

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Wednesday, November 13, 2024, 2:20 p.m.

Council Members

Adrienne E. Adams, *The Speaker*

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

Joseph C. Borelli, The Minority Leader

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

Absent: Council Member Mealy.

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

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

There were 50 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including the Council Members Brooks-Powers, Cabán, Gutiérrez, and Moya who all participated remotely).

INVOCATION

The Invocation was delivered by Rev. Dr. Frankco Harris, Mt. Olivet Baptist Church of Hollis located at 202-03 Hollis Avenue, St. Albans, N.Y. 11412.

Lord, on today,
we thank you for another day
that we've never seen before and we will never see again.
Help us to take advantage of the time that you have given to us
and make the world that we live in a better place.
We ask that you will be with our City leaders and officials
as they make decisions and policies for the people of this great city.
We ask that you meet the needs of this city
and multiply our resources,
that there is no lack in any area.
We also ask that you give us good health, abundant finances,
and astute cognitive ability to navigate the vicissitudes of life.
We acknowledge that we are better together
and we strive to live in peace and harmony with one another.
Help us to be a support system for one another when we are in need
and to share our surplus with individuals that may lack.
Thank you that our best days are ahead of us
and we need shades to see this bright future.
The Lord bless thee and keep thee.
The Lord make his face to shine upon thee
and be gracious unto thee.
The Lord lift up his countenance upon thee
and give thee peace.
And everyone said
Amen.

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

ADOPTION OF MINUTES

Council Member Ossé was recognized to make a motion that the Minutes of the Stated Meeting of October 23, 2024 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-79

Communication from the Mayor - Submitting the name Muriel Goode-Trufant to the Council for its advice and consent regarding her appointment to be the Corporation Counsel, pursuant to Section 31 and 391 of the City Charter.

October 25, 2024

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

Dear Speaker Adams:

Pursuant to Sections 31 and 391 of the New York City Charter, I am pleased to present the name of Muriel Goode-Trufant to the City Council for advice and consent regarding her appointment as Corporation Counsel.

I send my thanks to you and to the Council for reviewing this appointment.

Sincerely,

Eric Adams
Mayor

EA: gt

cc: Muriel Goode-Trufant
Maria Torres-Springer, First Deputy Mayor
Connor Martinez, Director, Mayor's Office of City Legislative Affairs

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Consumer and Worker Protection

Report for Int. No. 360-A

Report of the Committee on Consumer and Worker Protection favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the payment of fees imposed in relation to the rental of residential real property.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 785), respectfully

REPORTS:

I. INTRODUCTION

On November 13, 2024, the Committee on Consumer and Worker Protection, chaired by Council Member Julie Menin, will hold a vote on Proposed Introduction Number 360-A (Proposed Int. No. 360-A), in relation to the payment of fees imposed in relation to the rental of residential real property. The Committee heard an earlier version of this legislation on June 12, 2024 and received testimony from the Department of Housing Preservation and Development, members of the real estate and brokerage industries, tenant advocates, and other interested members of the public. Since the hearing, the Council continued to meet with stakeholders including real estate associations, real estate marketplaces, real estate brokers, property owners, tenants and legal advocates to gather feedback on the legislation.¹ In addition, in September and October 2024 the Council's Oversight and Investigations Division (OID) conducted an investigation of brokers' fees in the residential rental market.² The goal of the Council investigation was to better understand whether the current legal regime that governs the payment of brokers' fees properly protected the consumer rights of tenants.

II. BACKGROUND

According to the NYU Furman Center's *State of New York City's Housing and Neighborhoods in 2023* report, over 67 percent of New Yorkers are renters.³ More than half of New York City's rental units are owned by landlords that have over 20 buildings in their portfolio and 27 percent of rental apartments are held by landlords with 61 or more buildings.⁴

The City's housing market is highly competitive, and finding affordable housing has become increasingly difficult, particularly for those with limited financial means. Median "asking rent" on publicly listed rentals

¹ The Council met with organizations including the Real Estate Board of New York, Zillow/StreetEasy, the Legal Aid Society and the New York Apartment Association.

² Council investigators posed as prospective tenants and contacted real estate agents regarding more than 300 rental listings on StreetEasy that did not indicate a property owner would pay the broker fee. For 99 of those listings, investigators successfully received an application for the unit, and investigators toured 50 of those rental units. Investigators obtained applications from rental listings across the five boroughs, in approximate proportion to the estimated number of rental units in each borough.

³ New York University Furman Center, *State of New York City's Housing and Neighborhoods in 2023*, available at <https://furmancenter.org/stateofthecity>.

⁴ Sam Rabiya, *Examining the Myth of the "Mom-and-Pop" Landlord*, JustFix.nyc, March 4, 2020, available at <https://medium.com/justfixorg/examining-the-myth-of-the-mom-and-pop-landlord-6f9f252a09c>

citywide reached a historic high in 2023 and remains \$3,500 per month.⁵ The portion of rentals that were vacant and available dropped to just 1.4 percent in 2023, the lowest vacancy rate since 1968.⁶ The vacancy rate for affordable housing is even lower: units with asking rents of less than \$1,650 per month had a 0.65 percent vacancy rate, and rent stabilized apartments had a 0.98 percent vacancy rate.⁷ Over half of New York City households are rent burdened, with 23 percent of households spending 30-to-50 percent of their income on rent, and 30 percent of households spending 50 percent or more of their income on rent.⁸

When renting a new home, prospective tenants face a variety of upfront costs: first month's rent, security deposit, fees for credit reports and background checks, and other moving expenses.⁹ The statewide Housing Stability and Tenant Protection Act of 2019 limits the amount a landlord can collect as a security deposit to one month's rent and prohibits landlords' agents from charging an application fee of more than \$20 for a background or credit check.¹⁰ In addition to the above expenses, many tenants moving into a new apartment must also pay a fee for a real estate broker engaged by the property owner.¹¹

a. The Role of Real Estate Brokers in New York's Rental Market

A real estate broker is a, "person, firm, limited liability company or corporation, who, for another and for a fee, commission or other valuable consideration, lists for sale, sells, at auction or otherwise, exchanges, buys or rents, or offers or attempts to negotiate a sale, at auction or otherwise, exchange, purchase or rental of an estate or interest in real estate, or collects or offers or attempts to collect rent for the use of real estate..."¹² Individuals working as real estate brokers, or their agents, in New York must secure a license from the Department of State.¹³ There are currently over 21,000 licensed real estate brokers and agents in New York City.¹⁴ Brokers and their agents can work on behalf of the landlord or the tenant. Landlords' agents are engaged by the landlord to secure a tenant for the property on terms acceptable to the landlord and represent the landlord's interest.¹⁵ Tenants' agents are engaged by prospective tenants to negotiate the rental or lease of an apartment or house at a rent and on terms acceptable to the tenant and represent the tenant's interest.¹⁶ In some instances, brokers in New York operate as "dual agents" that represent both the landlord and tenant in the same transaction.¹⁷

Broker fees typically range from one month's rent, or 8.3 percent of the annual rent, to 15 percent of the annual rent as a fee when signing the lease for a rental.¹⁸ That fee can be paid by the apartment owner or the prospective tenant; StreetEasy found that about half of rental listings in 2023 were marked as "no fee" for the tenant, meaning the broker fee is paid by the property owner or there is no landlord broker involved in the

⁵ Brad Lander, *Spotlight: New York City's Rental Housing Market*, January 17, 2024, available at <https://comptroller.nyc.gov/wp-content/uploads/documents/January-2024-Spotlight.pdf>

⁶ NYC Housing Preservation and Development, *2023 Housing and Vacancy Survey Selected Initial Findings*, p. 22, available at: <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf>

⁷ *Id.*

⁸ New York University Furman Center, *State of New York City's Housing and Neighborhoods in 2023*, available at <https://furmancenter.org/stateofthecity>.

⁹ Scott M. Stringer, *Insecurity Deposits: A Plan to Reduce High Entry Costs for NYC Tenants*, New York City Comptroller, July 15, 2018, available at <https://comptroller.nyc.gov/reports/insecurity-deposits-a-plan-to-reduce-high-entry-costs-for-nyc-tenants/>.

¹⁰ New York State Department of State, Guidance for Real Estate Professionals Concerning the Statewide Housing Security & Tenant Protection Act of 2019 and the Housing Stability and Tenant Protection Act of 2019, May 2021, available at: <https://dos.ny.gov/system/files/documents/2021/05/dos-guidance-tenant-protection-act-rev.5.25.2021.pdf>.

¹¹ David Brand, *A rent-stabilized 1 bedroom apartment for \$1,100? In NYC? The broker's fee is \$15K*, *Gothamist/WNYC*, February 8, 2024, available at: <https://gothamist.com/news/a-rent-stabilized-1-bedroom-apartment-for-1100-in-nyc-the-brokers-fee-is-15k>.

¹² RPP § 440.

¹³ RPP § 440-a.

¹⁴ Data.NY.gov, Active Real Estate Brokers, available at: <https://data.ny.gov/Economic-Development/Active-Real-Estate-Brokers/9twf-9yig/data>

¹⁵ New York Real Property Law § 443.

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ See, e.g., Brick Underground, *How to rent an apartment in New York City, Step 1: Do you have to pay a broker's fee?*, available at, <https://www.brickunderground.com/agent-referral/how-to-rent>.

transaction.¹⁹ According to StreetEasy, the “no fee” apartments tend to be in luxury buildings with amenities such as doormen, in-unit laundry and fitness centers.²⁰

Many landlords in New York City choose to list their units through what is called an “open listing” in which a property owner engages multiple brokers or agents to list a property and the broker that succeeds in finding the tenant to fill the vacancy collects the fee.²¹ In some instances the property owner and brokerage enter into a contract for an open listing, however, in conversations with agents the Council learned this is not always the case. As part of the open listing agreements or communications, the landlord specifies whether they will pay the broker fee or whether the prospective tenant will be expected to pay the broker fee.

b. Regulation of Broker Fees

In most of the United States, it is the landlord’s responsibility to pay the broker’s fee for listing their property and finding a tenant.²² This almost universal system aligns with basic norms around principal-agent relationships. When a principal hires an agent, like a real estate broker, the agent’s fiduciary duties rest with the principal, not with a third party. The agent must act to protect the principal’s best interests. Accordingly, the principal is typically responsible for paying for that agent. New York and Boston are the only major American cities where rental broker fees are commonly passed to the tenant regardless of whether they hired the broker.²³ In addition, states including Alaska, Colorado, Florida, Kansas, Maryland, Oklahoma, Texas, Vermont, and Wyoming have banned dual agency because it fosters inadequate representation and creates negotiation issues.²⁴

For a brief period, New York State’s rules were like most of the country. In early 2020, the New York Department of State announced that brokers acting on behalf of landlords could not be compensated by prospective tenants based on an interpretation of the Housing Security & Tenant Protection Act of 2019.²⁵ Days later, the New York Supreme Court issued a short-term restraining order on the ban after the Real Estate Board of New York filed suit arguing that the policy was never addressed as part of the rent laws adopted by the State Legislature.²⁶ In 2021, the prohibition on brokers collecting fees from renters pursuant to the Housing Security & Tenant Protection Act of 2019 was struck down by a judge.²⁷

III. Issues and Concerns Related to Broker Fees

Broker fees can be a significant financial burden for New York City renters who wish to move. In 2023, the average New York City renter moving to a new apartment spent \$10,454 in upfront costs—a sum equivalent to 14 percent of the city’s median household income of \$74,694.²⁸ The high costs of broker fees induce some individuals to remain in apartments that they no longer wish to live in.²⁹ According to the Citizen’s Budget

¹⁹ Kenny Lee, *The Average New Yorker Spends \$10,454 in Upfront Costs for a Rental*, StreetEasy, February 10, 2024, available at: <https://streeteasy.com/blog/new-yorkers-spend-over-10k-in-upfront-rental-costs/>.

²⁰ Testimony of Zillow, New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&>

²¹ Maggie Glascott, “What is an Open Listing?” *StreetEasy*, August 11, 201, available at: <https://streeteasy.com/blog/what-is-an-open-listing/>

²² Kevin Sun and Katherine Kallergis, *Broker fees for NYC rentals mystified outsiders. Here’s how other US cities do it*, The Real Deal, February 7, 2020, available at: <https://therealdeal.com/new-york/2020/02/07/broker-fees-for-nyc-rentals-mystified-outsiders-heres-how-other-us-cities-do-it/>.

²³ Erin Lowry, *NYC Rents Are Outrageous. And That’s Before the Broker’s Fee*, Bloomberg, November 10, 2023, available at: <https://www.bloomberg.com/opinion/articles/2023-11-10/nyc-rents-are-outrageous-and-that-s-before-the-broker-s-fee>.

²⁴ Josephine Nesbit, *What Is Dual Agency?*, *US News and World Report*, June 21, 2023, available at: <https://realestate.usnews.com/real-estate/articles/what-is-dual-agency>.

²⁵ Jake Offenhartz, *Say Goodbye To ‘Insane’ Brokers Fees! (The Landlord Pays Those Now)*, Gothamist, February 5, 2020, available at: <https://gothamist.com/news/say-goodbye-insane-brokers-fees-landlord-pays-those-now>.

²⁶ Matthew Haag, *Sorry, Renters: You Still Have to Pay Brokers’ Fees for Now*, *The New York Times*, February 10, 2020, available at: <https://www.nytimes.com/2020/02/10/nyregion/nyc-broker-fees.html>.

²⁷ David Cruz, *Those Hefty Broker’s Fees Can Still Be Collected Following State Judge’s Ruling*, Gothamist, April 10, 2021, available at: <https://gothamist.com/news/those-hefty-brokers-fees-are-returning-following-state-judges-ruling>.

²⁸ Lee.

²⁹ See testimony of Annie Abreu, Sean Davis, Boris Youssefov, Amy Condie, New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&>

Commission, the annual turnover rate for New York City rental units is 41 percent lower than the national average and the share of renters who have lived in their unit for more than 10 years is also 3.5 times higher than the national rate.³⁰ The 2023 New York City Housing and Vacancy Survey found that tenants who moved from 2021 to 2023 are more likely to be white and have higher incomes than those who remained in their homes.³¹ In StreetEasy surveys, 60 percent of New York City renters said broker fees prevent them from moving into a different apartment and over half of the city's renters (54 percent) would be willing to pay a higher monthly rent if they didn't have to pay upfront broker fees.³²

This bill addresses a market failure stemming from the fact that tenants are often forced to pay a broker's fee despite lacking a meaningful ability to negotiate the amount of those fees. While it is possible to negotiate with brokers regarding their fees, and many brokers emphasized that their fees are negotiable during the June 2024 hearing,³³ prospective tenants in New York City find that industry norms and the highly competitive rental market weaken bargaining power for anyone other than landlords or property owners. The Council's investigation underscored the inability for tenants to negotiate broker fees: when investigators inquired whether the broker fee was negotiable during their tours, they were told an unequivocal "no" by half of the brokers they asked. In many instances, the real estate brokers indicated that while the fee was technically negotiable, a renter who offered a lower broker fee would likely stand little chance of securing the unit.³⁴ Other brokers responded that they would not negotiate the fee unless the landlord agreed to pay a portion of it.

During the June 2024 hearing, representatives of the brokerage industry claimed that "every person signs a brokerage agreement in advance of seeing that apartment, which clearly sets forth what the broker fee is" and that this is "what the law provides."³⁵ However, this does not typically happen in practice—Council investigators toured 50 rentals, and on not one of those tours was the "prospective tenant" required to sign an agreement in advance which clearly set forth the agency relationship and broker fee. During the hearing, tenants also reported that they responded to listings that either did not indicate there was a broker's fee or were advertised as "no fee" and were surprised to be told they need to pay such a fee once they had already visited the apartment and submitted paperwork or even a non-refundable deposit.³⁶

There is also substantial variation between whether brokers engaged by the landlord ever disclose their agency relationships and, when they do disclose their relationships, who they claim to represent. In the Council's investigation of apartments that required the tenant to pay the broker's fee, only 35 percent of real estate agents who sent OID investigators a rental application also provided a copy of the New York State Disclosure Form for Landlord and Tenant.³⁷ In the disclosure forms received by Council investigators, 63 percent of brokers said they were a landlord's agent, 20 percent said that they were a tenant's agent, and 11 percent disclosed that they

³⁰ Sean Campion, "A Building Crisis: The Quality-of-Life, Population, and Economic Effects of Housing Underproduction," Citizens Budget Commission, June 2024, available at: https://cbcnyc.org/sites/default/files/media/files/CBCBRIEF_NYC-Housing-Underproduction_06252024.pdf

³¹ NYC Housing Preservation and Development, *2023 Housing and Vacancy Survey Selected Initial Findings*, available at: <https://www.nyc.gov/assets/hpd/downloads/pdfs/about/2023-nychvs-selected-initial-findings.pdf> p. 46-47

³² Caroline Burton, "Changing broker fees helps all for NYC rentals," *The Daily News*, November 12, 2024, available at: <https://www.nydailynews.com/2024/11/12/changing-broker-fees-helps-all-for-nyc-rentals/>; Testimony of Zillow, New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&>

³³ See testimony of New York State Association of Realtors, New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&>

³⁴ There are reports of tenants entering into "bidding wars" over broker fees to get a better chance of securing apartments; see Anna Bradley-Smith, "In Brooklyn's Heated Rental Market, Broker Fees Return With a Vengeance," *Brownstoner*, August 3, 2022, available at: <https://www.brownstoner.com/real-estate-market/broker-fee-brooklyn-rental/>

³⁵ Ryan Monell before the New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&>

³⁶ See testimony of Gladys Pugio, Alexandra Martinez, Amanda Maisel, Alexa Santiago New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&>

³⁷ New York Department of State, "New York State Disclosure Form for Landlord and Tenant," available at: <https://dos.ny.gov/system/files/documents/2019/11/1735-f.pdf> N.Y. RPL § 443 requires agents in certain types of residential real estate transactions (including rentals of condominiums, cooperatives, and buildings with fewer than five families) to provide the parties a disclosure form. The law outlines specific information the form must include, and the New York State Department of State publishes a version on its website.

were a dual agent. This difference in agency relationship did not correlate meaningfully with the provision of different services being provided by the broker. In other words, Council investigators were not given any more specialized service by the agents who claimed that they were the tenant's agent. In none of these instances did the Council investigator seek to hire a broker.

Although brokers hired by property owners may perform many services to help the landlord fill a unit such as taking photographs and listing it on online platforms, many of the renters who pay their fees have little or no interaction with them. At the June 12, 2024 hearing, multiple renters including Brooklyn Borough President Antonio Reynoso testified that they were expected to pay a fee for a broker they never even met when looking for an apartment.³⁸ Representatives of the real estate industry claimed this was exceedingly rare; however, in 12 percent of the rentals toured by Council investigators, no one from the brokerage was present at the unit but instead left tours to building superintendents or even left the door unlocked for the prospective tenants to let themselves in.

Opponents of the bill testified at the June 12, 2024 hearing that the bill was not a solution to the affordable housing crisis in the city. This sentiment misunderstands the purpose of the bill. The bill is not an attempt to solve the affordability crisis in the city. Solutions to that problem are being explored by the Council in multiple other avenues.³⁹ The purpose of this bill is to properly align the principal-agent relationship in the rental market to ensure that the principal pays the agent for services rendered, not a third party.

IV. BILL ANALYSIS

Proposed Int. No. 360-A—A Local Law to amend the administrative code of the city of New York, in relation to the payment of fees imposed in relation to the rental of residential real property

Proposed Int. No. 360-A would add subchapter 15 to chapter 4 of title 20 of the Administrative Code. Section 20-699.20 of this bill would add definitions for “agent,” “dual agent,” “engage,” “fee,” “landlord,” “landlord’s agent,” “lease,” “listing,” “listing agent,” “listing agreement,” “residential real property,” “tenant,” and “tenant’s agent.”

Section 20-699.21 of this bill would prohibit a landlord’s agent from imposing their fee on a tenant. This would include an agent who publishes a listing with the landlord’s permission or authorization. It does not prohibit a third party other than the tenant from paying a fee to a landlord’s agent, nor does it prohibit a landlord or anyone else from agreeing to pay a fee to a tenant’s agent. A landlord whose agent violates these provisions would also be in violation of such provisions. This section would prohibit anyone from conditioning a rental on the prospective tenant engaging an agent, with “engaging” defined as entering into an agreement to pay that agent a fee. This section would also create a rebuttable presumption that any agent who publishes a listing for a rental property did so with the permission of the landlord.

Section 20-699.22 of this bill would require landlords or their agents to disclose the fees that the tenant must pay in their listings and in rental agreements.

Section 20-699.23 of this bill would establish a civil penalty scheme, and section 20-699.24 would establish a private cause of action.

Section 20-699.25 would establish an outreach and education campaign that would be administered by DCWP.

Since introduction, Council staff met with numerous stakeholders including real estate associations, real estate marketplaces, real estate brokers, tenants, property owners and legal advocates to gather feedback on the legislation. Both tenants and real estate brokers expressed concerns that the version of the bill the Council heard in June did not articulate what it means to hire a broker, and it did not address the relationship between parties in an open listing. Some stakeholders raised questions about whether, or at what point, a landlord has hired a

³⁸ See testimony of Brooklyn Borough President Antonio Reynoso, Mary Sommerville, Olivia Palumbo, Sarah Farma and Tiffany Mathias, New York City Council Committee on Consumer and Worker Protection, June 12, 2024, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=1192722&GUID=50BE660E-5533-4C79-BB0E-4EA46295DD3B&e>

³⁹ See, e.g., Speaker Adrienne Adams, Council Members, and Advocates Announce City for All Housing Plan to Advance Comprehensive Housing Solutions for All New Yorkers with Focus on Affordability, November 1, 2024, available at: <https://council.nyc.gov/press/2024/11/01/2732/>

broker if there is no exclusive agreement between them. The bill was therefore amended to clarify the employing party by defining landlord's agent, tenant's agent and dual agent, and prohibiting a broker who acts as the landlord's agent from passing their fee onto the tenant. This would also extend to brokers who were authorized by the landlord to list the property on the landlord's behalf.

The Real Estate Board of New York also proposed amendments that would eliminate the bill's core requirement of prohibiting a landlord's agent from collecting a fee from a tenant and replace it with only notice and fee disclosure requirements. While this proposal would address one piece of the policy issue—namely the lack of transparency in fees and their negotiability—it would not address the dynamics that compel tenants to pay fees to individuals who do not represent their interests and from whom they do not seek services, the practical inability for tenants to negotiate fees in many instances, nor the practical necessity of paying for these services they do not seek to get an edge in a highly competitive rental market. The current version of the bill does require landlords and brokers to disclose all fees a tenant is required to pay in their listings and prior to the execution of a rental agreement.

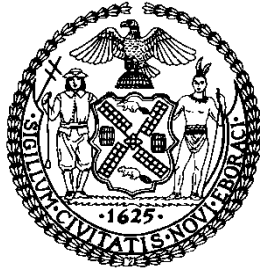
Since introduction, the bill has also been amended to establish a civil penalty scheme and a private right of action and to authorize DCWP to conduct education and outreach, and to enforce the bill.

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

V. CONCLUSION

The Committee looks forward to a vote on Proposed Int. No. 360-A.

(The following is the text of the Fiscal Impact Statement for Int. No. 360-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 360-A

COMMITTEE: Consumer and Worker Protection

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the payment of fees imposed in relation to the rental of residential real property.

SPONSOR(S): Council Members Ossé, Abreu, Feliz, Hudson, Krishnan, Nurse, Marte, Hanif, Brooks-Powers, Cabán, Sanchez, Louis, Won, Gennaro, Bottcher, Powers, Gutiérrez, Holden, Salaam, Restler, Joseph, Avilés, De La Rosa, Stevens, Fariás, Narcisse, Williams, Salamanca, Banks, Riley, Rivera, Ayala, Hanks and the Public Advocate (Mr. Williams) (in conjunction with the Brooklyn and Queens Borough Presidents).

SUMMARY OF LEGISLATION: The proposed bill Int. No. 360-A would prohibit real estate brokers from passing their fee onto tenants where the broker is exclusively representing the landlord's interests. This would include brokers who publish listings with the landlord's permission. Landlords or their agents would be required to disclose the fees that the tenant must pay in their listings and rental agreements. In addition, the legislation would require the Department of Consumer and Worker Protection (DCWP) to establish an outreach and education campaign to provide outreach to real estate brokers, tenants, prospective tenants and members of the public who are likely to be affected by this law. Any person who violates this bill would be subject to a civil penalty or civil action.

EFFECTIVE DATE: This local law takes effect 180 days after it becomes law

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

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY26
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$500,000	\$500,000
Net	\$0	\$500,000	\$500,000

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 an impact on expenditures resulting from the enactment of this legislation, as DCWP will require approximately \$500,000 for the costs related to fulfilling the outreach and education requirements of this legislation in Fiscal 2026.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn Martelloni, Financial Analyst

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Michael Twomey, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on February 28, 2024, as Proposed Int. No. 360, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing on the legislation was held by the Committee on June 12, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 360-A, will be considered by the Committee at a hearing on November 13, 2024. Upon majority affirmative vote by the Committee, Proposed Int. No. 360-A will be submitted to the full Council for a vote on November 13, 2024.

DATE PREPARED: November 11, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 360-A:)

Int. No. 360-A

By Council Members Ossé, Abreu, Feliz, Hudson, Krishnan, Nurse, Marte, Hanif, Brooks-Powers, Cabán, Sanchez, Louis, Won, Gennaro, Bottcher, Powers, Gutiérrez, Holden, Salaam, Restler, Joseph, Avilés, De La Rosa, Stevens, Farías, Narcisse, Williams, Salamanca, Banks, Riley, Rivera, Ayala, Hanks and the Public Advocate (Mr. Williams) (in conjunction with the Brooklyn and Queens Borough Presidents).

A Local Law to amend the administrative code of the city of New York, in relation to the payment of fees imposed in relation to the rental of residential real property

Be it enacted by the Council as follows:

Section 1. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 15 to read as follows:

**SUBCHAPTER 15
RENTAL REAL ESTATE AGREEMENTS**

§ 20-699.20 Definitions. For purposes of this subchapter, the following terms have the following meanings:

Agent. The term “agent” means a person who is licensed as a real estate broker or real estate salesperson under section 440-a of the real property law and is acting in a fiduciary capacity.

Dual agent. The term “dual agent” means an agent who is acting as a tenant’s agent and a landlord’s agent with respect to an agreement regarding the same residential real property.

Engage. The term “engage” means to enter into an agreement that requires the payment of a fee by a person for the performance of services by another person.

Fee. The term “fee” means an amount of money that is charged by a person for the provision of services to one or more persons, including but not limited to a commission.

Landlord. The term “landlord” means the lessor in a residential real property agreement, and includes an owner who lists residential real property for lease with an agent, whether or not a lease results, or who receives an offer to rent residential real property, except for a cooperative housing corporation leasing residential real property to a dwelling unit owner or shareholder of such cooperative housing corporation.

Landlord’s agent. The term “landlord’s agent” means a listing agent who acts alone, or an agent who acts in cooperation with a listing agent, acts as a landlord’s subagent, or acts as a broker’s agent, to find or obtain a tenant for residential real property. The term “landlord’s agent” does not include a dual agent.

Lease. The term “lease” means an agreement by which a landlord conveys residential real property for a specified term and for a specified rent.

Listing. The term “listing” means an advertisement or written notice conveying that a property is available for lease.

Listing agent. The term “listing agent” means a person who has entered into a listing agreement to act as an agent of the landlord for compensation.

Listing agreement. The term “listing agreement” means an agreement between an owner of residential real property and an agent, by which the agent has been authorized to lease the residential real property or to find or obtain a lessee therefor.

Residential real property. The term “residential real property” means a dwelling unit, as defined in paragraph 13 of subdivision a of section 27-2004, including a dwelling unit held in the condominium or cooperative forms of ownership.

Tenant. The term “tenant” means a lessee in an agreement to rent residential real property and includes a person who executes an offer to rent residential real property from a landlord through an agent, or who has engaged the services of an agent with the object of entering into a residential real property agreement as a lessee.

Tenant’s agent. The term “tenant’s agent” means an agent who agrees to locate residential real property for a tenant or who finds a tenant for a property and presents an offer to lease to the landlord or landlord’s agent and negotiates on behalf of the tenant.

§ 20-699.21 Payment of certain fees imposed in relation to the rental of residential real property. a. Except as expressly provided by subdivision 1 of section 238-a of the real property law:

1. a landlord's agent shall not impose any fee on, or collect any fee from, a tenant related to the rental of residential real property; and

2. any agent who publishes a listing for a rental of residential real property with the permission or authorization of the landlord for such property shall not impose any fee on, or collect any fee from, a tenant related to the rental of such property.

b. A landlord is in violation of subdivision a of this section if:

1. a landlord's agent of such landlord violates such subdivision; or

2. any agent who publishes a listing for a rental of residential real property with the permission or authorization of such landlord violates such subdivision.

c. No person shall condition the rental of residential real property on a tenant engaging any agent, including but not limited to a dual agent.

d. No person shall post a listing for the rental of residential real property that represents that fees must be paid in a manner that would violate this section.

e. There shall be a rebuttable presumption that an agent who publishes a listing for a rental of residential real property does so with the permission or authorization of the landlord of such property.

§ 20-699.22 Total fee disclosure. a. Every listing related to the rental of residential real property shall disclose in such listing in a clear and conspicuous manner any fee to be paid by the prospective tenant for the rental of such property.

b. Prior to the execution of an agreement for the rental of residential real property, the landlord or landlord's agent shall provide to the tenant an itemized written disclosure of any fees that the tenant must pay to the landlord or to any other person at the direction of the landlord in connection with such rental. Such itemized written disclosure shall include a short description of each fee, and the tenant shall sign any such itemized written disclosure prior to signing an agreement for the rental of such residential real property. The landlord or landlord's agent shall retain the signed written disclosure required by this subdivision for 3 years and shall provide a copy of such signed written disclosure to the tenant.

§ 20-699.23 Penalties. a. Any person who violates the provisions of section 20-699.21 shall be subject to a civil penalty of not more than \$1,000 for the first violation and not more than \$2,000 for each subsequent violation occurring within a two-year period.

b. Any person who violates the provisions of section 20-699.22 shall be subject to a civil penalty of not more than \$500 for the first violation and not more than \$1,000 for each subsequent violation occurring within a two-year period.

c. In a proceeding alleging a violation of this subchapter, the department may seek an order imposing all applicable civil penalties authorized pursuant to this section and requiring restitution of any fees charged in violation of this subchapter.

§ 20-699.24 Private cause of action. Any person alleging a violation of this subchapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction. Such court may order compensatory, injunctive and declaratory relief.

§ 20-699.25 Outreach and education. a. The commissioner shall establish an outreach and education campaign about the provisions of this subchapter. Such outreach and education shall be provided to real estate brokers, tenants, prospective tenants and members of the public who are likely to be affected by this law.

b. The materials required by this section shall be made available on the department's website in English and the designated citywide languages as provided in section 23-1101.

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

JULIE MENIN, Chairperson; SHAUN ABREU, GALE A. BREWER, AMANDA C. FARIAS, SHEKAR KRISHNAN, CHI A. OSSE, JULIE WON; 7-0-0; Committee on Consumer and Worker Protection, November 13, 2024. Other Council Members Attending: Council Member Sanchez.

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

Report of the Committee on Finance

Report for Res. No. 627

Report of the Committee on Finance in favor of approving a Resolution concerning the increase in the annual expenditure for 9 business improvement districts and the setting of the date, time, and place for the hearing of the proposed local law that would increase the annual expenditure for such districts.

The Committee on Finance, to which the annexed resolution was referred on October 23, 2024 (Minutes, page 3568), respectfully

REPORTS:

I. INTRODUCTION

The Committee on Finance, chaired by Council Member Justin Brannan, will vote on Resolutions 627 and 630, which set a date, time, and place for a public hearing to consider local laws that would increase the annual expenditures of nine (9) business improvement districts (BIDs) and would increase the annual expenditure of the Madison Avenue BID and amend the assessment method of the Madison Avenue BID, respectively. The resolutions set December 19, 2024 at 10:30 am in the City Council Committee Room, 2nd Floor, City Hall, Manhattan as the date, time, and place for the hearing.

The resolutions also direct that all notices required under the BID Law be properly given by the Department of Business Services and the District Management Association of the respective BIDs, and will list the amounts of the proposed increase in assessments, where applicable.

BIDs, which are specifically established areas, use the City's property tax collection mechanism to approve a special tax assessment with which to fund additional services that would enhance such areas and improve local business. The additional services are normally in the areas of security, sanitation, physical/capital improvements (lighting, landscaping, sidewalks, etc.), seasonal activities (Christmas lighting) and related business services (marketing and advertising). The BID demarcates the areas in which services will be enhanced and also establishes the mechanism for the assessment needed to generate the required budget.

II. Resolution 627

These increases, which have been requested by the BIDs and approved by the respective District Management Associations, would result in a higher assessment on all properties currently subject to the BIDs' assessments as a result of the increase in the assessment rate.

Pursuant to §§ 25-410(b) and 25-416 of the Administrative Code, the BIDs may obtain an increase in its budget (i.e. the total amount allowed to be expended annually by the BIDs for improvements, services, maintenance, and operation) by means of the adoption of a local law amending the BID's district plan. Such a local law may be adopted by the City Council after a determination that it is in the public interest to authorize such an increase in the maximum annual amount and that the tax and debt limits prescribed in § 25-412 of the Administrative Code will not be exceeded. Notice of the public hearing to consider such a local law must be published in at least one newspaper having general circulation in the district specifying the time when, and the place where, the hearing will be held and stating the increase proposed in the maximum amount to be expended annually.

Accordingly, the resolution also directs the District Management Associations of each of the BIDs to publish in a newspaper of general circulation in each district, not less than ten (10) days prior to the public hearing, a notice

stating the time and place of the public hearing and setting forth the increase in the amount to be expended annually in each of the BIDs.

The following BIDs have requested increases to their budgets, as indicated in the table at Appendix A¹:

- 34th Street BID
- Atlantic Avenue BID
- Bayside Village BID
- Fulton Street BID
- Hudson Square BID
- Madison/23rd/Flatiron/Chelsea BID
- North Flatbush Avenue BID
- SoHo BID
- Times Square BID

Resolution 630

The current method of assessment for the Madison Avenue BID is based on the location and square footage of the buildings, with the commercial area of each property containing commercial space assessed based on square footage and location within the BID, while non-commercial and residential properties are assessed at a flat rate of \$1 per year and non-profit or public institutions are unassessed. Under the proposed amendment, the method of assessment will change in the following ways: (1) the charge per commercial square foot for properties in classes A-E will decrease; (2) a new residential square foot charge across property classes A-G will be added that shall equal 15% of the Class A commercial rate and; (3) a property Class V, a new classification, will include all tax lots located within the district, in which no taxable building is present (a vacant lot). Properties that fall under Class V will be assessed by a new formula that multiplies the lot area by 38% of the Class A commercial rate, multiplied again by 10.

This amended method of assessment would reflect a more equitable assessment rate across the district by decreasing the assessment rate across all commercial properties and create a new assessment formula for fully residential properties and vacant lots.

As part of the amendment, the BID also seeks to increase their annual expenditure from \$2,100,000 to \$2,520,000.

(For text of Res. No. 630, please see the Report of the Committee on Finance for Res. No. 630 in these Minutes; for text of Res. No. 627, please see below:)

Accordingly, this Committee recommends the adoption of Res. Nos. 627 and 630.

(The following is the text of Res. No. 627:)

Res. No. 627

Resolution concerning the increase in the annual expenditure for 9 business improvement districts and the setting of the date, time, and place for the hearing of the proposed local law that would increase the annual expenditure for such districts.

By Council Member Brannan.

WHEREAS, Pursuant to Chapter 4 of Title 25 of the Administrative Code of the City of New York or the predecessor of such Chapter (the "BID Law"), the City established the Times Square, 34th Street, North Flatbush

¹ Appendix A includes details for the Madison Avenue BID budget increase, which is addressed in Resolution 630.

Avenue, Madison/23rd/Flatiron/Chelsea, Bayside Village, Fulton Street, Hudson Square, Atlantic Avenue, and SoHo Business Improvement Districts in the City of New York; and

WHEREAS, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, Pursuant to Section 25-410(b) of the BID Law, an increase in the amount to be expended annually may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize the increase and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded; and

WHEREAS, One of the 9 Business Improvement Districts wishes to increase the amount to be expanded annually retroactive to July 1, 2024, as follows: the 34th Street Business Improvement District, \$14,300,000; and

WHEREAS, Eight of the 9 Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2025, as follows: Times Square Business Improvement District, \$17,200,000; North Flatbush Avenue Business Improvement District, \$350,000; Madison/23rd/Flatiron/Chelsea Business Improvement District, \$9,000,000; Bayside Village Business Improvement District, \$430,000; Fulton Street Business Improvement District, \$800,000; Hudson Square Business Improvement District, \$5,850,000; Atlantic Avenue Business Improvement District, \$637,000; and the SoHo Business Improvement District, \$1,757,934; and

WHEREAS, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least 1 newspaper having general circulation in the districts specifying the time when and the place where the hearing will be held and stating the proposed amount to be expended annually; now, therefore, be it

RESOLVED, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) December 19, 2024, is the date and the City Council Committee Room, 2nd Floor, City Hall, is the place and 10:30 AM is the time for a public hearing (the “Public Hearing”) to hear all persons interested in the legislation that would increase the amount to be expended annually in nine Business Improvement Districts; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Associations of the Times Square, 34th Street, North Flatbush Avenue, Madison/23rd/Flatiron/Chelsea, Bayside Village, Fulton Street, Hudson Square, Atlantic Avenue, and SoHo Business Improvement Districts are hereby authorized to publish in a newspaper of general circulation in each district, not less than 10 days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and setting forth the proposed increase in the amount to be expended annually in each of the 9 Business Improvement Districts.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-0-0; Committee on Finance, November 13, 2024.

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

Report for Res. No. 630

Report of the Committee on Finance in favor of approving a Resolution concerning an increase in the amount to be expended annually in the Madison Avenue Business Improvement District, an amendment to the District Plan of such district that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time, and place for the public hearing of the proposed local law that would authorize an increase in the amount to be expended annually and a change in the method of assessment upon which the district charge in the Madison Avenue Improvement District is based.

The Committee on Finance, to which the annexed resolution was referred on October 23, 2024 (Minutes, page 3579), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for Res. No. 627 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 630:)

Res. No. 630

Resolution concerning an increase in the amount to be expended annually in the Madison Avenue Business Improvement District, an amendment to the District Plan of such district that provides for a change in the method of assessment upon which the district charge is based, and setting the date, time, and place for the public hearing of the proposed local law that would authorize an increase in the amount to be expended annually and a change in the method of assessment upon which the district charge in the Madison Avenue Improvement District is based.

By Council Member Powers.

WHEREAS, Pursuant to chapter 4 of title 25 of the Administrative Code of the City of New York (the "BID Law"), the City established the Madison Avenue Business Improvement District in the City of New York; and

WHEREAS, Pursuant to Local Law No. 82 for the year 1990, the City Council assumed responsibility for adopting legislation relating to Business Improvement Districts; and

WHEREAS, The Madison Avenue Business Improvement District wishes to increase the amount to be expended annually to \$2,520,000 beginning on July 1, 2025; and

WHEREAS, The Madison Avenue Business Improvement District wishes to amend the District Plan of such district in order to provide for a change in the method of assessment upon which the district charge is based; and

WHEREAS, Pursuant to Section 25-410(b) of the BID Law, both an increase in the amount to be expended annually and an amendment to the District Plan that provides for any change in the method of assessment upon which the district charge is based may be adopted by local law, provided that the City Council determines, after a public hearing, that it is in the public interest to authorize such changes and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such changes; and

WHEREAS, Pursuant to Section 25-410(b) of the BID Law, the City Council is required to give notice of the public hearing by publication of a notice in at least 1 newspaper having general circulation in the district

specifying the time when and the place where the hearing will be held and stating both the proposed increase in the amount to be expended annually and the proposed change in the method of assessment upon which the district charge in the Madison Avenue Business Improvement District is based; now, therefore, be it

RESOLVED, That the Council of the City of New York, pursuant to Section 25-410(b) of the BID Law, hereby directs that:

(i) December 19, 2024, is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and 10:30 AM is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize an increase in the amount to be expended annually and a change in the method of assessment upon which the district charge in the Madison Avenue Business Improvement District is based; and

(ii) On behalf of the City Council and pursuant to Section 25-410(b) of the BID Law, the District Management Association of the Madison Avenue Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than 10 days prior to the Public Hearing, a notice stating the time and place of the Public Hearing and stating the proposed increase in the amount to be expended annually and the proposed change in the method of assessment upon which the district charge in the Madison Avenue Business Improvement District is based.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-0-0; Committee on Finance, November 13, 2024.

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

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

Report for Res. No. 641

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

The Committee on Finance, to which the annexed preconsidered resolution was referred on November 13, 2024, 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 13, 2022, the Council adopted the expense budget for fiscal year 2023 with various programs and initiatives (the "Fiscal 2023 Expense Budget"). On June 30, 2023, the Council adopted the expense budget for fiscal year 2024 with various programs and initiatives (the "Fiscal 2024 Expense Budget"). On June 30, 2024, the Council adopted the expense budget for fiscal year 2025 with various programs and initiatives (the "Fiscal 2025 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 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets (“Charts”).

This Resolution, dated November 13, 2024, approves the new designations and the changes in the designation of certain organizations receiving local, youth, community safety and victim services, and Speaker’s initiative to address citywide needs discretionary funding and funding for certain initiatives in accordance with the Fiscal 2025 Expense Budget; approves the changes in designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2023 Expense Budget; amends the description for the Description/Scope of Services of certain organizations receiving local discretionary funding in accordance with the Fiscal 2025 Expense Budget; amends the description for the Description/Scope of Services of certain organizations receiving youth and aging discretionary funding in accordance with the Fiscal 2024 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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.

It should also be noted that changes to funding for organizations in the attached Charts with a triple asterisk (***) are corrections to designations listed in Schedule C and/or a subsequent Transparency Resolution.

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 2025, Fiscal 2024, and Fiscal 2023 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. 641:)

Preconsidered Res. No. 641

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

By Council Member Brannan.

Whereas, On June 30, 2024, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”); and

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

Whereas, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets by approving the new designation and changes in the

designation of certain organizations receiving local, youth, community safety and victim services, and Speaker's initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, and aging discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2025 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving community safety and victim services discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Diversity, Inclusion & Equity in Tech Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Estate Planning and Resolution Initiative (EPAR) in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 29.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 641 of 2024 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-0-0; Committee on Finance, November 13, 2024.

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

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

Report for L.U. No. 189

Report of the Committee on Finance in favor of a Resolution approving Met Council Portfolio: Block 879, Lot 26; Block 886, Lot 63; Block 927, Lot 37; Block 1347, Lot 122; Block 1432, Lot 12; Block 1436, Lot 122; Block 1554, Lot 38, Manhattan, Community District No. 6 and 8, Council District No. 2, 4, and 5.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 13, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

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

THE COUNCIL OF THE CITY OF NEW YORK

November 13, 2024

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

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

RE: Finance Committee Agenda of November 13, 2024 – Resolution approving tax exemptions for two Land Use items (Council Districts 2, 4, 5, 7)

1. Met Council Portfolio

A new full 40-year Article XI exemption retroactive to July 1, 2024 for preservation of seven rental buildings in Council Members Rivera, Menin, and Powers' districts. The buildings contain 174 units – 48 studios, 117 one-bedrooms, 7 two-bedrooms, and 2 superintendent units. The project would combine seven individual HDFC entities under one unified ownership and all buildings are designated as senior affordable housing. Upon approval, the building would complete façade and sustainability work required by Local Law 11 and 97, respectively.

Summary:

- Borough – Manhattan
- Block 879, Lot 26; Block 886, Lot 63; Block 927, Lot 37; Block 1347, Lot 122; Block 1432, Lot 12; Block 1436, Lot 122; Block 1554, Lot 38
- Council Districts – 2, 4, and 5
- Council Members – Rivera, Menin, Powers
- Council Members approval – Yes
- Number of buildings – 7
- Number of units – 174 residential
- Type of exemption – Article XI, full, 40 years
- Population – Rental
- Sponsors – Metropolitan New York Coordinating Council on Jewish Poverty

- Purpose – preservation
- Cost to the city – \$13.89 million (net present value)
- Housing Code Violations
 - Class A – 17
 - Class B – 23
 - Class C – 20

Anticipated AMI Targets: 15 units at 30% AMI, 136 units at 60% AMI, 21 units at 70% AMI

2. **537 West 149th Street**

A new full 40-year Article XI exemption for the preservation of one HDFC co-op building in Council Member Abreu's district. The building contains 35 units – 6 two-bedrooms, 28 three-bedrooms, and a superintendent unit. Upon approval, the building will undergo moderate rehab and energy efficiency upgrades and enter into a regulatory agreement with HPD imposing affordability restrictions on the units.

Summary:

- Borough – Manhattan
- Block 2081, Lot 14
- Council District – 7
- Council Member – Abreu
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 35 residential
- Type of exemption – Article XI, full, 40 years
- Population – Homeownership
- Sponsors – 537 West 149th Street Housing Development Fund Corporation
- Purpose – preservation
- Cost to the city – \$2.14 million (net present value)
- Housing Code Violations
 - Class A – 8
 - Class B – 32
 - Class C – 0

Anticipated AMI Targets: Vacant units will be priced to be affordable to households earning up to 100% AMI, with an income cap of 120% AMI.

(For text of the coupled resolution for L.U. No. 190, please see the Report of the Committee on Finance for L.U. No. 190 printed in these Minutes; for the coupled resolution for L.U. No. 189, please see below:)

Accordingly, this Committee recommends the adoption of L.U. Nos. 189 and 190.

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

Preconsidered Res. No. 646

Resolution approving an exemption from real property taxes for property located at (Block 879, Lot 26; Block 886, Lot 63; Block 927, Lot 37; Block 1347, Lot 122; Block 1432, Lot 12; Block 1436, Lot 122; Block 1554, Lot 38) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 189).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 23, 2024 that the Council take the following action regarding a housing project located at (Block 879, Lot 26; Block 886, Lot 63; Block 927, Lot 37; Block 1347, Lot 122; Block 1432, Lot 12; Block 1436, Lot 122; Block 1554, Lot 38) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean July 1, 2024.
 - b. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 879, Lot 26, Block 886, Lot 63, Block 927, Lot 37, Block 1347, Lot 122, Block 1432, Lot 12, Block 1436, Lot 122, and Block 1554, Lot 38 on the Tax Map of the City of New York.
 - c. “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.
 - d. “HDFC” shall mean East Side Affordable Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - e. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - f. “New Exemption” shall mean the exemption from real property taxation provided hereunder with respect to the Exemption Area.
 - g. “Owner” shall mean the HDFC.
 - h. “Prior Exemption” shall mean the existing tax exemption of the Exemption Area pursuant to Section 421-a(1-15) of the Real Property Tax Law.
 - i. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner that is executed on or after September 1, 2024, establishes certain controls upon the operation of the Exemption Area during the term of the New Exemption and provides, *inter alia*, for the termination of the Prior Exemption.

2. The Prior Exemption shall terminate with respect to the Exemption Area upon the Effective Date.
3. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
4. Notwithstanding any provision hereof to the contrary:
 - a. The New Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the New Exemption shall prospectively terminate.
 - b. The New Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that 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.
5. In consideration of the New Exemption, the owner of the Exemption Area shall, for so long as the New Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-0-0; Committee on Finance, November 13, 2024.

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

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

Report for L.U. No. 190

Report of the Committee on Finance in favor of a Resolution approving 537 West 149th Street: Block 2081, Lot 14, Manhattan, Community District No. 9, Council District No. 7.

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on November 13, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Finance for L.U. No. 189 printed above in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Preconsidered Res. No. 647

Resolution approving an exemption from real property taxes for property located at (Block 2081, Lot 14) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 190).

By Council Member Brannan.

WHEREAS, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated October 24, 2024 that the Council take the following action regarding a housing project located at (Block 2081, Lot 14) Manhattan (“Exemption Area”):

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

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

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

RESOLVED:

1. For the purposes hereof, the following terms shall have the following meanings:
 - a. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDPC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 2081, Lot 14 on the Tax Map of the City of New York.

- d. “Expiration Date” shall mean the earlier to occur of (i) a date which is 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.
 - e. “HDFC” shall mean 537 West 149th Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - g. “Owner” shall mean the HDFC.
 - h. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
 3. Notwithstanding any provision hereof to the contrary:
 - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
 - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
 4. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, *Chairperson*; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, YUSEF SALAAM, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-0-0; Committee on Finance, November 13, 2024.

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

Report of the Committee on Government Operations, State & Federal Legislation

Report for Int. No. 1088-A

Report of the Committee on Governmental Operations, State and Federal Legislation in favor of approving and adopting, as amended, a Local Law in relation to establishing a charter revision commission to draft a new or revised city charter.

The Committee on Governmental Operations, State and Federal Legislation, to which the annexed proposed amended local law was referred on October 23, 2024 (Minutes, page 3559), respectfully

REPORTS:

I. INTRODUCTION

On November 13, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, held a vote on Introduction Number (Int. No.) 1088-A, sponsored by Speaker Adams, in relation to establishing a charter revision commission to draft a new or revised city charter. On October 30, 2024, the Committee held a hearing on a previous version of this bill. Int. 1088-A passed with 7 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

II. BACKGROUND

The New York State Constitution and state law grant the City general powers and rights, while the organization of City government and the distribution of these powers are set forth in the New York City Charter.¹ Since the adoption of the first City Charter in 1897, it has been amended more than 100 times.² While the most common method of changing the Charter is through local law adopted by the Council, certain significant changes must be approved by the voters at an election.³ There are three ways a proposed change to the Charter can appear on the ballot: (1) following the passage of a local law that directs that the local law be submitted to the electorate for approval; (2) by a petition that gathers a requisite number of signatures; or (3) through a Charter Revision Commission, created by the Mayor, the City Council, or by petition.⁴

¹ N.Y. Const. art. IX, *see generally* N.Y. Stat. of Local Gov'ts Law and N.Y. Mun. Home Rule Law.

² *See* Laws of 1897, ch. 378; N.Y.C. Charter Revision Comm'n, Final Report of the 2010 N.Y.C. Charter Revision Comm'n,

³ N.Y. Mun. Home Rule Law § 23; N.Y.C. Charter § 38.

⁴ *Id.*

2024 Charter Revision Commission

On May 21, 2024, Mayor Eric Adams announced that he would convene a Charter Revision Commission to determine “how to make New York City’s municipal government more responsive and transparent to the city’s residents.”⁵ The Commission was staffed by 12 individuals, appointed by the Mayor, and chaired by Carlo Scissura. The Commission appointees were comprised of “campaign donors, three lobbyists with business before the city, and several longtime allies of the Mayor, including three women who publicly defended the mayor after he was accused of sexual assault in a lawsuit still making its way through the court system.”⁶ The Commission was announced only a few days before the City Council was to set to introduce legislation that would have required the Mayor to obtain the advice and consent of the City Council for 21 commissioner-level appointments.⁷ The bill stipulated that it would only go into effect if approved by the voters.⁸ The Mayor’s Commission chose to bump the referendum on this local law off this year’s ballot.⁹

Following 12 public hearings and two meetings, the Charter Revision Commission voted to advance five proposals that appeared on the November 5, 2024 General Election ballot. Four of the five proposals passed with 55% to 60% support. The fifth proposal was not approved.¹⁰

III. LEGISLATIVE ANALYSIS

Int. No. 1088-A - A Local Law in relation to establishing a charter revision commission to draft a new or revised city charter

The bill would establish a Charter Revision Commission to draft a new or revised City Charter. The Commission would consist of 17 members. Nine would be appointed by the Speaker of the Council. Each Borough President, the Public Advocate, the Mayor, and the Comptroller would each have one appointment. One of the appointees would be designated by the Speaker as chairperson. All appointments would be made within 30 days and vacancies would be filled by the original appointing official.

Registered lobbyists would not be eligible to be members, and any person with business dealings with the City would be eligible to be a member only if they received approval by the Conflicts of Interest Board (COIB), subject to any restrictions or limitations on their responsibilities required by COIB. Holding public office or employment would not be a disqualification for being a member of the Commission. Members would not receive compensation for their services, though they would be reimbursed for any necessary expenses accrued in the performance of their duties.

The City would be required to fund the Commission, and the Commission would be empowered to appoint, set the salary of, and remove, its employees and consultants. As with commissioners, registered lobbyists would not be eligible to serve as employees or consultants to the Commission, and any person with business dealings with the City would be eligible to be an employee or consultant for the Commission only if they received approval by COIB, subject to any restrictions or limitations on their responsibilities required by COIB. Holding public office or employment would not be a disqualification for being an employee or consultant of the Commission.

The Commission would be required to hold at least one public hearing in each borough, and to conduct an extensive outreach campaign to solicit ideas from civic and community leaders, and encourage the public to participate in the hearing process. The Commission would also be empowered to conduct private hearings, take

⁵ Office of the Mayor. *Mayor Adams Announces New Charter Revision Comm’n*. NYC.GOV. (May 21, 2024) Available at <https://www.nyc.gov/office-of-the-mayor/news/401-24/mayor-adams-new-charter-revision-commission>.

⁶ Dana Rubinstein and Emma G. Fitzsimmons. *Mayor Adams Fills a Key Commission With Allies and Donors*. N.Y. TIMES. (May 22, 2024) Available at <https://www.nytimes.com/2024/05/22/nyregion/eric-adams-nyc-charter-commission.html>.

⁷ Dana Rubenstein. *Adams vs. Adams: A Power Struggle in New York City Turns Ugly*. N.Y. TIMES. (May 21, 2024) Available at <https://www.nytimes.com/2024/05/21/nyregion/city-council-eric-adams.html>.

⁸ *Id.*

⁹ Dana Rubenstein. *Mayor Adams Dodges a City Council Threat by Making One of His Own*. N.Y. TIMES. (July 23, 2024) Available at <https://www.nytimes.com/2024/07/23/nyregion/charter-revision-adams-council.html>.

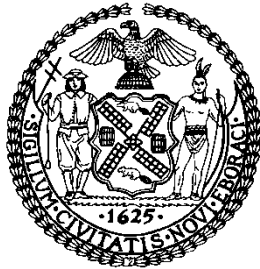
¹⁰ Sahalie Donaldson. *New York Ballot Proposal Election Results 2024*. City and State (Nov. 5, 2024) Available at <https://www.cityandstateny.com/politics/2024/11/new-york-ballot-proposal-election-results-2024/400849/>

testimony, subpoena witnesses, and require the production of documents and records. The Commission would be required to maintain a website with public hearing agendas, transcripts, and webcasts.

The Commission would be empowered to submit its proposed charter or charter amendments in as many parts as it chose, at a General or Special Election as it saw fit, but would be required to submit its work for submission to the City Clerk in time for submission to the voters no later than the second General Election after the enactment of Int. No. 1088-A.

Int. No. 1088-A would go into effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 1088-A:)



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

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO: 1088-A

COMMITTEE: Governmental Operations, State
& Federal Legislation

TITLE: A Local Law in relation to establishing a charter revision commission to draft a new or revised city charter.

SPONSOR(S): By The Speaker (Council Member Adams) and Council Members Restler, Farías, Williams, Gennaro, Hanif, Brooks-Powers, Brewer, Avilés, Cabán and Brannan.

SUMMARY OF LEGISLATION: This proposed legislation would establish a charter revision commission to draft a new or revised City charter.

EFFECTIVE DATE: November 6, 2024; provided, however, that if this local law is enacted after such date it shall take effect immediately.

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

FISCAL IMPACT STATEMENT:

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY27
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$250,000	\$0
Net	\$0	\$250,000	\$0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be net impact on expenditures of \$250,000 to meet the requirements of this legislation. The estimated costs include \$200,000 for outreach and \$50,000 for administrative costs.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

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

ESTIMATE PREPARED BY: Ross S. Goldstein, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on October 23, 2024, as Int. No. 1088 and was referred to the Committee on Governmental Operations, State and Federal Legislation (the Committee). A hearing was held by the Committee on October 30, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1088-A, will be voted on by the Committee at a hearing on November 13, 2024. Upon a majority affirmative vote by the Committee, Intro. No. 1088-A will be submitted to the full Council for a vote on November 13, 2024.

DATE PREPARED: November 8, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1088-A:)

Int. No. 1088-A

By The Speaker (Council Member Adams) and Council Members Restler, Farías, Williams, Gennaro, Hanif, Brooks-Powers, Brewer, Avilés, Cabán, Brannan, Dinowitz, Rivera, Ung and Hudson.

A Local Law in relation to establishing a charter revision commission to draft a new or revised city charter

Be it enacted by the Council as follows:

Section 1. There is hereby established a commission to draft a new or revised charter for the city of New York.

§ 2. Composition of the commission. a. The commission shall consist of up to 17 members to be appointed as follows:

1. nine members appointed by the speaker of the city council;
2. one member appointed by the mayor;
3. one member appointed by each borough president;
4. one member appointed by the public advocate; and
5. one member appointed by the comptroller.

b. The speaker of the city council shall appoint from among the membership a chairperson.

c. All appointments to the commission shall be made within 30 days of the effective date of this local law, after which time any unused appointment authority granted by subdivision a of this section is forfeited. Any vacancy in the membership of the commission occurring after such date shall be filled in the same manner as the original appointment.

d. No member of the commission may be removed except for cause by the appointing authority that appointed such member.

e. No commission member may be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York. Any person other than such a lobbyist who has business dealings with the city, as that term is defined in subdivision 18 of section 3-702 of the administrative code of the city of New York, may serve as a commission member only after approval by the conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

f. No person is disqualified to serve as a commission member by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

g. Commission members shall receive no compensation for their services, but shall be reimbursed for the actual and necessary expenses incurred by them in the performance of their duties.

h. The terms of office of the commission members expire on the day of the election at which the proposed new or revised charter prepared by the commission is submitted to the qualified electors of the city, or on the day of the second general election following the date of the effective date of this local law if no such questions have been submitted by that time.

§ 3. Commission mandate and powers. a. The commission shall review the entire charter and prepare a draft of a proposed new or revised charter.

b. The commission shall conduct not less than one public hearing in each of the five boroughs of the city and shall conduct an extensive outreach campaign that solicits ideas and recommendations from a wide variety of civic and community leaders, and which encourages the public to participate in such hearings. The commission shall maintain a website that includes its public hearing agendas and transcripts, as well as webcasts of its public hearings.

c. The commission shall have power to conduct private hearings, take testimony, subpoena witnesses, and require the production of books, papers, and records.

d. The city shall make appropriations for the support of the commission and the commission may accept any services, facilities, or funds and use or expend the same for its purposes. In addition, the city shall have the power, on the request of the commission, to appropriate to such commission such sum or sums as shall be necessary to defray its expenses.

e. The commission shall appoint and may at pleasure remove such employees and consultants as it shall require and fix their compensation.

f. No commission employee or consultant may be a registered lobbyist as that term is defined in subdivision (a) of section 3-211 of the administrative code of the city of New York. Any person other than such a lobbyist who is a person doing business with the city, as that term is defined in subdivision 18 of section 3-702.18 of the administrative code of the city of New York, may serve as a commission employee or consultant only after approval by the conflicts of interest board and only subject to such restrictions or limitations on their duties and responsibilities for the commission as the conflicts of interest board may require.

g. No person is disqualified to serve as a commission employee or consultant by reason of holding any other public office or employment, nor shall they forfeit any such office or employment by reason of their appointment hereunder, notwithstanding the provisions of any law.

h. The commission shall be considered an agency for the purposes of article 6 of the public officers law.

§ 4. Submission of recommendation for voter approval. a. The commission may require that its proposed charter be submitted in two or more parts so arranged that corresponding parts of the existing charter shall remain in effect if one or more of such parts are not adopted, or may in lieu of a new charter submit a revision of the existing charter in one or more amendments and may also submit alternative charters or amendments or alternative provisions to supersede designated portions of a proposed charter or amendment if adopted.

b. The commission may submit its proposed new or revised charter to the electors of the city at a general or special election, and shall complete and file in the office of the city clerk its proposed new or revised charter in time for submission to the electors not later than the second general election after the date of the effective date of this local law.

§ 5. Severability. If any provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part, or inapplicable to any person or situation, such holding shall not affect, impair or

invalidate any portion of or the remainder of this local law, and all other provisions thereof shall nevertheless be separately and fully effective and the application of any such provision to other persons or situation shall not be affected.

§ 6. Effective date. This local law takes effect immediately.

LINCOLN RESTLER, *Chairperson*; GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, DAVID M. CARR, INNA VERNIKOV, VICKIE PALADINO; 7-0-0; *Absent*: Council Members Gennaro and Schulman; Committee on Governmental Operations and State & Federal Legislation, November 13, 2024.

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

Report of the Committee on Land Use

Report for L.U. No. 161

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230356 ZMK (962-972 Franklin Avenue Rezoning) submitted by Franklin Ave Acquisition, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d, changing from an R6A District to an R8A District, and establishing within the proposed R8A District a C2-4 District, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3307), respectfully

REPORTS:

SUBJECT

BROOKLYN CB 9 – THREE APPLICATIONS RELATED TO 962-972 FRANKLIN AVENUE REZONING

C 230356 ZMK (L.U. No. 161)

City Planning Commission decision approving an application submitted by the Franklin Ave Acquisition LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16d:

1. changing from an R6A District to an R7D District property bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 150 feet northerly of Sullivan Place, and a line 100 feet easterly of Washington Avenue; and

2. establishing within the proposed R7D District a C2-4 District bounded by a line 285 feet southerly of Montgomery Street, Franklin Avenue, a line 575 feet southerly of Montgomery Street, and a line 100 feet westerly of Franklin Avenue;

as shown on a diagram (for illustrative purposes only) dated May 13, 2024, modified by the City Planning Commission on September 23, 2024, and subject to the conditions of CEQR Declaration E-728.

N 230357(A) ZRK (L.U. No. 162)

City Planning Commission decision approving an application submitted by the Franklin Ave Acquisition LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), as well as APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 230358 ZSK (L.U. No. 163)

City Planning Commission decision approving an application submitted by Franklin Ave Acquisition LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within the Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962-972 Franklin Avenue (Block 1192, Lots 63 and 66), in R8A and R8A/C2-4 Districts.

INTENT

To approve the amendment to rezone the project area from an R6A district to R7D and R7D/C2-4 districts; amend the zoning text to designate a Mandatory Inclusionary Housing (MIH) area and modify bulk regulations in Article II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts); grant an approval of the special permit pursuant to Zoning Resolution Section 74-52 to reduce residential off-street parking to facilitate affordable housing, to facilitate the construction of a 10-story mixed use building with approximately 285,000 square feet of floor area containing 355 dwelling units, up to 106 of which would be permanently income-restricted, along with 8,128 square feet of commercial floor area, at 962 Franklin Avenue in the Crown Heights neighborhood of Brooklyn, Community District 9.

PUBLIC HEARING

DATE: October 16, 2024

Witnesses in Favor: Ten

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** November 12, 2024

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 161 and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 162 and 163.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** November 13, 2024

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 162

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230357(A) ZRK (962-972 Franklin Avenue Rezoning) submitted by Franklin Ave Acquisition LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying bulk regulations in ARTICLE II, Chapter 3 (Residential Bulk Regulations in Residence Districts) and Chapter 4 (Bulk Regulations for Community Facilities in Residence Districts), as well as APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3307), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 161 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 163

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230358 ZSK (962-972 Franklin Avenue Rezoning) submitted by Franklin Ave Acquisition, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-533 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within the Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 962-972 Franklin Avenue (Block 1192, Lots 63 and 66), in R8A and R8A/C2-4 Districts, Borough of Brooklyn, Community District 9, Council District 35.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3308), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 161 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 164

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230182 ZMK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 22c and 22d, changing from an R5 District to an R6 District, changing from an M1-1 District to an R6 District, changing from an M1-1 District to a C4-5 District, and establishing within the proposed R6 District a C2-4 District, Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3308), respectfully

REPORTS:

SUBJECT

BROOKLYN CBs-11 and 12 – NINE APPLICATIONS RELATED TO BROOKLYN YARDS

C 230182 ZMK (L.U. No. 164)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 22c & 22d:

1. changing from an R5 District to an R6 District property bounded by 59th Street, 16th Avenue, a line midway between 59th Street and 60th Street, a line 100 feet northwesterly of 16th Avenue;
2. changing from an M1-1 District to an R6 District property bounded by a line midway between 59th Street and 60th Street, 16th Avenue, 60th Street, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), 15th Avenue, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), and a line 460 feet southeasterly of 15th Avenue;
3. changing from an M1-1 District to a C4-5 District property bounded by the 61st Street, 15th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), and New Utrecht Avenue; and
4. establishing within the proposed R6 District a C2-4 District bounded by the 59th Street, 16th Avenue, 60th Street, and a line 100 feet northwesterly of 16th Avenue;

as shown on a diagram (for illustrative purposes only) dated June 10, 2024, and subject to the conditions of CEQR Declaration E-749.

N 230183 ZRK (L.U. No. 165)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 230184 ZSK (L.U. No. 166)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District.

C 230185 ZSK (L.U. No. 167)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow a portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area for a proposed mixed use development, on property located at 1557 60th Street (Block 5509, Lots 41 and 57), in a R6 & R6/C2-4 District.

C 230188 ZSK (L.U. No. 168)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to street Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts.

C 230189 ZSK (L.U. No. 169)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61* of the Zoning Resolution to allow that portion of a railroad or transit right right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5727, p/o Lot 14), in a C4-5 District.

C 230190 ZSK (L.U. No. 170)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District.

C 230191 ZSK (L.U. No. 171)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 1557 60th Street Avenue (Block 5727, p/o Lot 14), in a C4-5 District.

C 230196 ZSK (L.U. No. 172)

City Planning Commission decision approving an application submitted by Brooklyn Yards Development, LLC pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution:

1. Section 74-743(a)(1) - to allow the distribution of total allowable floor area and lot coverage without regard for the zoning lot lines or district boundaries;
2. Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations); and
3. Section 74-743(a)(6) - to modify the minimum distance between legally required windows and walls or lot lines regulations of Section ZR 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines);

in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts,

INTENT

To approve the amendment to rezone the project area from an M1-1 and R5 districts to C4-5, R6, and R6/C2-4 districts; amend the zoning text to Appendix F of the ZR to map a new Mandatory Inclusionary Housing (MIH) area and to expand the Transit Zone; grant an approval of the special permit pursuant to ZR Section 74-52 to reduce the number of required accessory off-street parking spaces; special permit pursuant to ZR Section 74-61 to allow development over portions of a railroad or transit right-of-way which has been permanently discontinued or terminated to be included in the lot area; special permit pursuant to ZR Section 74-745 to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general

development (LSGD) without regard for zoning lot lines, in connection with a proposed mixed-use development; and special permit pursuant to ZR Sections 74-743(a)(1), 74-743(a)(2), and 74-743(a)(6) to establish a LSGD and modify bulk, yard, window, walls and lot line regulations to facilitate the development of fourteen new buildings that would contain 335,100 square feet, including approximately 272,000 square feet of residential space with 270 dwelling units (81 of which would be income-restricted) and 64,000 square feet of commercial uses in the Borough Park neighborhood of Brooklyn, Community Districts 11 and 12.

PUBLIC HEARING

DATE: October 8, 2024

Witnesses in Favor: One

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2024

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 164, 165, 166, 167, and 170 and approve with modifications the decisions of the City Planning Commission on L.U. Nos. 168, 169, 171, and 172.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 13, 2024

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Rivera
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 165

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230183 ZRK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area and to modify APPENDIX I (Transit Zone), Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3308), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 166

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230184 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of required accessory off- street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District, Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3309), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 167

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230185 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow a portion of a railroad or transit right right-of- way which will be completely covered over by a permanent platform to be included in the lot area for a proposed mixed use development, on property located at 1557 60th Street (Block 5509, Lots 41 and 57), in a R6 & R6/C2-4 District, Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3309), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 168

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230188 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-745(a) of the Zoning Resolution to allow required or permitted accessory off-street parking spaces to be located anywhere within a large-scale general development without regard for zoning lot lines, in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts, Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3309), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 169

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230189 ZSK (Brooklyn Yards) by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5727, p/o Lot 14), in a C4-5 District, Borough of Brooklyn, Community District 11, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3310), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 170

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230190 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-61 of the Zoning Resolution to allow that portion of a railroad or transit right-of-way which will be completely covered over by a permanent platform to be included in the lot area, in connection with a proposed mixed use development, on property located at 1557 60th Street (Block 5516, p/o Lots 1 and 33), in an R6 District, Borough of Brooklyn, Community District 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3310), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 171

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230191 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-52 of the Zoning Resolution to reduce the number of required accessory off-street parking spaces for dwelling units in a development within a Transit Zone, that includes at least 20 percent of all dwelling units as income-restricted housing units, in connection with a proposed mixed-use development on property located at 1557 60th Street Avenue (Block 5727, p/o Lot 14), in a C4-5 District, Borough of Brooklyn, Community District 11, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3310), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 172

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230196 ZSK (Brooklyn Yards) submitted by Brooklyn Yards Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of special permits pursuant to the following Sections of the Zoning Resolution, Section 74-743(a)(1) - to allow the distribution of total allowable floor area and lot coverage without regard for the zoning lot lines or district boundaries; Section 74-743(a)(2) - to modify the rear yard regulations of Sections 23-40 (Yard Regulations); and Section 74-743(a)(6) - to modify the minimum distance between legally required windows and walls or lot lines regulations of Section ZR 23-86 (Minimum Distance Between Legally Required Windows and Walls or Lot Lines); in connection with a proposed mixed-use development, within a Large-Scale General Development generally bounded by 59th Street, 16th Avenue, the southerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), New Utrecht Avenue, 61st Street, the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division), a line 460 feet southeasterly of 15th Avenue, a line midway between 59th Street and 60th Street and the northerly boundary line of Long Island Railroad right-of-way (Bay Ridge Division) (Block 5509, Lots 41 and 57; Block 5516, p/o Lots 1 and 33; Block 5727, p/o Lot 14), in R6, R6/C2-4 & C4-5 Districts, Borough of Brooklyn, Community Districts 11 and 12, Council Districts 43 and 44.

The Committee on Land Use, to which the annexed Land Use item was referred on September 26, 2024 (Minutes, page 3311), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 164 printed above in these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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. 188

Report of the Committee on Land Use in favor of approving Application number D 2450141875 SWQ (La Catrina) pursuant to Section 19-160.2 of the Administrative Code of the City of New York, for a revocable consent to establish, maintain, and operate a sidewalk café located at 5275 65th Place, Maspeth, NY 11378, Borough of Queens, Community District 5, Council District 30.

The Committee on Land Use, to which the annexed Land Use item was referred on October 23, 2024 (Minutes, page 3585) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CD - 5

D 2450141875 SWQ

Application pursuant to Section 19-160.2 of the Administrative Code of the City of New York concerning the petition of La Catrina Sidewalk Café for a new revocable consent to establish, maintain and operate a sidewalk café located at 5275 65th Place, Maspeth, Queens, NY 11378.

INTENT

To allow an eating or drinking place located on a property which abuts the street to establish, maintain, and operate a sidewalk café on the sidewalk of such street.

PUBLIC HEARING

DATE: November 12, 2024

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: November 12, 2024

The Subcommittee recommends that the Land Use Committee approve the Petition.

In Favor:

Riley
Moya
Abreu
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: November 13, 2024

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca
Moya
Rivera
Riley
Brooks-Powers
Abreu
Farias
Hanks
Hudson
Sanchez
Borelli

Against:

None

Abstain:

None

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

Res. No. 648

Resolution approving the petition for a revocable consent for a sidewalk café located at 5275 65th Place, Maspeth, NY 11378, Borough of Queens (Non-ULURP No. D 2450141875 SWQ; DOT No. 20240704040001; L.U. No. 188).

By Council Members Salamanca and Riley.

WHEREAS, the Department of Transportation filed with the Council on October 8, 2024 its approval dated October 8, 2024 of the petition of La Catrina Queens INC, d/b/a La Catrina, for a revocable consent to establish, maintain and operate a sidewalk café located at 5275 65th Place, Borough of Queens, Community District 5 (the "Petition"), pursuant to Section 19-160.2 of the New York City Administrative Code (the "Administrative Code");

WHEREAS, the Petition is subject to review by the Council pursuant to Section 19-160.2 (f) of the Administrative Code;

WHEREAS, upon due notice, the Council held a public hearing on the Petition on November 12, 2024; and

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

RESOLVED:

Pursuant to Section 19-160.2 of the Administrative Code, and based upon the record established before the Council, the Council approves the Petition.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, JOSEPH C. BORELLI; 11-0-0; Committee on Land Use, November 13, 2024.

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

Report of the Committee on Parks and Recreation

Report for Int. No. 130-A

Report of the Committee on Parks and Recreation 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 establishing composting facilities in parks.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on February 28, 2024 (Minutes, page 418), respectfully

REPORTS:

Introduction

On November 12, 2024, the Committee on Parks and Recreation, chaired by Council Member Shekar Krishnan, will hold a vote on Proposed Int. No. 130-A, sponsored by Council Member Gale Brewer, in relation to establishing composting facilities in parks. This legislation was originally heard at a hearing held on March 1, 2024, during which the Committee received testimony from the New York City Department of Parks and Recreation (DPR), advocates, and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).

Legislation

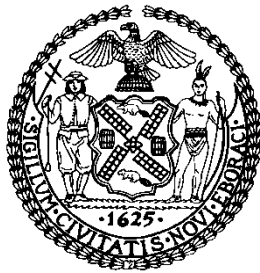
Below is a brief summary of the legislation being heard today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, you should review the full text of the bill, which is attached below.

Int. No. 130-A, A Local Law to amend the administrative code of the city of New York, in relation to establishing composting facilities in parks

Proposed Int. No. 130-A would require DPR to establish compost facilities for the composting of plant waste within at least 2 parks in each borough by July 1, 2026, at least 1 additional park (3 parks total) in each borough by July 1, 2027, and at least 2 additional parks (5 parks total) in each borough by July 1, 2028. Each facility would be used to compost plant waste collected from the park where the facility is located or from nearby parks. DPR would also be required to issue an annual report that details the composting process occurring at the required parks.

This bill would take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 130-A:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 130-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to establishing composting facilities in parks.

SPONSOR(S): By Council Members Brewer, Krishnan, Williams, Menin, Schulman, Won, Rivera, Louis, Nurse, Ayala, Salaam, Marte, Hanif, Ung, Hudson, Gennaro, Restler, Avilés, Cabán, Sanchez, Yeger, Banks, Zhuang and Abreu.

SUMMARY OF LEGISLATION: The Proposed bill Int. No. 130-A would require the Department of Parks and Recreation (DPR) to establish composting facilities for plant waste collection within at least two parks in each borough by July 1, 2026, at least three parks in each borough by July 1, 2027, and at least five parks in each borough by July 1, 2028. DPR would also be required to issue an annual report that details the composting process occurring at the required parks.

EFFECTIVE DATE: This bill would take effect immediately.

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

FISCAL IMPACT STATEMENT:

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

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
Department of Parks and Recreation
ESTIMATE PREPARED BY: Michael Sherman, Principal Financial Analyst

ESTIMATE REVIEWED BY: Jack Storey, Unit Head
Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Michael Twomey, Assistant Counsel

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on 2/28/2024, as Proposed Intro. No. 130 and referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on 3/1/2024 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 130-A will be considered by the Committee on 11/12/2024. Upon a successful vote by the Committee, Proposed Intro. No. 130-A will be submitted to the full Council for a vote on 11/13/2024.

DATE PREPARED: November 11, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 130-A:)

Int. No. 130-A

By Council Members Brewer, Krishnan, Williams, Menin, Schulman, Won, Rivera, Louis, Nurse, Ayala, Salaam, Marte, Hanif, Ung, Hudson, Gennaro, Restler, Avilés, Cabán, Sanchez, Yeger, Banks, Zhuang, Abreu and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to establishing composting facilities in parks

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-165 to read as follows:

§ 18-165 Compost facilities in parks. a. Definitions. For purposes of this section, the following terms have the following meanings:

Compost facility. The term “compost facility” means a site at which the decomposition of organic material is managed.

Plant waste. The term “plant waste” means leaves, grass clippings, small woody and herbaceous material, and similar material.

b. The department shall establish compost facilities within parks for the composting of plant waste collected at parks within its jurisdiction pursuant to the following timetable:

1. On or before July 1, 2026, at least 1 compost facility within 2 parks in each borough, as determined by the commissioner;

2. On or before July 1, 2027, at least 1 compost facility within 3 parks in each borough, as determined by the commissioner; and

3. On or before July 1, 2028, at least 1 compost facility within 5 parks in each borough, as determined by the commissioner.

c. 1. The department shall use a compost facility in a park to compost plant waste collected from such park as well as other nearby parks within the department’s jurisdiction.

2. In addition, the department may elect to use organic material management procedures and sustainable practices for the management of plant waste generated at such park, including leaf-mowing grassy areas and leaving leaves in place in horticultural areas. Nothing in this paragraph shall affect the requirements of subdivision b of this section.

d. The department shall report annually on the operation of compost facilities established pursuant to this section. Such report shall include, at a minimum, the following information:

1. The total amount of plant waste managed at each compost facility;

2. The annual cost of operating each compost facility;

3. For each park where a compost facility has been established, a description of the disposal process for plant waste from such park that was in effect prior to the establishment of such facility; and

4. The number of staff members working at each compost facility.

§ 2. This local law takes effect immediately.

SHEKAR KRISHNAN, Chairperson; ROBERT F. HOLDEN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, SANDRA UNG, DAVID N. CARR; 7-0-0; Absent: Vickie Paladino; November 12, 2024.

Other Council Members Attending: Council Member Brewer.

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

Report of the Committee on Rules, Privileges and Elections

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption

Report for Res. No. 643

Report of the Committee on Rules, Privileges and Elections in favor of approving the designation for appointment of Michael Espiritu as a director of the New York City Health and Hospitals Corporation.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on November 13, 2024, respectfully

REPORTS:

Pursuant to Section 4 of the New York City Health and Hospitals Act, the Committee on Rules, Privileges and Elections recommends the approval by the Council of the designation of Michael Espiritu, a resident of Manhattan, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2029.

This matter was heard on October 30, 2024.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 643:)

Preconsidered Res. No. 643

RESOLUTION DESIGNATING MICHAEL ESPIRITU, A RESIDENT OF MANHATTAN, FOR APPOINTMENT BY THE MAYOR AS A DIRECTOR OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

By Council Member Powers.

RESOLVED, Pursuant to Section 4 of the New York City Health and Hospitals Act (Chapter 1016 of the Laws of 1969), the Council approves the designation of Michael Espiritu, a resident Manhattan, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2029.

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, THE MINORITY LEADER (COUNCIL MEMBER JOSEPH C. BORELLI), THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 11-0-0; Committee on Rules, Privileges and Elections, November 13, 2024.

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

At this point, the Speaker (Council Member Adams) announced that the following item had been **preconsidered** by the Committee on Rules, Privileges and Elections and had been favorably reported for adoption

Report for Res. No. 644

Report of the Committee on Rules, Privileges and Elections in favor of approving the designation for appointment of Vanessa Rodriguez as a director of the New York City Health and Hospitals Corporation.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered resolution was referred on November 13, 2024, respectfully

REPORTS:

Pursuant to Section 4 of the New York City Health and Hospitals Act, the Committee on Rules, Privileges and Elections recommends the approval by the Council of the designation of Vanessa Rodriguez, a resident of the Bronx, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2027.

This matter was heard on October, 2024.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 644:)

Preconsidered Res. No. 644

RESOLUTION DESIGNATING VANESSA RODRIGUEZ, A RESIDENT OF THE BRONX, FOR APPOINTMENT BY THE MAYOR AS A DIRECTOR OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

By Council Member Powers.

RESOLVED, Pursuant to Section 4 of the New York City Health and Hospitals Act (Chapter 1016 of the Laws of 1969), the Council approves the designation of Michael Espiritu, a resident Manhattan, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2027.

KEITH POWERS, *Chairperson*; RAFAEL SALAMANCA, Jr., DIANA I. AYALA, JUSTIN L. BRANNAN, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA C. FARIÁS, CRYSTAL HUDSON, PIERINA A. SANCHEZ, THE MINORITY LEADER (COUNCIL MEMBER JOSEPH C. BORELLI), THE SPEAKER (COUNCIL MEMBER ADRIENNE E. ADAMS); 11-0-0; Committee on Rules, Privileges and Elections, November 13, 2024.

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

Report of the Committee on Transportation and Infrastructure

Report for Int. No. 663-A

Report of the Committee on Transportation and Infrastructure 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 newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of such code.

The Committee on Transportation and Infrastructure, to which the annexed proposed amended local law was referred on March 19, 2024 (Minutes, page 1402), respectfully

REPORTS:

INTRODUCTION

On November 13, 2024, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a hearing to vote on Int. No. 663-A, sponsored by Council Member Erik Bottcher, a local law in relation to newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of the administrative code of the city of New York. A previous version of this bill was heard at an oversight hearing titled “Intersections, Sidewalks and Pedestrian Safety.” Those who testified on this bill included representatives from the New York City (NYC or City) Department of Transportation (DOT), transportation advocates, and media companies.

On November 13, 2024, the Committee on Transportation and Infrastructure passed Int. No. 663-A by a vote of seven in the affirmative, zero in the negative, with zero abstentions.

BACKGROUND

Department of Transportation

DOT’s goal is to provide for safe, efficient, and environmentally responsible movement of people and goods in NYC.¹ DOT works to improve traffic mobility throughout NYC; maintain the City’s infrastructure; encourage the use of mass transit and other modes of transportation other than private vehicles; and provide traffic safety educational programs.² With an annual operating budget of \$1.4 billion and a ten-year \$33 billion capital program, DOT manages 6,300 miles of streets and highways, over 12,000 miles of sidewalk, and approximately 800 bridges and tunnels.³ DOT’s staff also installs and maintains nearly one million street signs, 13,250 signalized intersections, over 315,000 street lights, over 350 million linear feet of markings, and 2,600 automated enforcement cameras.⁴ In addition, DOT regulates newsracks within NYC.

Newsracks

As defined in the Administrative Code, a newsrack is a “self-service or coin-operated box, container or other dispenser installed, used or maintained for the display, sale or distribution of newspapers or other written matter to the general public.”⁵ Since newsracks occupy public spaces, they are required to be registered with the DOT.⁶ Additionally, since they have the potential to cause safety hazards, accumulate trash, and attract graffiti, it is

¹ NYC Department of Transportation (DOT), *About DOT*, available at <https://www1.nyc.gov/html/dot/html/about/about.shtml>

² *Id.*

³ *Id.*

⁴ *Id.*

⁵ N.Y.C. Admin. Code § 19-128.1(a)(1)

⁶ NYC DOT, *Infrastructure-Newsracks*, available at <https://www.nyc.gov/html/dot/html/infrastructure/newsracksintro.shtml>

required that owners maintain a commercial general liability insurance policy from an insurer.⁷ Newsracks in the City are subject to size and appearance regulations, as well as restrictions on where they may be placed.⁸ Newsrack regulations in other U.S. municipalities have occasionally faced First Amendment-related challenges; however, courts have generally upheld content-neutral regulations that serve a significant government interest.⁹ Today, many cities impose placement and design limitations similar to NYC's.

Annually, newsrack owners must: re-register by November 1 that a newsrack is installed; submit insurance certifications by December 31 or by the expiration date of the insurance policy; and certify to DOT three times a year that each newsrack under ownership has been repainted, or best efforts have been made to remove graffiti and other unauthorized markings.¹⁰ Maintenance Logs are required to be kept by owners detailing maintenance activities pertaining to newsracks.¹¹ In addition to these annual requirements, DOT regulates the size and placement of newsracks, requiring that newsracks be specific dimensions, be weighted down to not be tipped over, not be placed within 15 feet of any fire hydrant, and/or not be placed in any driveway, among other restrictions.¹² To enforce these standards, DOT may issue a summons returnable to the Office of Administrative Trials and Hearings, with civil penalties, if found in violation, of up to \$250 to \$4,000 for each violation based on the nature of violation and number of newsracks owned.¹³ If necessary, the City can remove a newsrack from its location if the newsrack is abandoned, an emergency situation arises that puts the public at risk, construction occurs, uncorrected violations occur, or repeat violations at the same newsrack occurs.¹⁴

LEGISLATIVE ANALYSIS

Below is a brief summary of the legislation being voted on today by this Committee. This summary is intended for informational purposes only and does not substitute for legal counsel. For more detailed information, review the full text of the bill, which is included below.

Int. 663-A, A Local Law to amend the administrative code of the city of New York, in relation to newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of such code

The legislation would empower the Department of Transportation (DOT) to establish standards regarding the size, shape, and materials used to construct newsracks, and to restrict newsracks from being placed too closely to certain infrastructure located on sidewalks. This bill would further require DOT to provide notice to owners of any changed obligations imposed by this bill or DOT rules governing newsracks. Such notice would be required in English and the language of the publication distributed at the newsrack, if it is a language other than English.

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

UPDATE

On November 13, 2024, the Committee on Transportation and Infrastructure passed Int. No. 663-A by a vote of seven in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 663-A:)

⁷ *Id.*

⁸ N.Y.C. Admin. Code § 19-128.1(a)(1)

⁹ *Philadelphia Newspapers, Inc. v. Borough Council*, 381 F. Supp. 228, 244 (E.D. Pa. 1974); *Honolulu Weekly, Inc. v. Harris*, 298 F.3d 1037, 1045 (9th Cir. 2002); *Gold Coast Publ'ns v. Corrigan*, 42 F.3d 1336, 1346 (11th Cir. Fla. 1994); *Chicago Observer v. Chicago*, 929 F.2d 325, 328 (7th Cir. Ill. 1991); and *Gannett Satellite Info. Network, Inc. v. Twp. of Pennsauken*, 709 F. Supp. 530, 538 (D. N.J. 1989)

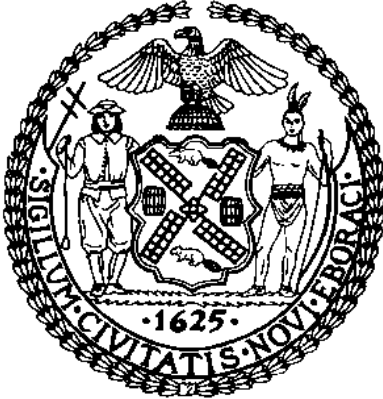
¹⁰ NYC DOT, *Infrastructure-Newsracks*, available at <https://www.nyc.gov/html/dot/html/infrastructure/newsracksintro.shtml>

¹¹ *Id.*

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT No. 663-A

COMMITTEE: Transportation and Infrastructure

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of such code.

SPONSORS: Council Members Bottcher, Ung, Hudson, Schulman and Zhuang.

SUMMARY OF LEGISLATION: The proposed legislation would empower the Department of Transportation (DOT) to establish standards regarding the size, shape, and materials used to construct newsracks, and to restrict newsracks from being placed too closely to certain infrastructure located on sidewalks. This bill would further require DOT to provide notice to owners of newsracks of any changed obligations imposed by this bill or DOT rules governing newsracks. Such notice would be required in English and the language of the publication distributed at the newsrack, if it is a language other than English.

EFFECTIVE DATE: 180 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2026

FISCAL IMPACT STATEMENT:

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

IMPACT ON REVENUES: It is anticipated that there would be no impact on revenues as a result of this legislation.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Adrian M. Drepaul, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on March 19, 2024, as Int. No. 663 and referred to the Committee on Transportation and Infrastructure (the Committee). A hearing was held by the Committee on June 25, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 663-A, will be considered by the Committee at a hearing on November 13, 2024. Upon majority affirmative vote by the Committee, Proposed Int. No. 663-A will be submitted to the full Council for a vote on November 13, 2024.

DATE PREPARED: November 6, 2024.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 663-A:)

Int. No. 663-A

By Council Members Bottcher, Ung, Hudson, Schulman, Zhuang and Rivera.

A Local Law to amend the administrative code of the city of New York, in relation to newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of such code

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-128.1 of the administrative code of the city of New York is REPEALED and a new subdivision a is added to read as follows:

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

Board. The term “board” means the environmental control board of the city of New York.

Corner area. The term “corner area” means an area of a sidewalk encompassed by the extension of the building lines to the curb on a corner, or, where there is no building, an area of a sidewalk encompassed by the extension of the property lines to the curb on a corner.

Corner quadrant. The term “corner quadrant” means an area of a sidewalk extending 10 feet from either side of a corner area.

Crosswalk. The term “crosswalk” means a portion of a roadway, whether marked or unmarked, that is included within the extension of the sidewalk lines between opposite sides of the roadway at an intersection, or any portion of a roadway at an intersection or elsewhere designated or indicated for pedestrian crossing by lines or other markings on the surface.

Crosswalk area. The term “crosswalk area” means an area of a sidewalk bounded by the extension of the lines of a crosswalk onto the sidewalk up to the building or property line.

Multi-rack newsrack. The term “multi-rack newsrack” means a newsrack that is designed with multiple enclosed compartments to accommodate the display, sale, or distribution of multiple publications to the general public.

Newsrack. The term “newsrack” means a self-service or coin-operated box, container, or other dispenser installed, used, or maintained for the display, sale, or distribution of publications to the general public.

Owner. The term “owner” means a natural person, partnership, corporation, limited liability company, or other association that owns 1 or more newsracks.

Publication. The term “publication” means a newspaper, periodical, or other similar written material.

Sidewalk block. The term “sidewalk block” means an area of a sidewalk spanning from one intersection to the next intersection.

Single newsrack. The term “single newsrack” means a newsrack that is designed to accommodate the display, sale, or distribution of no more than 1 publication to the general public.

§ 2. Subdivision b of section 19-128.1 of the administrative code of the city of New York, as amended by local law number 36 for the year 2004, and subdivision d of such section, as added by local law number 23 for the year 2002, are amended to read as follows:

b. Requirements. It shall be a violation for any person to place, install, or maintain a newsrack on any sidewalk unless such newsrack is in compliance with the provisions of this section.

1. [The maximum height of any newsrack containing a single publication shall be fifty inches. The maximum width of any such newsrack shall be twenty-four inches. The maximum depth of any such newsrack shall be twenty-four inches.] *Newsracks shall conform to standards set forth in rules of the department relating to the size and shape of such newsracks and materials used to construct such newsracks.*

2. No newsrack shall *include photographs or* be used for advertising or promotional purposes, other than announcing the name [and/or] *or website or both of* [the newspaper or other written matter] *any publication* offered for distribution in such newsrack, *provided that a publication may display the logo of such publication on the door of a single newsrack or compartment in a multi-rack newsrack in which such publication is offered, in a size not to exceed 50 percent of the door space.*

3. Each newsrack used to sell [newspapers or other written matter] *publications* shall be equipped with a coin return mechanism in good working order so as to permit a person to secure a refund in the event that the newsrack malfunctions.

4. The owner [or person in control of each newsrack] shall affix [his or her] *to the newsrack the owner's* name, address, telephone number, and email address, if any, [on the newsrack] in a readily visible location on the front or side of the newsrack and shall conform such information to any changes required to be reported to the department in accordance with the provisions of subdivision c of this section. In no event shall a post office box be considered an acceptable address for purposes of this paragraph.

5. Subject to the limitations set forth in this section, newsracks shall be placed near a curb.

6. A newsrack shall not be placed, installed, or maintained: (a) within [fifteen] *15* feet of any fire hydrant; (b) in any driveway or within [close proximity] *10 feet* of any driveway; (c) in any curb cut *or pedestrian ramp* designed to facilitate street access by disabled persons [or within two feet of any such curb cut]; (d) within [close proximity] *15 feet* of the entrance or exit of any railway station or subway station; (e) within any bus stop; (f) within *5 feet* of a crosswalk area; (g) within a corner [area or within five feet of any corner area] *quadrant*; (h) on any surface where such installation or maintenance will cause damage to or will interfere with the use of any pipes, vault areas, telephone or electrical cables, or other similar locations; (i) on any cellar door, grating, utility maintenance cover, or other similar locations, *or within 5 feet of any cellar door*; (j) on, in, or over any part of the roadway of any public street; (k) *on any sidewalk*, unless [eight] *8* feet of sidewalk width is preserved for unobstructed pedestrian passage; (l) in any park or on any sidewalk immediately contiguous to a park where such sidewalk is an integral part of the park design, such as the sidewalks surrounding Central Park or Prospect Park; (m) on any area of lawn, flowers, shrubs, trees, or other landscaping, or in such a manner that use of the newsrack would cause damage to such landscaping; [or] (n) *within 5 feet of any bench or other street furniture*; (o) *within 5 feet of a bikeshare station*; (p) *within 8 feet of a bicycle rack*; (q) *within 5 feet of a water sampling station of the department of environmental protection*; or (r) where such placement, installation, or maintenance endangers the safety of persons or property. Any limitation on the placement or installation of newsracks pursuant to this paragraph shall be no more restrictive than necessary to ensure the safe and unobstructed flow of pedestrian and vehicular traffic, and otherwise to assure the safety of persons and property.

7. [Every newsrack] *The department shall develop standards regarding the placement of newsracks, including, but not limited to, the manner in which newsracks shall be placed or installed [in a manner that will ensure that such newsrack cannot be tipped] to prevent newsracks from tipping over. In the event of noncompliance with such standards, the commissioner shall issue a notice of correction as provided in subparagraph (a) of paragraph 1 of subdivision f of this section.*

d. Indemnification and insurance. 1. Each [person who owns or controls] *owner of* a newsrack placed or installed on any sidewalk shall indemnify and hold the city harmless from any and all losses, costs, damages, expenses, claims, judgments, or liabilities that the city may incur by reason of the placement, installation, or maintenance of such newsrack, except to the extent such damage results from the negligence or intentional act of the city.

2. Each [person who owns or controls] *owner of* a newsrack *placed or installed* on any sidewalk shall maintain a general liability insurance policy naming the city of New York, and its departments, boards, officers, employees, and agents as additional insureds for the specific purpose of indemnifying and holding harmless those additional insureds from and against any and all losses, costs, damages, expenses, claims, judgments, or liabilities that result from or arise out of the placement, installation, [and/or the] *or* maintenance of any newsrack. The minimum limits of such insurance coverage shall be no less than [three hundred thousand dollars] \$300,000 combined single limit for bodily injury, including death, and property damage, except that any [person] *owner* who maintains an average of [one hundred] 100 or more newsracks at any one time shall maintain such minimum insurance coverage of [one million dollars] \$1,000,000. An insurance certificate demonstrating compliance with the requirements of this subdivision shall be submitted annually by December [31st] 31 to the commissioner by the [person who owns or controls] *owner of* such insured newsracks. Should said policy be called upon to satisfy any liability for damages covered by said policy, the policy must be of such a nature that the original amount of coverage is restored after any payment of damages under the policy. Failure to maintain a satisfactory insurance policy pursuant to this subdivision or failure to submit an annual insurance certificate to the commissioner pursuant to this subdivision, shall be deemed a violation of this section subject to subparagraph [b-1] (*b-1*) of paragraph 1 of subdivision f of this section.

§ 3. Paragraph 8 of subdivision f of section 19-128.1 of the administrative code, as added by local law number 23 for the year 2002, is amended to read as follows:

8. In giving any notice of correction or serving any commissioners order required under this section, except as otherwise provided by law, the commissioner may rely on the validity of any address (a) posted on the newsrack pursuant to paragraph [four] 4 of subdivision b of this section as the address of the owner or person in control of the newsrack or (b) submitted to the department pursuant to subdivision c of this section, and shall provide such notice by regular mail. If the owner [of a newsrack] or person in control of a newsrack shall have failed to comply with paragraph [four] 4 of subdivision b or with subdivision c of this section, the commissioner shall make reasonable efforts to ascertain the identity and address of the owner or person in control of such newsrack for the purpose of giving any required notice, and having done so, may take action as if any required notice had been given.

§ 4. Section 19-128.1 of the administrative code of the city of New York is amended by adding a new subdivision h to read as follows:

h. Community notice. The department, in consultation with the office of ethnic and community media, shall notify owners of any changed obligation imposed by this section or any rule of the department promulgated hereunder prior to the effective date of such change. Such notice shall, to the extent feasible, be in English as well as the language of any publication distributed by a newsrack of such owner.

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

SELVENA N. BROOKS-POWERS, *Chairperson*; FARAH N. LOUIS, CARMEN N. De La ROSA, AMANDA C. FARIAS, MERCEDES NARCISSE, CHRIS BANKS, JOANN ARIOLA; 7-0-0; *Absent*: Council Members Carlina Rivera and Julie Won; Committee on Transportation and Infrastructure, November 13, 2024. *Other Council Members Attending: Council Members Bottcher and Hanif.*

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

GENERAL ORDERS CALENDAR

There were no additional items listed on the General Orders Calendar.

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

- | | |
|---|---|
| (1) Int. No. 130-A - | Composting facilities in parks. |
| (2) Int. No. 360-A - | Payment of fees imposed in relation to the rental of residential real property. |
| (3) Int. No. 663-A - | Newsrack requirements and to repeal and replace subdivision a of section 19-128.1 of such code. |
| (4) Int. No. 1088-A - | Charter Revision Commission to draft a new or revised city charter. |
| (5) Res. No. 627 - | Hearing of the proposed local law that would increase the annual expenditure. |
| (6) Res. No. 630 - | Increase in the amount to be expended annually in the Madison Avenue Business Improvement District. |
| (7) Preconsidered
Res. No. 641 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (8) Preconsidered
Res. No. 643 - | Michael Espiritu , a resident of the Bronx, for appointment by the Mayor as a director of the New York City Health and Hospitals Corporation. |
| (9) Preconsidered
Res. No. 644 - | Vanessa Rodriguez , a resident of the Bronx, for appointment by the Mayor as a director of the New York City Health and Hospitals Corporation. |
| (10) L.U. No. 188 &
Res. No. 648 - | App. D 2450141875 SWQ (La Catrina) , Borough of Queens, Community District 5, Council District 30. |
| (11) Preconsidered
L.U. No. 189 &
Res. No. 646 - | Met Council Portfolio, Manhattan, Community District No. 6 and 8, Council District No. 2, 4, and 5. |
| (12) Preconsidered
L.U. No. 190 &
Res. No. 647 - | 537 West 149th Street, Manhattan, Community District No. 9, Council District No. 7. |

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

Affirmative – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **50**.

The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 360-A**:

Affirmative – Abreu, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **42**.

Negative – Ariola, Carr, Marmorato, Paladino, Vernikov, Yeger, Zhuang, and the Minority Leader (Council Member Borelli) - **8**.

The following was the vote recorded for **Int. No. 1088-A**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **49**.

Negative – Yeger - **1**.

The following was the vote recorded for **Res. Nos. 627 and 630**:

Affirmative – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **49**.

Negative – Yeger - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 130-A, 360-A, 663-A, and 1088-A.*

RESOLUTIONS

Presented for voice-vote

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

Report for voice-vote item Res. No. 13

Report of the Committee on Education in favor of approving a Resolution designating the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizing the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life.

The Committee on Education, to which the annexed resolution was referred on February 8, 2024 (Minutes, page 249), respectfully

REPORTS:

I. INTRODUCTION

On November 13, 2024, the Committee on Education, chaired by Council Member Rita Joseph, considered Resolution Number (“Res. No.”) 13, sponsored by Council Member Joseph, a Resolution designating the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizing the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life; and Res. No. 95, sponsored by Council Member Shahana Hanif, a Resolution calling upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

The Committee previously held a hearing on Res. No. 13 on April 17, 2024 and Res. No. 95 on June 18, 2024. At both hearings, the Committee heard testimony from advocates, students and members of the public. On November 13, 2024, the Committee passed this legislation by a vote of eleven in the affirmative, zero in the negative, and zero abstentions.

(For text of Res. No. 95, please see the Report of the Committee on Education for Res. No. 95 printed below in this voice-vote Resolutions Calendar section of these Minutes; for text of Res. No. 13, please see below)

Accordingly, this Committee recommends the adoption of Res. Nos. 13 and 95.

(The following is the text of Res. No. 13:)

Res. No. 13

Resolution designating the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizing the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life.

By Council Members Joseph, Lee, Avilés, Farías, Cabán, Stevens, Gennaro, Louis, Rivera, Schulman, Gutiérrez, Hudson, Nurse, Hanks, Salaam, Marte, Riley, Banks, Bottcher, Williams, Feliz, Hanif, Brewer, De La Rosa, Sanchez and Brooks-Powers.

Whereas, The New York State Education Department (NYSED) has described Social Emotional Learning (SEL) as “the process through which children, youth, and adults acquire and effectively apply the knowledge, attitudes, and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions”; and

Whereas, The NYSED has pointed to studies showing that, compared to students who do not receive SEL instruction, students who do receive it have higher achievement scores; better attitudes, including motivation to learn; fewer disruptive classroom behaviors; and less emotional stress, including depression and anxiety; and

Whereas, The NYSED has stated that SEL instruction can also “decrease implicit bias, increase cultural responsiveness, and result in greater equity” among young New Yorkers; and

Whereas, The NYSED has established three SEL goals for students: “Develop self-awareness and self-management skills essential to success in school and in life”; “Use social awareness and interpersonal skills to establish and maintain positive relationships”; and “Demonstrate ethical decision-making skills and responsible behaviors in personal, school, and community contexts”; and

Whereas, The Center for Benefit-Cost Studies of Education at Teachers College, Columbia University, claimed in *The Economic Value of Social and Emotional Learning* in 2015 that, for every dollar spent on SEL programming with proven results, there is a return on investment of 11 dollars; and

Whereas, SEL Day on March 10, 2023, was celebrated and acknowledged by commitments to advocate for and engage in SEL activities from students and educators in all 50 United States (U.S.) states and in 88 countries; and

Whereas, U.S. President Joseph R. Biden, Jr. issued a statement on March 10, 2023, stating that “children are the kite strings that keep our national ambitions aloft” and that, through SEL, “our students get the resources and support they need to learn, make good decisions, build community, and achieve their goals”; and

Whereas, President Biden pledged that his Administration would “continue to work with educators, schools, and organizations to ensure that the best practices of social and emotional learning are being promoted nationwide”; and

Whereas, New York State (NYS) Governor Kathy Hochul issued a citation on March 10, 2023, recognizing SEL as a “valued program within our state’s schools and a beneficial resource in the lives of all New Yorkers”; and

Whereas, Governor Hochul further noted that SEL is “essential to our success in school, the workplace, at home, and in our communities—allowing us to participate in and contribute to society in meaningful ways”; and

Whereas, NYS Assembly bill A.3087, introduced on February 2, 2023, by Assembly Member Vivian Cook, of Assembly District 32 in Queens, would require the NYS Commissioner of Education to establish a pilot program to improve the delivery of SEL instruction statewide, including in at least one school in each NYS school district, and to administer the pilot program under contract with an outside community-based organization with a proven track record in SEL instructional delivery for students in prekindergarten through twelfth grade, among other relevant qualifications; and

Whereas, March 8, 2024, has been designated as the fifth annual international SEL Day; now, therefore, be it

Resolved, That the Council of the City of New York designates the second Friday in March annually as Social and Emotional Learning Day in the City of New York and recognizes the importance of ensuring that prekindergarten through twelfth grade public school students acquire the social-emotional competencies needed to succeed in life.

Chairperson; FARAH N. LOUIS ERIC DINOWIZ, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH M. HANKS, SHEKAR KRISHNAN, LINDA LEE, MERCEDES NARCISSE, PIERINA A. SANCHEZ, ALTHEA V. STEVENS; 11-0-0; *Absent:* James F. Gennaro and Lynn C. Schulman; Committee on Education, November 13, 2024. *Other Council Members Attending:* Council Members Won, Ossé and Ayala.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 95

Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

The Committee on Education, to which the annexed resolution was referred on February 28, 2024 (Minutes, page 573), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Education for Res. No. 13 printed above in this voice-vote Resolutions Calendar section of these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 95:)

Res. No. 95

Resolution calling upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

By Council Members Hanif, Schulman, Avilés, Louis, Krishnan, Salaam, Brewer, Ossé, Sanchez, Powers, Marte, Narcisse, Won, De La Rosa, Rivera, Bottcher, Menin, Lee, Hudson, Abreu, Nurse, Brannan, Brooks-Powers, Cabán, Feliz, Stevens, Gutiérrez, Joseph, Williams, Hanks, Banks, Moya, Restler, Zhuang and the Public Advocate (Mr. Williams).

Whereas, According to a 2022 Institute for Social Policy and Understanding (ISPU) national survey, about 62 percent of American Muslims (with a higher percentage of American Muslims under 50 years of age) and 50 percent of American Jews reported facing religious discrimination in the past year; and

Whereas, According to the ISPU national survey, about 48 percent of Muslim families and 13 percent of Jewish families reported having a school-age child face religious-based bullying in the past year, with about 20 percent of Muslim families reporting almost daily bullying; and

Whereas, According to the ISPU national survey, about 64 percent of Muslim families who reported religious-based bullying of their children said it was from other students at school and about 31 percent said it was online, while about 42 percent said it was from a teacher or school official at school and about 19 percent said it was online; and

Whereas, As reported by the Islamic Networks Group, a study conducted of Muslim students showed that 57 percent of respondents reported seeing offensive online posts by peers, 26 percent reported cyberbullying, 19 percent reported physical harm or harassment, and 36 percent of hijab-wearing girls reported having their hijab offensively touched or pulled; and

Whereas, Data from 2019 and 2022 surveys conducted by the Muslim Community Network (MCN) in New York City (NYC) showed that Muslim youth between 10 and 18 years of age experienced or witnessed hate

crimes most frequently of all age groups, with about 44 percent having experienced or witnessed a hate crime in 2019; and

Whereas, According to a 2022 report by the New York chapter of the Council on American-Islamic Relations (CAIR-NY) documenting bias and hate crimes against Muslim New Yorkers, about 34 percent of those incidents occurred in educational institutions; and

Whereas, A 2014 study by the Sikh Coalition, an advocacy group, reported that about 54 percent of all American Sikh school-age children have been bullied at school, with 67 percent of boys wearing traditional turbans experiencing bullying; and

Whereas, The Coalition of Hindus of North America noted the rising number of hate crimes against Hindus worldwide, as supported by 2020 Federal Bureau of Investigation (FBI) data documenting a 500 percent increase in hate crimes against Indian Americans; and

Whereas, Academically speaking, bias-based bullying can be defined as “physical, verbal, social, or cyber-based threats directed toward a minority population based upon race, ethnicity, religious belief, gender, or sexual orientation and includes a systematic abuse of power that is characterized by intentionality, frequency, and imbalance of power”; and

Whereas, Research shows that implicit and explicit bias-based bullying is associated with poor academic functioning in students as well as negative mental and social outcomes, including depression, decreased quality of life, anxiety, low self-esteem, and conduct disorders; and

Whereas, Bias-based bullying has increased significantly over the last few years in the United States (U.S.), particularly following the election of President Donald Trump; and

Whereas, The National Council for the Social Studies stated that the “study of religion from an academic, non-devotional perspective in primary, middle, and secondary school is critical for decreasing religious illiteracy and the bigotry and prejudice it fuels”; and

Whereas, Many advocates, including ISPU, contend that lessons in school that address religious biases and inaccuracies can help decrease religious-based bullying; and

Whereas, Religious-based bullying is often based on misunderstandings or negative perceptions about how other individuals express their faith; and

Whereas, Teachers often do not have the resources to teach about world religions and to dispel biases and hatreds; and

Whereas, According to the Public Religion Research Institute, NYC has the largest number of Jewish and Muslim residents of any municipality in the U.S., making it imperative that NYC’s school curriculum is inclusive of these prominent religions; and

Whereas, According to the FBI’s 2020 Uniform Crime Reporting Program, about 44 percent of the 463 hate crimes reported in New York State were religious-based bias incidents, with about 89 percent of those being anti-Jewish incidents, and these numbers might reflect an underreporting of incidents; and

Whereas, According to a 2019 New York State Comptroller report, there was a significant underreporting of harassment, bullying, and intimidation in NYC Department of Education (DOE) schools in the 2015-16 and 2016-17 school years; and

Whereas, A curriculum that teaches NYC students in each grade specifically about all world religions by building students’ knowledge, appreciation, and tolerance from kindergarten through grade 12 could help promote an acceptance of religious diversity and discourage bullying in NYC schools; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

Chairperson; FARAH N. LOUIS ERIC DINOWIZ, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH M. HANKS, SHEKAR KRISHNAN, LINDA LEE, MERCEDES NARCISSE, PIERINA A. SANCHEZ, ALTHEA V. STEVENS; 11-0-0; *Absent:* James F. Gennaro and Lynn C. Schulman; Committee on Education, November 13, 2024. *Other Council Members Attending:* Council Members Won, Ossé and Ayala.

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

The following 2 Council Members formally indicated their intention to **abstain** from voting on this item: Council Members Vernikov and Yeger.

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 441

Report of the Committee on Veterans in favor of approving a Resolution designating March 29 annually as Vietnam Veterans Day in the City of New York in honor of the bravery and sacrifice of the Americans who served and in recognition of the past and present dedication of their families and caregivers.

The Committee on Veterans, to which the annexed resolution was referred on May 23, 2024 (Minutes, page 2218), respectfully

REPORTS:

On Wednesday, November 13, 2024, the Committee on Veterans, chaired by Council Member Robert Holden, held a vote on Resolution Number (Res. No.) 441, sponsored by Council Member Kristy Marmorato, designating March 29 annually as Vietnam Veterans Day in the City of New York in honor of the bravery and sacrifice of the Americans who served and in recognition of the past and present dedication of their families and caregivers. The Committee originally heard Res. No. 441 on June 18, 2024. At that hearing, the Committee received public testimony on the resolution.

On November 13, 2024, the Committee passed the resolution by a vote of five in the affirmative, zero in the negative, and zero abstentions.

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 441:)

Res. No. 441

Resolution designating March 29 annually as Vietnam Veterans Day in the City of New York in honor of the bravery and sacrifice of the Americans who served and in recognition of the past and present dedication of their families and caregivers.

By Council Members Marmorato, Yeger, Paladino, Zhuang, Menin, Ariola, Avilés, Holden, Hanks, Borelli, Carr, Gennaro, Ayala, Brannan, Farías, Rivera and Vernikov.

Whereas, The United States (U.S.) military presence in Southeast Asia started even before the 1955 establishment of the Military Assistance Advisory Group (MAAG), Cambodia and the MAAG, Vietnam and

before the 1956 arrival of three U.S. Army nurses, the first servicewomen on the ground, who joined the MAAG Medical Training Team; and

Whereas, On July 8, 1959, guerillas entered the South Vietnamese Army 7th Infantry Division compound at Bien Hoa and killed two U.S. soldiers housed there as part of a 13-member U.S. detachment—Major Dale R. Buis and Master Sergeant Chester M. Ovnand, the first U.S. soldiers killed in what would become the Vietnam War; and

Whereas, On May 11, 1961, President John F. Kennedy signed the National Security Action Memorandum 52, which called for “military, political, economic, [and] psychological” actions of a “covert character” in an effort to keep South Vietnam from becoming a Communist state; and

Whereas, Just seven months later, the first U.S. Army helicopter units arrived in Vietnam to support the South Vietnamese government; and

Whereas, On February 8, 1962, MAAG, Vietnam became Military Assistance Command, Vietnam (MACV) and took over directing U.S. war efforts, followed by the arrival of the first U.S. Navy SEAL (Sea-Air-Land) team, the first U.S. Marine Corps helicopter unit, and the first U.S. Army field hospital; and

Whereas, On March 26, 1964, a U.S. Air Force observation plane was shot down by the Viet Cong, and U.S. Army Special Forces Captain Floyd J. Thompson was critically wounded and taken prisoner, becoming the longest-held American prisoner of war (POW) in U.S. history when he was released nine years later; and

Whereas, On August 10, 1964, based on the complicated and confusing engagement between U.S. and North Vietnamese forces in the Gulf of Tonkin over several days, President Lyndon B. Johnson signed into law the Tonkin Gulf Resolution, giving the President the power to “take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression” and to “take all necessary steps, including the use of armed force to assist [South Vietnam] in defense of its freedom”; and

Whereas, By February 1965, President Johnson had ordered U.S. Air Force airstrikes in North Vietnam for the first time, under Operation FLAMING DART, and then authorized the sustained bombing of North Vietnam, which would occur over three years under Operation ROLLING THUNDER; and

Whereas, Also in February 1965, the seven-years-long Operation MARKET TIME began as an effort of the U.S. Navy, U.S. Coast Guard, and South Vietnamese forces to stop supplies from being smuggled into South Vietnam by the North Vietnamese to aid Viet Cong guerillas; and

Whereas, As early as 1965, other countries also supported South Vietnam with combat troops and noncombatants, including Australia, New Zealand, South Korea, Thailand, and the Philippines; and

Whereas, In early March 1966, Operation UTAH south of Chu Lai pitched U.S. Marines against North Vietnamese regular troops for the first time, indicating the movement of more North Vietnamese troops into South Vietnam; and

Whereas, On July 6, 1966, 52 U.S. POWs were marched for one hour past violent crowds and cameras in Hanoi and were subjected to attacks from the onlookers, thereby eliciting international condemnation for conditions in the North Vietnamese prison camps and concern for the POWs; and

Whereas, Many offensives were undertaken by all branches of the U.S. armed forces in conjunction with South Vietnamese troops from 1966 to the end of the war, both in well-known battles and in rural hamlets whose names were barely known to the outside world; and

Whereas, In early 1968, North Vietnam undertook a strong and coordinated attack across 36 provincial capitals and U.S. installations during the Vietnamese New Year, traditionally a time of ceasefire, which became known as the Tet Offensive and which shook Americans’ faith in the war effort, even though the North Vietnamese and Viet Cong were decisively beaten back; and

Whereas, On February 27, 1968, television anchor Walter Cronkite broadcast his thoughts about his recent trip to Vietnam, including that he believed that the only thing the U.S. could do at that point was “to negotiate, not as victors, but as an honorable people who lived up to their pledge to defend democracy, and did the best they could”; and

Whereas, Starting in March 1969 under President Richard M. Nixon, U.S. troops began the 14-month Operation MENU, under which bombing North Vietnamese and Viet Cong installations in Cambodia were meant to disrupt their supply line into South Vietnam and encourage them to engage in peace talks; and

Whereas, In April 1969, President Nixon called for the Vietnamization of the war, including more training for South Vietnamese military personnel, support for governmental reforms, and the withdrawal of U.S. troops, then numbering about 543,000 on the ground; and

Whereas, The last major battle between North Vietnamese and U.S. troops came at Fire Support Base Ripcord, situated west of Hue, on July 1, 1970; and

Whereas, The 1964 Tonkin Gulf Resolution was repealed on January 12, 1971; and

Whereas, In April 1971, the U.S. Department of Defense created the POW/MIA (Missing in Action) Task Group to handle the return of and accounting for all American POWs; and

Whereas, More than 3.4 million U.S. servicemembers were sent to Southeast Asia during the years of the Vietnam War, with about 2.7 million of them serving in the war zone; and

Whereas, The Vietnam Veterans Memorial, the most-visited memorial on the National Mall in Washington, D.C., includes the Three Servicemen bronze statue, standing over seven feet high and created by Glenna Goodacre; the Vietnam Women's Memorial, which portrays three servicewomen caring for and protecting a wounded serviceman and which honors the approximately 11,000 servicewomen in Vietnam, 90 percent of whom were nurses; the In Memory plaque, placed in honor of those who died later as a result of their service in Vietnam; a flagpole, which flies the U.S. flag and the black POW-MIA flag; and the world-renown black granite memorial wall, designed by Maya Lin and made up of two 200-foot-long sections; and

Whereas, Over 58,300 names etched on the memorial wall are listed in chronological order by date of death and include just over 4,000 New Yorkers; and

Whereas, Over 150,000 more U.S. servicemembers were seriously wounded in Vietnam, with tens of thousands permanently disabled; and

Whereas, There are still approximately 1,600 U.S. servicemembers missing in action, who are neither forgotten nor abandoned by Defense POW/MIA Accounting Agency, which continues to seek to recover all of them; and

Whereas, A grateful nation owes a special debt to the Vietnam Veterans who were exposed to deadly herbicides, like Agent Orange, that were used to destroy crops that could have provided cover or food for the enemy, and who suffered long-term serious health problems as a result; and

Whereas, Many servicemembers who returned to the U.S. from Vietnam arrived home to a nation divided in its views over the legitimacy of the war and the actions of the U.S. government that supported it rather than being met with the cheers and accolades that had welcomed servicemembers from earlier wars; and

Whereas, The Vietnam War Veterans Recognition Act of 2017 designates every March 29 as National Vietnam War Veterans Day and calls for the U.S. flag to be flown in observance; and

Whereas, Although the last U.S. personnel were not evacuated from Vietnam until April 30, 1975, with the fall of Saigon and the dramatic 18-hour airlift by Marine and Air Force helicopters of over 1,000 remaining Americans and almost 7,000 South Vietnamese refugees, March 29, 1973, was the day that the U.S. MACV was officially disestablished, the day that the last U.S. combat troops left Vietnam, and the day that the last acknowledged prisoners of war were released by North Vietnam; and

Whereas, March 29 has been proclaimed as Vietnam Veterans Day in New York State, by proclamations of both Governor Andrew Cuomo and Governor Kathy Hochul, in honor of the estimated almost 200,000 Vietnam Veterans residing in NYS; now, therefore, be it

Resolved, That the Council of the City of New York designates March 29 annually as Vietnam Veterans Day in the City of New York in honor of the bravery and sacrifice of the Americans who served and in recognition of the past and present dedication of their families and caregivers.

ROBERT F. HOLDEN, *Chairperson*; SANDY NURSE, JOANN ARIOLA, VICKIE PALADINO, KRISTY MARMORATO; 5-0-0; Committee on Veterans, November 13, 2024.

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1102

By Council Members Abreu and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to requiring covered stores to collect and recirculate reusable bags

Be it enacted by the Council as follows:

Section 1. Title 16 of the administrative code of the city of New York is amended by adding a new chapter 4-I to read as follows:

CHAPTER 4-I
COLLECTION AND RECIRCULATION OF REUSABLE BAGS

§ 16-499 Definitions. a. For the purposes of this chapter, the following terms have the following meanings:

Chain of stores. The term “chain of stores” means 5 or more stores located within the city that are engaged in the same general field of business and (i) conduct business under the same business name or (ii) operate under common ownership or management or pursuant to a franchise agreement with the same franchisor.

Covered store. The term “covered store” means a retail or wholesale establishment, other than a food service establishment, that sells products and provides or sells reusable bags to consumers in which to place these products and (i) has over 5,000 square feet of retail or wholesale space or (ii) is one of a chain of stores.

Reusable bag. The term “reusable bag” means any reusable bag as defined in section 27-2701 or 27-2801 of the environmental conservation law, subdivision (n) of section 351-1.2 of title 6 of the New York codes, rules and regulations, or any successor provision.

§ 16-499.1 Collection and recirculation of reusable bags. Every covered store shall place in a visible location that is easily accessible to the consumer a bin that is clearly marked as available for collection of reusable bags. Every covered store shall sanitize the collected reusable bags and recirculate them to future customers, provided that a covered store may dispose of reusable bags that are not in a condition to be reused, including due to tears, stains, or structural instability. Any bag placed in such a bin that is not a reusable bag shall be handled or disposed of in accordance with applicable law and regulations.

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1103

By Council Members Ayala, Restler and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to community outreach regarding the availability of mental health counseling in response to violent and traumatic incidents

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-119.1 to read as follows:

§ 14-119.1 Notification of violent or traumatic incidents. a. Definitions. For purposes of this section, the term “violent or traumatic incident” means an act or series of acts causing serious physical injury or death, including but not limited to gun violence or suicide.

b. Within 24 hours of a determination that a violent or traumatic incident has occurred, the department shall notify the department of health and mental hygiene of such violent or traumatic incident. The notice required pursuant to this subdivision does not require the disclosure of confidential information or information that could jeopardize the investigation of such violent or traumatic incident by law enforcement.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.26 to read as follows:

§ 17-199.26 Community outreach regarding mental health counseling in response to violent and traumatic incidents. a. Definitions. For purposes of this section, the following terms have the following meanings:

Service provider. The term “service provider” means any non-government organization, funded in whole or in part by the city, or any agency under the jurisdiction of the mayor, that provides social services, including but not limited to case management, crisis intervention, legal services, restorative justice, emergency or transitional shelter, permanent housing, health care, mental health counseling, drug addiction screening and treatment, language interpretation, public benefits, domestic and family matters safety planning, job training and economic empowerment, immigration advocacy or other services, provided, however, that social services shall not be construed to include the provision of services by first responders in response to public safety incidents.

Violent or traumatic incident. The term “violent or traumatic incident” has the same meaning as set forth in section 14-119.1.

b. Upon receiving notice of a violent or traumatic incident from the police department as required pursuant to section 14-119.1, the department shall conduct outreach to affected community members regarding the availability of mental health counseling and other social services from service providers.

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

Referred to the Committee on Mental Health, Disabilities and Addiction.

Preconsidered Res. No. 641

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

By Council Member Brannan.

Whereas, On June 30, 2024, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2025 with various programs and initiatives (the “Fiscal 2025 Expense Budget”); and

Whereas, On June 30, 2023, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2024 with various programs and initiatives (the “Fiscal 2024 Expense Budget”); and

Whereas, On June 13, 2022, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2023 with various programs and initiatives (the “Fiscal 2023 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, community safety and victim services, and Speaker’s initiative discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2025, Fiscal 2024, and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, and aging discretionary funding; now, therefore, be it

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2025 Expense Budget, as set forth in Chart 1; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 2; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving community safety and victim services discretionary funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 3; and be it further

Resolved, That the City Council approves the new designation and change in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 7; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 8; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Support Our Older Adults Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 12; and be it further

Resolved, That the City Council approves the new designations and changes in the designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 14; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the SU-CASA Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 15; and be it further

Resolved, That the City Council approves the new designations and change in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 17; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Diversity, Inclusion & Equity in Tech Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 18; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Estate Planning and Resolution Initiative (EPAR) in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 20; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Adult Literacy Pilot Project Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Art a Catalyst for Change Initiative in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving youth discretionary funding pursuant to the Fiscal 2023 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2025 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 29.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 641 of 2024 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov/>).

Int. No. 1104

By Council Members Brooks-Powers, Fariás, Brannan and Hanif.

A Local Law in relation to a study and report on the feasibility of new ferry terminals

Be it enacted by the Council as follows:

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

City. The term “city” means the city of New York.

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

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

b. Study. The commissioner, in consultation with the department of small business services and the New York city economic development corporation, shall conduct a study on the feasibility of siting new ferry terminals in the city. Through such study, the commissioner shall:

1. Identify potential locations for the siting of new ferry terminals;

2. Identify local benefits that would result from each such siting, including access to additional transportation for the local population;

3. Identify the logistical challenges involved with each such siting, including any challenges concerning the size and structure of ferry boats, the navigation of ferry boats through waterways, and disruption of service to other ferry terminals;

4. Propose solutions, if any, to such challenges; and

5. Estimate the projected costs associated with each such siting and implementation of such solutions.

c. Report. No later than 1 year after the effective date of this local law, the commissioner shall submit to the mayor and speaker of the council, and post on the department's website, a report on the findings of the study required under subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1105

By Council Members Brooks-Powers, Won and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to tracking progress made towards the requirements of the streets master plan

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-199.1 of the administrative code of the city of New York, as amended by local law number 160 for the year 2023, is amended by adding new definitions of “...” in alphabetical order to read as follows:

Benchmark project. The term “benchmark project” means any project which, if completed, would contribute towards the satisfaction of the benchmark requirements.

Benchmark requirements. The term “benchmark requirements” means the requirements set forth in subdivision c of this section.

§ 2. Section 19-199.1 of the administrative code of the City of New York, as amended by local law number 160 for the year 2023, is amended by adding a new subdivision f to read as follows:

f. Benchmark project tracker. 1. Each year, upon submission of the update required by paragraph 2 of subdivision d of this section, the department shall post on its website:

(i) a description of each benchmark project planned for completion during the same calendar year in which such update is submitted; and

(ii) the total progress each project will contribute towards the benchmark requirements for that calendar year, including but not limited to the number of protected bus lane miles, protected bicycle lane miles, accessible pedestrian signals, and bus stop upgrades.

2. Each month, for each benchmark project under the jurisdiction of the department, the department shall post on its website:

(i) a description of the benchmark project, including its location, the type of benchmark requirement it will contribute to if completed, and the amount or size of the contribution the project will make towards such benchmark requirement, and if the project is a major transportation project as that term is defined in section 19-101.2, a link to the checklist for such major transportation project required by subdivision c of section 19-182.2;

(ii) the current status of such benchmark project, including but not limited to whether it is still being planned, whether it has been funded, whether construction has begun, and whether the project has been completed, and information concerning the anticipated future progress of such project;

(iii) the actual and estimated starting dates and completion dates, if any, of the project;

(iv) if commencement of the project requires presentation to a community board, the status of such presentation including but not limited to whether it has been scheduled, whether it has been presented, and a copy of materials presented to the community board after such presentation is made;

(v) the amount of funds allocated to such project, and the amount of funds already expended;

(vi) a description of any delays that have caused the estimated or actual starting or completion dates of the project to change, and the reason for such delays; and

(vii) a description of any projected or actual cost overruns.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1106

By Council Members Hanks and Banks.

A Local Law to amend the administrative code of the city of New York, in relation to an annual study to identify non-operational schools and the subsequent removal of speed cameras from eliminated school speed zones

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.2 to read as follows:

§ 19-189.2 *Speed camera review. a. Definitions. For purposes of this section, the following terms have the following meanings:*

School speed zone. The term “school speed zone” has the same meaning as set forth in paragraph 4 of subdivision (c) of section 1180-b of the vehicle and traffic law.

Speed camera. The term “speed camera” means a photo violation monitoring system installed for the purpose of issuing violations pursuant to section 1180-b of the vehicle and traffic law.

b. Study. No later than September 1 of each year, the commissioner, in consultation with the chancellor of the city school district, shall conduct a study to determine:

1. Which, if any, schools in the city are non-operational and, accordingly, which school speed zones selected for speed camera installation pursuant to section 1180-b of the vehicle and traffic law are eliminated; and

2. Which, if any, installed speed cameras are not in compliance with section 1180-b of the vehicle and traffic law as a result of the elimination of school speed zones.

c. Removal of speed cameras. The commissioner shall remove any speed cameras identified under paragraph 2 of subdivision b of this section no later than 90 days after the completion of each annual study required under such subdivision.

d. Effectiveness of duties. The duties of the commissioner set forth in subdivisions b and c of this section are in effect for any period of time during which section 1180-b of the vehicle and traffic law is in effect.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 642

Resolution calling on the State Legislature to pass, and the Governor to sign, Senate Bill S.9901, creating a state licensure program for CDPAP fiscal intermediaries.

By Council Members Hudson and Marte.

Whereas, The Consumer Directed Personal Assistance Program (CDPAP) is a Medicaid program that funds the hiring of home aides for eligible individuals, allowing many New Yorkers with special care needs to remain in their homes and avoid moving to residential care facilities; and

Whereas, 250,000 New Yorkers are enrolled in CDPAP at a cost of \$9 billion to the state; and

Whereas, The CDPAP program has grown rapidly in the state since the 2015 passage of a law allowing family members or associates of eligible Medicaid recipients to act as home health aides; and

Whereas, Since CDPAP expanded, the state has had to interact with more than 500 fiscal intermediaries for the program; and

Whereas, CDPAP is scheduled to transition to a single fiscal intermediary as of October 1, 2024; and

Whereas; CDPAP intermediaries have raised concerns that the upcoming switch to a single fiscal intermediary could cost disabled New Yorkers essential care without addressing underlying; and

Whereas; Reductions to CDPAP could place more disabled New Yorkers in residential care facilities which could be more expensive and result in poorer health outcomes; and

Whereas; Licensure of CDPAP intermediaries could address concerns about waste and fraud without disrupting existing relationships for care providers; and

Whereas; State Senator Gustavo Rivera introduced S.9901 that would create a licensure process and related requirements for fiscal intermediaries to continue operating in the Consumer Directed Personal Assistance Program while repealing the planned transition to a single fiscal intermediary; and

Whereas; The bill creates a licensure system that will establish a uniform process where fiscal intermediaries can show their competence and compliance with relevant laws while providing crucial information to the State; and

Whereas; The bill ensures fiscal intermediaries in good standing can continue their operations while prohibiting those that have failed to comply with the basic licensure requirements or have operated in violation of Medicaid-related laws and regulations from continuing to operate; and

Whereas; The bill restores oversight of fiscal intermediary activities to the New York State Comptroller, protecting the program's integrity; now, therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, Senate Bill S.9901, creating a state licensure program for CDPAP fiscal intermediaries.

Referred to the Committee on Health.

Int. No. 1107

By Council Member Louis, The Speaker (Council Member Adams) and Council Members Narcisse, Riley and Yeger.

A Local Law to amend the New York city building code and administrative code of the city of New York, in relation to short-term rentals in one- and two-family dwellings

Be it enacted by the Council as follows:

Section 1. Section 202 of the New York city building code is amended by adding a new definition of "ADULT" in alphabetical order to read as follows:

ADULT. For the purposes of chapter 3 of this code, an adult is an individual 18 years of age or older. Children shall not be considered as occupants.

§ 2. The definition of "DWELLING, ONE-FAMILY" set forth in section 202 of the New York city building code, as amended by local law number 77 for the year 2023, is amended to read as follows:

DWELLING, ONE-FAMILY. Any building or structure designed and occupied [exclusively] *primarily* for residence purposes on a long-term basis for more than a month at a time by not more than [one] *1* family. One-family dwelling shall also be deemed to include a dwelling located in a series of one-family dwellings each of which faces or is accessible to a legal street or public thoroughfare, provided that each such dwelling unit is equipped as a separate dwelling unit with all essential services, and also provided that each such unit is arranged so that it may be approved as a legal one-family dwelling. The permanent occupant or occupants of a one-family dwelling unit who receives a registration pursuant to Section 26-3102 of the Administrative Code may offer a short-term rental to up to 4 overnight boarders, roomers, or lodgers and their children. The permanent occupant or occupants need not be physically present in the dwelling unit during the period of the short-term rental. The permanent occupant or occupants shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers and their children, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any permanent occupant in the dwelling unit.

§ 3. The definition of “DWELLING, TWO-FAMILY” set forth in section 202 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

DWELLING, TWO-FAMILY. Any building or structure designed and occupied [exclusively] *primarily* for residence purposes on a long-term basis for more than a month at a time by not more than [two] *2* families. Two-family dwellings shall also be deemed to include a dwelling located in a series of two-family dwellings each of which faces or is accessible to a legal street or public thoroughfare, provided that each such dwelling is equipped as a separate dwelling with all essential services, and also provided that each such dwelling is arranged so that it may be approved as a legal two-family dwelling. The permanent occupant or occupants of a two-family dwelling unit who receives a registration pursuant to Section 26-3102 of the Administrative Code may offer a short-term rental to up to 4 boarders, roomers, or lodgers and their children. The permanent occupant or occupants need not be physically present in the dwelling unit during the period of the short-term rental. The permanent occupant or occupants shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers and their children, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any permanent occupant in the dwelling unit.

§ 4. The definition of “FAMILY” set forth in section 202 of the New York city building code, as added by local law number 126 for the year 2021, is amended to read as follows:

FAMILY.

1. A single person occupying a dwelling unit and maintaining a common household with not more than [two] 4 adult boarders, roomers, or lodgers *and their children, who shall not be considered members of the family;*
2. Two or more persons related by blood, adoption, legal guardianship, marriage, or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be considered members of the family;
3. Not more than [three] 3 unrelated persons occupying a dwelling unit and maintaining a common household with not more than 4 adult boarders, roomers, or lodgers and their children, who shall not be considered members of the family;
4. Not more than [three] 3 unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household;
5. Members of a group home;

6. Foster children placed in accordance with provisions of the *New York State Social Services Law*, their foster parent(s), and other persons related to the foster parents by blood, marriage, or domestic partnership; where all residents occupy and maintain a common household with not more than [two] 4 adult boarders, roomers, or lodgers and their children, who shall not be considered members of the family; or
7. Up to [seven] 7 unrelated students enrolled at a single accredited college or university occupying a student apartment and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:
 - 7.1. The entire structure in which the dwelling unit is located is fully sprinklered in accordance with Chapter 9 of this code;
 - 7.2. Such occupancy does not exceed the maximums contained in Section 27-2075(a) of the *New York City Housing Maintenance Code*;
 - 7.3. Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such dwelling unit that is acceptable to the Fire Commissioner and in compliance with any rules promulgated by the Fire Commissioner; and
 - 7.4. The dwelling unit complies with additional occupancy and construction requirements as may be established by rule by the Housing Preservation and Development Commissioner.

A common household is deemed to exist if all [household] *family* members have access to all parts of the dwelling unit. [Lack] A family member's lack of reasonable access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists. The permanent occupant of a one-family dwelling or a two-family dwelling shall not be required to provide a boarder, roomer, or lodger and their children access to the bedrooms, offices, or other similar private spaces of the family members in the dwelling unit, and such lack of access shall not defeat a finding that a common household exists. Family members may elect to limit their own access to any room occupied by a boarder, roomer, or lodger and their children, and such lack of access shall not defeat a finding that a common household exists.

5. The definition of “family” set forth in paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 8 of the year 2008, is amended to read as follows:

4. A family is:

- (a) A single person occupying a dwelling unit and maintaining a common household with not more than [two] 4 *adult* boarders, roomers, or lodgers *and their children, who shall not be considered members of the family*; or
- (b) Two or more persons related by blood, adoption, legal guardianship, marriage, or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] 4 *adult* boarders, roomers, or lodgers *and their children, who shall not be considered members of the family*; or
- (c) Not more than [three] 3 unrelated persons occupying a dwelling unit and maintaining a common household *with not more than 4 adult boarders, roomers, or lodgers and their children, who shall not be considered members of the family*; or
- (d) Not more than [three] 3 unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or
- (e) Members of a group home; or
- (f) Foster children placed in accordance with provisions of the New York state social services law, their foster parents, and other persons related to the foster parents by blood, marriage, or domestic partnership; where all residents occupy and maintain a common household with not more than [two] 4 *adult* boarders, roomers, or lodgers *and their children, who shall not be considered members of the family*; or

(g) Up to [seven] 7 unrelated students enrolled at a single accredited college or university occupying a student apartment, as such term is defined in the New York city building code, and maintaining a common household pursuant to a lease, sublease, or occupancy agreement directly with such college or university, provided that:

(i) The entire structure in which the dwelling unit is located is fully sprinklered in accordance with chapter 9 of the New York city building code; and

(ii) Such occupancy does not exceed the maximums contained in subdivision a of section 27-2075; and

(iii) Prior to commencement of such occupancy, and on an annual basis thereafter such college or university has submitted a fire safety plan containing fire safety and evacuation procedures for such dwelling unit that is acceptable to the fire commissioner and in compliance with any rules promulgated by the fire commissioner; and

(iv) The dwelling unit complies with additional occupancy and construction requirements as may be established by rule by the department of housing preservation and development or its successor.

A common household is deemed to exist if every member of the family has *reasonable* access to all parts of the dwelling unit. [Lack] *A family member's lack of reasonable* access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

§ 6. Subdivision a of section 27-2004 of the administrative code of the city of New York is amended by adding a new paragraph 51 to read as follows:

51. The term "adult" means an individual 18 years of age or older.

§ 7. Subdivision a of section 27-2078 of the administrative code of the city of New York, as added by local law number 907 for the year 1985, is amended to read as follows:

a. A family may rent [one] 1 or more living rooms in an apartment to not more than [two] 4 *adult* boarders, roomers, or lodgers *and their children*, if every living room in such apartment has free and unobstructed access to each required exit from such apartment as provided in paragraphs (a), (b), and (c) of subdivision [four] 4 of section [two hundred forty-eight] 248 or paragraph (a) of subdivision [one] 1 of section [fifty-three] 53 of the multiple dwelling law, and if each such boarder, roomer, or lodger *and their children* has access to, and the right to use, at least [one] 1 water closet, bath, or shower and one washbasin as may be required in or for an apartment in this code. *The family member who receives a registration pursuant to section 26-3102 may offer a short-term rental to up to 4 boarders, roomers, or lodgers and their children. The family member or members need not be physically present in the dwelling unit during the period of the short-term rental. The family member or members shall provide reasonable access to the dwelling unit to the boarders, roomers, or lodgers and their children, but shall not be required to provide access to the bedrooms, offices, or other similar private spaces of any family member in the dwelling unit.*

§ 8. Section 26-3102 of the administrative code of the city of New York is amended by adding new subdivisions n through p to read as follows:

n. The registered host of a private dwelling that receives a registration pursuant to this section need not be physically present in the dwelling unit during the period of the short-term rental.

o. The registered host of the dwelling unit may offer a short-term rental to up to 4 adult boarders, roomers, or lodgers and their children.

p. A registered host offering a short-term rental shall provide reasonable access to the dwelling unit to such boarders, roomers, or lodgers and their children, but shall not be required to provide access to the bedroom, offices, or other similar private spaces of any permanent occupant in the dwelling unit.

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

Referred to the Committee on Housing and Buildings.

Int. No. 1108

By Council Member Menin.

A Local Law to amend the administrative code of the city of New York, in relation to street cleanliness requirements for city concessionaires and franchisees

Be it enacted by the Council as follows:

Section 1. Subdivision 2 of section 16-118 of the administrative code of the city of New York is amended by adding a new paragraph (c) to read as follows:

(c) Every person in charge of a permanent or semi-permanent structure installed or placed upon a sidewalk, street, alley, park, highway, or right of way pursuant to a concession or franchise agreement with the city shall keep and cause to be kept the sidewalk, flagging and curbstone abutting said structure free from obstruction and nuisances of every kind, and shall keep said sidewalks, flagging and curbstones free from garbage, refuse, rubbish, litter, debris and other offensive material. When the location described in the applicable concession or franchise agreement with the city abuts a curbstone, such persons shall also remove garbage, refuse, rubbish, litter, debris and other offensive material between the curbstone abutting the border of the location and the roadway area extending one and one-half feet from all sides into the street on which such location fronts. When the location described in the applicable concession or franchise agreement with the city is within a park or otherwise does not abut a curbstone, such persons shall remove garbage, refuse, rubbish, litter, debris and other offensive material from area extending six feet from all sides of such location.

§ 2. Paragraph a of subdivision 9 of the section 16-118 of the administrative code of the administrative code of the city of New York, as amended by local law number 67 for the year 2024, is amended to read as follows:

a. (1) not less than \$50 and not more than \$250 for a first violation, except that the civil penalty shall be not less than \$250 and not more than \$350 for a second violation of subdivision 4 or 6 of this section within any 12 month period, and not less than \$350 and not more than \$450 for a third or subsequent violation of subdivision 4 or 6 of this section within any 12 month period;

(2) notwithstanding subparagraph (1) of paragraph a of this subdivision, \$50 for a first violation of paragraph (a) of subdivision 2 or of subdivision 3 of this section, or of any rules promulgated pursuant thereto, \$100 for a second violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period, and \$100 for a third or subsequent violation of such paragraph or subdivision or of any rules promulgated pursuant thereto within any 12 month period; [and]

(3) notwithstanding subparagraphs (1) and (2) of paragraph a of this subdivision, where the owner, occupant, lessee, tenant, or person in charge of any commercial, manufacturing, or industrial building, including any mixed-use building, but excluding any solely residential building, has violated the provisions of paragraph (a) of subdivision 2 of this section, or of any rules promulgated thereto, such owner, occupant, lessee, tenant, or person in charge shall be liable for a civil penalty of \$50 for the first violation, \$300 for the second violation committed on a different day within any 12 month period, and \$500 for the third and each subsequent violation committed on a different day within any 12 month period; and

(4) notwithstanding subparagraphs (1), (2), and (3) of paragraph a of this subdivision, any person violating paragraph (c) of subdivision 2 of this section, or of any rules promulgated pursuant thereto, shall be liable for a civil penalty of \$100 for the first violation, \$300 for the second violation committed on a different day within any 12 month period, and \$500 for the third and each subsequent violation committed on a different day within any 12 month period.

§ 3. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Sanitation and Solid Waste Management.

Preconsidered Res. No. 643

RESOLUTION DESIGNATING MICHAEL ESPIRITU, A RESIDENT OF MANHATTAN, FOR APPOINTMENT BY THE MAYOR AS A DIRECTOR OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

By Council Member Powers.

RESOLVED, Pursuant to Section 4 of the New York City Health and Hospitals Act (Chapter 1016 of the Laws of 1969), the Council approves the designation of Michael Espiritu, a resident Manhattan, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2029.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Preconsidered Res. No. 644

RESOLUTION DESIGNATING VANESSA RODRIGUEZ, A RESIDENT OF THE BRONX, FOR APPOINTMENT BY THE MAYOR AS A DIRECTOR OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.

By Council Member Powers.

RESOLVED, Pursuant to Section 4 of the New York City Health and Hospitals Act (Chapter 1016 of the Laws of 1969), the Council approves the designation of Michael Espiritu, a resident Manhattan, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2027.

Adopted by the Council (preconsidered and approved by the Committee on Rules, Privileges and Elections).

Res. No. 645

Resolution calling on the New York State Legislature to pass, and the Governor to sign S.182A/A.710, in relation to providing a civil action for deprivation of rights.

By Council Members Salaam and Hanif.

Whereas, The City of New York is committed to upholding and protecting the fundamental rights and freedoms of New Yorkers and ensuring accountability of those who violate people's rights to ensure a just and equitable society; and

Whereas, Qualified immunity is a judicial doctrine developed by the Supreme Court through a series of rulings over the past 50 years, giving ever wider latitude to the conduct of police and other officials; and

Whereas, According to *End Qualified Immunity New York*, qualified immunity is a defense used by public officials in civil lawsuits for constitutional rights violations. The current standard of qualified immunity asks whether the official conduct was objectively reasonable and whether it was unlawful under "clearly established law," often stopping many lawsuits in their tracks; and

Whereas, Public officials whose conduct may be deemed unlawful or a constitutional violation by the courts can be granted qualified immunity if plaintiffs cannot produce an identical case in the same jurisdiction; and

Whereas, According to the *Law Enforcement Action Partnership*, ending qualified immunity is key to addressing public safety, as safety requires trust, and trust requires accountability, which is hindered by qualified immunity; and

Whereas, Victims and survivors of state violence deserve a fair chance at justice, as no one should be above the law, and New York's public officials should be held to the same legal standards as other citizens; and

Whereas, Ending qualified immunity would allow families seeking justice to have their cases heard on the merits and resolved in a timely fashion; and

Whereas, S.182A/A.710 sponsored by New York State Senator Robert Jackson and New York State Assemblymember Pamela Hunter, respectively, seeks to provide civil action and end the defense of qualified immunity for public officials who deprive the rights of New Yorkers by amending §79-R to the Civil Rights Law, thereby enhancing accountability for violations of constitutional rights; and

Whereas, Under the proposed law, the Attorney General may bring a civil action on behalf of the state and the injured party without foreclosing the injured party's right to bring an action with damages awarded to the injured party should the Attorney General prevail; and

Whereas, Civil action under this legislation must commence within three years of the cause of action; and

Whereas, Enactment of S.182A/A.710 would enhance the ability of New Yorkers to protect their rights and seek justice when those rights have been violated; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign S.182A/A.710, in relation to providing a civil action for deprivation of rights.

Referred to the Committee on Civil and Human Rights.

Int. No. 1109

By Council Members Salamanca, Jr. and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to the suspension of alternate side parking regulations on Duarte Day

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 19-163 of the administrative code of the city of New York, as amended by local law number 162 for the year 2023, is amended to read as follows:

a. All alternate side of the street parking rules shall be suspended on the following holidays: Christmas, Yom Kippur, Rosh Hashanah, Ash Wednesday, Holy Thursday, Good Friday, Ascension Thursday, Feast of the Assumption, Feast of All Saints, Feast of the Immaculate Conception, first two days of Succoth, Shemini Atzareth, Simchas Torah, Shevuoth, Purim, Orthodox Holy Thursday, Orthodox Good Friday, first two and last two days of Passover, the Muslim holidays of Eid Ul-Fitr and Eid Ul-Adha, the day before Lunar New Year, Lunar New Year, the Hindu festival of Diwali on the day that Lakshmi Puja is observed, Three Kings' Day, Tisha B'Av, *Duarte Day*, and all state and national holidays.

§ 2. Section 19-163 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

d. For purposes of subdivision a of this section, the date of Duarte Day is January 26 of each year.

§ 3. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1110

By Council Members Sanchez and Hanks.

A Local Law to amend the administrative code of the city of New York, in relation to information on safe passage routes for students in New York city public schools, and to repeal section two of such local law upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 35 to read as follows:

CHAPTER 35
SAFE PASSAGE ROUTES

§ 21-1006 Safe passage routes. a. Definitions. For purposes of this section, the following terms have the following meanings:

Community-based organization. The term “community-based organization” means a non-profit organization representing the needs of and providing services to a particular community.

Safe passage route. The term “safe passage route” means any designated walking route established by the department in coordination with the police department or community-based organizations to ensure the safety of student travel to or from school.

School. The term “school” means a school of the city school district of the city of New York, including district 75 programs, district 79 programs, and charter schools under the jurisdiction of the department.

School safety personnel. The term “school safety personnel” has the same meaning as set forth in subdivision a of section 14-197.

b. Reporting. No later than November 30, 2024, and annually thereafter, the chancellor shall submit to the speaker of the council and post on the department's website a report on all safe passage routes for the prior school year. Such report shall be disaggregated by community school district and shall include, but need not be limited to:

- 1. A list of schools with safe passage routes;*
- 2. The number of school safety personnel assigned to monitor student travel on each safe passage route;*
- 3. The names of community-based organizations assigned to each safe passage route, as applicable; and*
- 4. The metrics of success for each such route, including but not limited to, a reduction in the number of violent crime incidents near schools, student and parent feedback, and all other such metrics.*

c. Distribution of information. No later than September 15, 2024, and annually thereafter, the chancellor shall distribute to each school with a safe passage route, for distribution to every student of such school, information related to the school's safe passage route. Distribution of such information to schools and students may be in hard copy or electronic if distribution of other similar information occurs electronically. Such information shall include, but need not be limited to:

- 1. A detailed map of the school's safe passage route;*
- 2. Safety tips for students traveling along the school's safe passage route; and*
- 3. Contact information for reporting issues or concerns related to the school's safe passage route.*

§ 2. Feasibility study on establishing and maintaining safe passage routes. a. Definitions. For purposes of this section, the following terms have the following meanings:

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

Community-based organization. The term “community-based organization” means a non-profit organization representing the needs of and providing services to a particular community.

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

Safe passage route. The term “safe passage route” means any designated walking route established by the department in coordination with the police department or community-based organizations to ensure the safety of student travel to or from school.

School. The term “school” means a school of the city school district of the city of New York, including district 75 programs, district 79 programs, and charter schools under the jurisdiction of the department.

b. The chancellor, or such other head of agency as the mayor shall designate, shall conduct a study to assess the feasibility of establishing and maintaining safe passage routes at all schools. Such study shall be conducted in consultation with the police department and any other relevant office or agency as the mayor shall designate. No later than 180 days after the effective date of this local law, the chancellor shall submit to the speaker of the council and shall post conspicuously on the department’s website a report with the findings of such study. Such report shall:

1. Assess the estimated costs of providing safe passage routes at all schools;
2. Identify potential community-based organizations that could partner with the department to implement safe passage routes at schools;
3. Identify potential state and federal funding sources to implement safe passage routes at all schools; and
4. Include any other information relevant to assessing the feasibility of providing safe passage routes at all schools.

§ 3. This local law takes effect immediately and section two of this local law expires and is deemed repealed upon the submission of the report to the mayor and the speaker of the council as required by subdivision b of such section.

Referred to the Committee on Education.

Int. No. 1111

By Council Members Schulman, Restler and Hudson.

A Local Law to amend the administrative code of the city of New York, in relation to adjustment of contribution and expenditure limits to account for two-year council terms

Be it enacted by the Council as follows:

Section 1. Subdivision 7 of section 3-703 of the administrative code of the city of New York, as amended by local law number 128 for the year 2019, is amended to read as follows:

7. Not later than the first day of March in the year [two thousand twenty-two and every fourth year thereafter] *following a covered election that is a general election*, the campaign finance board shall (i) determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics for the twelve months preceding the beginning of such calendar year and the average *of such consumer price index* over the last calendar year [two thousand nineteen] *at which the board adjusted maximum contributions pursuant to this section* [of such consumer price index]; (ii) adjust each maximum contribution applicable pursuant to paragraph (f) of subdivision one of this section by the amount of such percentage difference to the nearest fifty dollars; and (iii) publish such adjusted maximum contribution in the City Record. Such adjusted maximum contribution shall be in effect for any election held before the next such adjustment; *provided, however, that if such adjustment occurs two years, rather than four years, after the previous adjustment pursuant to this subdivision, only maximum contributions to candidates for member of the city council shall be affected by such adjustment until the next adjustment pursuant to this subdivision.*

§ 2. Paragraph (e) of subdivision of subdivision 1 of section 3-706 of the administrative code of the city of New York, as amended by local law number 34 for the year 2007, is amended to read as follows:

(e) Not later than the first day of March in the year [two thousand ten and every fourth year thereafter] *following a covered election that is a general election* the campaign finance board shall (i) determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics for the twelve months preceding the beginning of such calendar year and the average *of such consumer price index* over the last calendar year [two thousand seven] *at which the board adjusted expenditure limitations pursuant to this section*

[of such consumer price index]; (ii) adjust each expenditure limitation applicable either pursuant to this subdivision or subdivision 2 of this section by the amount of such percentage difference to the nearest thousand dollars; and (iii) publish such adjusted expenditure limitation in the City Record. Such adjusted expenditure limitation shall be in effect for any election held before the next such adjustment; *provided, however, that if such adjustment occurs two years, rather than four years, after the previous adjustment pursuant to this subdivision, only the expenditure limitation applicable to candidates for member of the city council shall be affected by such adjustment until the next adjustment pursuant to this subdivision.*

§ 3. The provisions of paragraph (e) of subdivision 1 of section 3-706 of the administrative code of the city of New York notwithstanding, the campaign finance board shall determine the percentage difference between the average over a calendar year of the consumer price index for the metropolitan New York-New Jersey region published by the United States bureau of labor statistics for the years 2023 and 2021, adjust expenditure limits applicable to candidates for the office of member of the city council otherwise applicable pursuant to section 3-706 by the amount of such percentage difference to the nearest thousand dollars, and publish such adjusted expenditure limitation in the City Record. Such adjusted expenditure limitation shall be in effect for the year 2025 only.

§ 4. Sections one and two of this local law take effect on January 1, 2026. Section three of this local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 1112

By Council Members Stevens, Lee and Schulman.

A Local Law to amend the administrative code of the city of New York, in relation to requiring police precincts to develop plans for identifying and responding to individuals with special needs

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-198 to read as follows:

§ 14-198 *Precinct special needs plans. a. Definitions. For purposes of this section, the term “special needs” means any mental health condition, intellectual disability, developmental disability, or neurological condition that may affect an individual's cognitive, emotional, or behavioral functioning, including, but not limited to, Alzheimer’s disease, autism spectrum disorder, dementia, Down syndrome, and other related conditions.*

b. Development of precinct special needs plans. 1. Within 6 months of the effective date of this local law, the commanding officer of each police precinct shall develop and submit to the commissioner a special needs plan for their precinct that includes:

(a) The process by which to identify individuals with special needs living within the jurisdictional boundaries of the precinct; and

(b) The establishment of precinct-specific response protocols for police interactions with individuals with special needs living within the jurisdictional boundaries of the precinct.

2. Such precinct special needs plan should include, but need not be limited to:

(a) Outreach initiatives to build relationships with individuals with special needs, their families, caregivers, and local provider organizations;

(b) Collaboration with community groups, advocacy organizations, schools, healthcare providers, and social services agencies;

(c) Collection of feedback and communication from community members about specific needs or concerns;

(d) Implementation of training programs for precinct officers for interacting with individuals with special needs, emphasizing de-escalation techniques, communication strategies, and cultural competency;

(e) Guidelines and procedures for officers to follow during interactions with individuals with special needs;

(f) Strategies for involving specialized units or personnel when appropriate;

(g) *Methods for assessing the effectiveness of the plan, including collecting feedback from community members and officers; and*

(h) *Procedures for updating and improving the plan based on evaluations.*

c. *Default special needs plan. If a precinct fails to submit a precinct special needs plan as required by subdivision b of this section within the required timeframe, the commissioner shall implement a default special needs plan for that precinct until a precinct plan is submitted and approved.*

d. *Approval and implementation of precinct special needs plans. Within 6 months of receiving a precinct special needs plan as required by subdivision b of this section, the commissioner shall review such plans and adhere to the following protocols:*

1. *If the commissioner approves of such precinct special needs plan, the precinct shall implement its precinct special needs plan without undue delay.*

2. *If the commissioner disapproves a precinct special needs plan, the commissioner shall provide the precinct with a written statement of the reasons for disapproval and any recommended modifications. Upon disapproval, the precinct shall revise and resubmit the plan to the commissioner within 60 days of receiving the commissioner's written statement.*

3. *If the precinct fails to resubmit the revised plan within the 60-day period specified in paragraph 2 of this subdivision, or if the commissioner disapproves a precinct special needs plan after resubmission, the commissioner shall implement the default special needs plan for that precinct until any new precinct special needs plan is submitted and approved.*

e. *Public accessibility. The commissioner shall make each precinct special needs plan, as required by subdivision b of this section, publicly available on the department's website within 30 days of approval by the commissioner.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 1113

By Council Members Ung and Banks.

A Local Law to amend the administrative code of the city of New York, in relation to providing notice of applications for stoop line stand licenses to community boards and council members

Be it enacted by the Council as follows:

Section 1. Subchapter 7 of chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-239.1 to read as follows:

§ 20-239.1 *Notification to community boards and council members. Within 5 days after the filing of an application for a license for a stoop line stand, the commissioner or the commissioner of small business services, as appropriate under section 20-234, shall provide notice of such application to the community board and council member in whose district such stoop line stand is proposed to be located. The commissioner or the commissioner of small business services, as appropriate under section 20-234, shall then, to the extent practicable, provide an opportunity for such community board and council member to submit comments related to such application.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer and worker protection and the commissioner of small business services shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Consumer and Worker Protection.

Int. No. 1114

By Council Members Won, Brooks-Powers, Hanif and Banks.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of transportation to create an online capital project tracker

Be it enacted by the Council as follows:

Section 1. Title 19 of the administrative code of the city of New York is amended by adding a new chapter 12 to read as follows:

CHAPTER 12
ONLINE TRANSPORTATION CAPITAL PROJECT TRACKER

§ 19-1201 Online transportation capital project tracker. a. No later than 120 days after the effective date of the local law that added this chapter, the commissioner shall create and maintain on the department's website an online transportation capital project tracker. The commissioner shall include in such tracker information on capital projects under the jurisdiction of the department for which certain data is posted in the public online capital project database pursuant to section 5-108. At a minimum, such information shall include, for each such capital project:

- 1. A description of such project;*
- 2. The location of such project, including but not limited to the street address if applicable and available, community district, and borough;*
- 3. The actual or estimated starting date and actual or estimated completion date of each phase of such project;*
- 4. The date such project was first assigned to an employee of the department;*
- 5. Whether such project is in the design, procurement, or construction phase, and the percentage of each such phase that is complete;*
- 6. A description of any phase of such project that is delayed and the reason for such delay;*
- 7. The total amount of funds allocated to such project, or, when applicable, a range of the amount of funds available for such project;*
- 8. The identification of each separate source of funding allocated to such project; and*
- 9. A description of any projected or actual cost overrun for each phase of such project.*

b. The commissioner shall update the information included in the online transportation capital project tracker required under subdivision a of this section on a quarterly basis.

§ 19-1202 Exception. The online transportation capital project tracker required under section 19-1201 shall not include information regarding any capital project undertaken by the department to meet specific benchmarks included in a master plan issued by the department under section 19-199.1.

§ 2. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Preconsidered L.U. No. 189

By Council Member Brannan:

Met Council Portfolio: Block 879, Lot 26; Block 886, Lot 63; Block 927, Lot 37; Block 1347, Lot 122; Block 1432, Lot 12; Block 1436, Lot 122; Block 1554, Lot 38, Manhattan, Community District No. 6 and 8, Council District No. 2, 4, and 5.

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

Preconsidered L.U. No. 190

By Council Member Brannan:

537 West 149th Street: Block 2081, Lot 14, Manhattan, Community District No. 9, Council District No. 7.

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****Thursday, November 14, 2024**Committee on Economic Development

Amanda Farías, Chairperson

Oversight - Citywide Access to Fresh Produce.**Int 693** - By Council Members Nurse, Cabán, Farías, Gennaro, Hanif, Gutiérrez and Louis - **A Local Law** to amend the New York city charter, in relation to requiring the office of urban agriculture to create and implement a plan to convert unused industrial areas to urban agriculture sites.

Committee Room – City Hall.....12:30 p.m.

Monday, November 18, 2024Committee on Transportation and Infrastructure jointly with the
Committee on Public Safety and the
Committee on Education and the
Committee on Children and Youth

Selvena N. Brooks-Powers, Chairperson

Yusef Salaam, Chairperson

Rita Joseph, Chairperson

Althea V. Stevens, Chairperson

Oversight - Riding Safely: Addressing the Dangers of Subway Surfing.**Res 59** - By Council Members Brooks-Powers, Holden and Ariola - **Resolution** calling upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Study on the viability of the proposed QueensLink project.**Res 187** - By Council Members Riley, Stevens, Feliz, Salaam, Farías, Williams and Ossé - **Resolution** calling upon the Metropolitan Transportation Authority to conduct a comprehensive Environmental Impact Statement for the proposed Gun Hill Road Electric Bus Depot Charging Facility.

Council Chambers – City Hall.....10:00 a.m.

Tuesday, November 19, 2024Committee on General Welfare jointly with the
Committee on Immigration

Diana I. Ayala, Chairperson

Alexa Avilés, Chairperson

Oversight - Updates on the Implementation of the 30- and 60- day rules for Asylum Seekers.**Res 41** - By Council Members Avilés, Yeger, Hanif, Bottcher, Nurse, Abreu, Ayala, Gennaro, Cabán, Sanchez, Ossé, Williams, Menin, Salaam and Farías - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation to create the New York State Working Families Tax Credit.

Council Chambers – City Hall.....10:00 a.m.

Committee on Governmental Operations,
State & Federal Legislation
Committee on Civil Service and Labor

Lincoln Restler, Chairperson

Carmen De La Rosa, Chairperson

Oversight - State of the City Workforce.**Int 75** - By Council Members Restler, Ung, De La Rosa, Powers, Brooks-Powers, Gutiérrez, Brewer, Hudson, Hanif and Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to maintain an interactive webpage providing information on the city government workforce and to publish semiannual reports aggregating and summarizing such information.**Proposed Int 212-A** - By Council Members Hanif, De La Rosa, Restler, Hudson and Avilés - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to provide civil service exams in plain, simple language

Res 78 - By Council Members Farías, Hanif and Hudson - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation amending the Public Officers Law to allow non-citizens to hold civil offices.

Res 521 - By Council Members Farías, Hanif, Ossé, De La Rosa, Narcisse, Ung, Joseph, Won, Cabán, Gutiérrez and Brannan - **Resolution** calling on the United States Department of Labor to expand the number of Occupational Safety and Health Administration (OSHA) authorized outreach trainers in New York City's ten designated languages.

Committee Room – 250 Broadway, 14th Floor 10:00 a.m.

Committee on Mental Health, Disabilities and Addiction

Linda Lee, Chairperson

Int 986 - By Council Members Joseph, Restler, Cabán, Banks, Narcisse, Sanchez, Ung, Brannan, Stevens, Ossé, Nurse, Hudson, Menin, Hanif and Ariola - **A Local Law** in relation to a pilot program to involve mental health professionals and professional candidates in student wellness clubs in public middle and high schools.

Int 989 - By Council Members Lee, Restler, Brannan and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to student wellness club toolkits.

Int 996 - By Council Members Stevens, Restler, Brannan and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to the creation of a peer-to-peer mental health training program.

Committee Room – 250 Broadway, 16th Floor..... 10:00 a.m.

Committee on Aging jointly with the

Crystal Hudson, Chairperson

Committee on Consumer and Worker Protection and the

Julie Menin, Chairperson

Committee on Housing and Buildings

Pierina Ana Sanchez, Chairperson

Oversight - Deed Theft.

Int 888 - By Council Members Hudson, Brewer, Hanif and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring disclosures of market value for unsolicited offers to purchase residential properties.

Int 901 - By Council Members Riley, Restler, Brannan, Gutiérrez and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the office of financial empowerment to provide assistance to homeowners.

Committee Room – 250 Broadway, 16th Floor..... 1:00 p.m.

Wednesday, November 20, 2024

Committee on Rules, Privileges and Elections

Keith Powers, Chairperson

M 79 - Communication from the Mayor - Submitting the name Muriel Goode-Trufant to the Council for its advice and consent regarding her appointment to the Corporation Counsel, pursuant to Section 31 and 391 of the City Charter.

Council Chambers – City Hall..... 10:00 a.m.

Committee on Sanitation and Solid Waste Management jointly with the

Shaun Abreu, Chairperson

Committee on Contracts

Julie Won, Chairperson

Oversight - Containerization of Refuse and Organic Waste.

Int 57 - By Council Members Ossé, Nurse, Restler, Gennaro, Gutiérrez, Bottcher, Won, Marte, Ung, Hudson, Sanchez, Krishnan, Abreu, Williams, Louis and Cabán (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to penalties for failure to store waste in a satisfactory manner in required receptacles and for placing waste at the curb or on the street or sidewalk prior to the specified time for collection.

Int 498 - By Council Members Abreu, Hanif, Gennaro, Nurse, Hanks, Ung, Marte, Schulman, Restler, Ayala, Krishnan, Cabán, Avilés and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of sanitation to collect organic waste from community gardens.

Int 698 By Council Members Nurse, Powers, Gennaro, Abreu, Gutiérrez, Louis, Avilés, Brooks-Powers, Salaam, Sanchez, Williams, Banks, Restler, Schulman, Ayala, Krishnan, Cabán, Ossé, Hanks, Menin, Hudson

and Hanif - **A Local Law** to amend the administrative code of the city of New York, in relation to clarifying the definition of organic waste drop off site.

Int 781 By Council Members Nurse, Gennaro, Avilés, Brooks-Powers, Salaam, Sanchez, Williams, Ung, Banks, Restler, Schulman, Ayala, Krishnan, Cabán, Ossé, Hanks, Hudson and Hanif - **A Local Law** to amend the administrative code of the city of New York, in relation to organic waste recycling by city agencies.

Int 949 - By the Public Advocate (Mr. Williams) and Council Members Nurse, Louis, Restler, Hanif, Hudson, Brewer, Won, Gutiérrez and Cabán - **A Local Law** to amend the administrative code of the city of New York, in relation to the provision of sufficient receptacles for the storage of solid waste

Res 284 - By Council Members Nurse, Dinowitz, Gennaro, Hanif, Gutiérrez, Louis, Avilés, Brooks-Powers, Salaam, Sanchez, Williams, Banks, Schulman and Cabán - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, S.5713/A.3249, to require the establishment of a composting program at dormitories, dining facilities, and other facilities owned, occupied, or operated by the State University of New York, the City University of New York, and institutions subject to their jurisdiction.

Committee Room – City Hall.....10:00 a.m.

Thursday, November 21, 2024

Stated Council Meeting

Council Chambers – City Hall.....Agenda – 1:30 p.m.

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged the recent death of several New Yorkers who passed away in deadly fires: a 56-year old woman died during a fire in Council Member Williams' district in Queens; a 64-year old man was killed in a blaze that broke out at NYCHA's Frederick Douglass Houses in Council Member Abreu's district in Manhattan; a fire in Council Member Feliz's district in The Bronx left a 34-year old man dead and another person injured – she noted that this was the fifth death due to a lithium-ion battery fire this year. The Speaker (Council Member Adams) also acknowledged another fatal fire in Council Member Williams' district which had taken place earlier in the month where two other individuals lost their lives.

On behalf of the Council, the Speaker (Council Member Adams) offered her prayers to the grieving families, neighbors, and friends of all of the victims mentioned above.

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Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Fariás) adjourned these proceedings to meet again for the Stated Meeting of Thursday, November 21, 2024.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

Editor's Note: For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of November 13, 2024 on the New York City Council website at <https://council.nyc.gov>.

Editor's Local Law Note: Int. Nos. 346-A, 353-A, 651-A, 736-A, 869-A, and 890-A, all adopted at the September 26, 2024 Stated Meeting, were **returned unsigned by the Mayor** on October 28, 2024. These items had become law on October 26, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Law Nos. 98 to 103 of 2024, respectively.

Int. No. 991-C, adopted by the Council at the October 23, 2024 Stated Meeting, was **signed into law by the Mayor** on November 4, 2024 as Local Law No. 104 of 2024.

Int. Nos. 801-A, 802-A, 803-A, 891-A, 892-A, 912-B, and 956-C, adopted at the October 10, 2024 Stated Meeting, were **returned unsigned by the Mayor** on November 12, 2024. These items had become law on November 9, 2024 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Law Nos. 105 to 111 of 2024, respectively.