplated conversion site of the Authority's intent to pursue a conversion, and does include an opportunity to voice concerns and offer comments, however, concerns still exist from a resident perspective concerning the PACT/RAD conversion process in New York City; and

Whereas, Public housing advocates and NYCHA residents have raised concerns over issues related to PACT/RAD conversions, such as new private property managers, who were alleged to have failed either to fix the underlying issues or to address the issues properly; and

Whereas, Although residents of NYCHA-managed developments have a portal that allows some monitoring of work progress on housing maintenance problems reported, those in converted PACT/RAD housing sites do not have a similar portal, hence a lack of transparency, information, and responsiveness have highlighted the need for residents in public housing developments, who are contemplating the conversion process, to have a larger voice in the decision-making process; now, therefore, be it

Resolved, That the Council of the City of New York calls upon Congress to pass, and the President to sign, legislation requiring that any public housing development undergoing the Rental Assistance Demonstration Program (RAD) conversion to include as part of the conversion process, a full vote of all tenants in the respective public housing development at the end of a robust resident outreach process, with a majority of tenants favorably approving, in order for the conversion to move forward.

Referred to the Committee on Public Housing.

Res. No. 1512

Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.9041-A/S.7231-A, in relation to requiring the recording of mezzanine debt and preferred equity investments and including them in the mortgage recording tax.

By Council Member Rosenthal.

Whereas, According to an article in the Stanford Journal of Law, Business & Finance, *What's in a Name: Mezzanine Debt versus Preferred Equity*, mezzanine debt and preferred equity interests are forms of investment in commercial properties, favored by commercial investors, who want a fixed, or at least floored, return and priority as to both their return on and return of investment; and

Whereas, According to an article in the Michigan Journal of Private Equity & Venture Capital Law, *Mezzanine Finance and Preferred Equity Investment in Commercial Real Estate: Security, Collateral and Control*, mezzanine debt and preferred equity investments evolved in the wake of the financial crisis of 2008 and were intended to fill a new equity gap, the difference between the outstanding balance of an existing senior loan and the amount available from an alternative lender under a first mortgage loan to refinance the existing loan or fund the acquisition of a mortgaged property; and

Whereas, According to the Commercial Real Estate Transaction Handbook, 3rd edition, mezzanine debt is a form of junior debt that is not secured by a lien on the property but rather, an assignment of the borrower's interest in the entity that owns the property; and

Whereas, According to the Commercial Real Estate Transaction Handbook, mezzanine debt provides the owner of the property with the ability to improve the loan-to-value ratio of the senior debt without encumbering the property with a subordinate mortgage, and, because the holders of the senior debt and their regulators consider mezzanine debt to be equity rather than debt, mezzanine debt enables the owners to obtain greater amounts of leverage; and

Whereas, A preferred equity investment has many of the same characteristics as a mezzanine loan with one important difference, namely that a preferred equity investment is at least nominally an equity investment and not debt where the investor contributes capital in exchange for a preferred equity interest in the property, which entitles the investor to receive a preferred return on its investment, paid ahead of any distributions to common equity holders; and

Whereas, Given the risk of collecting on these two types of instruments, a higher interest is often imposed; and

Whereas, While traditional mortgages are publicly recorded, mezzanine debt and preferred equity investments are not thereby shielding them from public review and government oversight; and

Whereas, The lack of transparency associated with mezzanine debt and preferred equity investments is problematic as real estate speculators have a history of financing purchases of occupied rental housing with these high-interest investment vehicles, and then rapidly raising tenants' rental payments to pay back the debt obligations; and

Whereas, A.9041-A, introduced by Assembly Member Harvey Epstein and S.7231-A, introduced by Senator Julia Salazar, would require that whenever a mortgage instrument is recorded, any mezzanine debt and/or preferred equity investments related to the property must also be recorded; and

Whereas, In addition, the legislation would require that the recording of mezzanine debt and/or preferred equity investments be subject to the mortgage recording tax; and

Whereas, According to the sponsor's memorandum, the legislation would create parity between debt instruments that serve the same purpose but are currently treated differently under the law with the goal of steering real estate speculators towards ostensibly less volatile instruments provided by banks rather than private equity; and

Whereas, The legislation would also create more transparency in the market, and raise badly needed tax revenue from corporations that can afford to pay their fair share; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A.9041-A/S.7231-A, in relation to requiring the recording of mezzanine debt and preferred equity investments and including them in the mortgage recording tax.

Referred to the Committee on Finance.

Preconsidered L.U. No. 709

By Council Member Dromm:

Ridgewood Bushwick 203K, Block 3173, Lots 1 and 22; Block 3177, Lots 12 and 13; Block 3186, Lot 47; Block 3197, Lot 11; Block 3217, Lot 18; Block 3219, Lots 21 and 47; Block 3246, Lot 16; Block 3257, Lot 43; Block 3289, Lot 19; Block 3297, Lot 51; Block 3301, Lot 5; Block 3326, Lot 34; Block 3393, Lot 43; Block 3441, Lot 5; Brooklyn, Community District No. 4, Council Districts 34 and 37.

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

Preconsidered L.U. No. 710

By Council Member Dromm:

Scheuer House of Brighton Beach, Block 8693, Lot 12; Brooklyn, Community District No. 13, Council District 48.

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

NEW YORK CITY COUNCIL

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

Friday, December 18, 2020

Committee on Sanitation and Solid Waste Management jointly with the Antonio Reynoso, Chairperson
Committee on Parks and Recreation Peter Koo, Chairperson

Oversight - Community Composting in NYC.

Res 1510 - By Council Member Reynoso - **Resolution** calling on the New York City Department of Sanitation and the Department of Parks and Recreation to continue to engage and collaborate with local communities to encourage and allow community composting to be carried out on parkland that is safe for residents.

Remote Hearing (Virtual Room 1).....11:00 a.m.

The following were among the comments made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) acknowledged that the Legislative Division’s Assistant Deputy Director Meagan Chen was leaving the Council to assume a position with the Mayor’s Office of Legislative Affairs. He noted that she had started as an intern in 2012 before being employed as a Council staffer in 2016. The Speaker (Council Member Johnson) praised Ms. Chen for her instrumental contribution in helping pass major lead-related legislation, strong tenant protection bills, and the Climate Mobilization Act. He wished her the best on her next step in life.

The Speaker (Council Member Johnson) acknowledged that this Stated Meeting would be the last for Council Members Torres and Cohen as they prepare to assume other elected public office. He noted that Council Member Torres would soon become the first and only openly gay member of Congress representing parts of New York City. The Speaker (Council Member Johnson) also spoke of how Council Member Torres was raised in Bronx public housing and was first elected to the Council in 2013. He praised his work as chair of the Committee on Oversight and Investigations as well as his previous work as chair of the Committee on Public Housing. The Speaker (Council Member Johnson) noted that Council Member Cohen, another elected official from The Bronx, was soon to become a New York State Supreme Court Justice. He spoke of his sense of fairness and compassion and he praised his tenure as the chair of the Committee on Consumer Affairs. The Speaker (Council Member Johnson) congratulated both Council Members Torres and Cohen and expressed his sadness on their imminent departure.

The Speaker (Council Member Johnson) also acknowledged the departure of former Council Member Donovan Richards earlier in the month to assume the position of Queens Borough President. He noted that he had been a Council staffer for about 16 years before being elected to the New York City Council as a representative from Queens. The Speaker (Council Member Johnson) congratulated former Council Member Richards and noted that he would be missed.

The Speaker (Council Member Johnson) wished a special congratulations to Council Member Moya’s Chief of Staff Meghan Tadio on the recent birth of her daughter Rosalee. He also extended his congratulations to the baby’s godfather Council Member Moya as well as to their families on this exciting news.

The Speaker (Council Member Johnson) wished everyone a Merry Christmas, a Happy Kwanzaa, a Happy Hanukkah, and a Happy New Year 2021.

The Speaker (Council Member Johnson) wished to give a special thanks to each and every member of the Council for their accomplishments in the past year. He noted the many uplifting stories of New Yorkers who were helping each other during these difficult times. The Speaker (Council Member Johnson) spoke of how the city, originally the epicenter of COVID-19, had shown the world its resiliency -- and had proven once again that New York City is the greatest city in the world.

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 Charter Meeting.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Local Law Note: Int. Nos. 1684-A, 1685-A, 1693-A, 1694-A, 1695-A, and 2136, all adopted at the November 19, 2020 Stated Meeting, were returned unsigned by the Mayor on December 21, 2020. These items had become law on December 20, 2020 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 120 to 125 of 2020, respectively,

Editor's Note: Council Member Richards had resigned his office as of December 2, 2020 (please see M-267 of 2020 printed in the Stated Minutes of the Meeting of December 10, 2020). His name was removed, therefore, from any pending legislation in the Council where he was listed as a sponsor.