

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2018**

No. 36

Introduced by Council Members by The Public Advocate (Ms. James) and Council Members Rosenthal, Chin, Mendez, Miller, Menchaca and Kallos.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to information regarding the workforce for certain construction projects

Be it enacted by the Council as follows:

Section 1. Title 22 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

City-Assisted Construction Workforce Disclosure

§ 22-1101 Definitions. For purposes of this chapter, the following terms shall have the following meanings:

Administering agency. The term “administering agency” means the mayor or any and all agencies or offices designated by the mayor to administer or enforce the provision of this chapter.

City economic development entity. The term “city economic development entity” means an entity that provides or administers financial assistance on behalf of the city pursuant to paragraph (b) of subdivision 1 of section 1301 of the New York city charter, provided that the term “city economic development entity” shall not include the Brooklyn navy yard development corporation,

or any successor entity that becomes the lessee and/or operator of block 2023, lots 1, 50 and 150 in Kings county, commonly known as the Brooklyn navy yard.

City financial assistance. The term “city financial assistance” means financial assistance that is provided or administered by the city or by a city economic development entity acting on the city’s behalf.

Covered contractor. The term “covered contractor” means, with respect to a covered developer for a covered project, a person who has entered into a contract or other agreement with such developer for \$1,000,000 or more to perform construction work in connection with such project, except that the term “covered contractor” does not include the city or a city economic development entity.

Covered developer. The term “covered developer” means a person who receives city financial assistance in connection with a covered project.

Covered project. The term “covered project” means: (i) a construction project that is funded in whole or in part with city financial assistance, other than a tax abatement or exemption, expected to have a present value of \$1,000,000 or more where the agreement for providing any part of such assistance is executed, renewed or substantially amended on or after the effective date of the local law that added this chapter; and (ii) a construction project that is funded in whole or in part with city financial assistance in the form of tax abatements or exemptions, where the project has a total estimated cost certified by the applicant of \$5,000,000 or more, where the application for such benefits is made on or after the effective date of the local law that added this chapter. The term “covered project” does not include a construction project by a not for profit developer that is intended to provide a site exclusively for the provision of human services including social services

such as day care, foster care, home care, homeless assistance, housing and shelter assistance, supportive housing, preventive services, youth services, and senior centers; health or medical services including those provided by health maintenance organizations; legal services; employment assistance services, vocational and educational programs; and recreation programs.

Construction work. The term “construction work” means construction, alteration or demolition work, except that the term excludes (i) architectural, engineering, legal, accounting or other professional services; (ii) clerical or other similar office support services; and (iii) the managing, directing or supervising of construction, rehabilitation, alteration or demolition work.

Financial assistance. The term “financial assistance” means money or any other thing of value, including, but not limited to, cash payments; grants or other subsidies; loans; bond financing; tax abatements or exemptions; tax increment financing; environmental remediation costs; real property conveyance for less than market value; and write-downs in the market value of buildings, lands or leases or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for. The term “financial assistance” includes both discretionary and as-of-right assistance.

§ 22-1102 Disclosure requirements. a. Beginning on July 1, 2021, each covered developer for a covered project shall provide workforce disclosure records consisting of the following information for such project to the administering agency on at least an annual basis with respect to covered projects that receive city financial assistance on or after such date:

1. For each individual employed or otherwise engaged to perform construction work by the covered developer or any covered contractor during the prior year:

(a) the number of hours worked;

(b) job title;

(c) full-time or part-time designation; and

(d) gross wages.

2. For each individual employed or otherwise engaged to perform construction work by the covered developer or covered contractor who has voluntarily disclosed the following information to such covered developer and covered contractor for the purpose of reporting under this section:

(a) gender; and

(b) race or ethnic group.

3. For each job title, where such information is made available to such covered developer:

(a) the total number of individuals employed or otherwise engaged to perform project work by the covered developer or any covered contractor during the prior year, disaggregated by gender, race or ethnic group, full-time or part-time designation;

(b) the average number of hours worked by such individuals; and

(c) the average compensation of such individuals.

b. The information required by subdivision a of this section shall be submitted electronically to the administering agency in a form and manner to be determined by the administering agency.

§ 22-1103 Reporting on covered projects. a. By no later than October 31, 2021, the administering agency shall make data received pursuant to section 22-1102 of this chapter publicly available online where such data can be anonymized.

b. By no later than October 31, 2022 and every five years thereafter, the administering agency shall submit to the mayor and the council, and post publicly on the city's website a report providing details concerning the workforce of covered projects.

§ 22-1104 Designation of administering agency. The mayor shall, in writing, designate one or more offices or agencies to administer and enforce the provisions of this chapter and may, from time to time at the mayor's discretion, change such designation. Within 10 days after such designation or change thereof, a copy of such designation or change thereof shall be published on the city's website and on the website of each such office or agency, and shall be electronically submitted to the speaker of the council.

§2. This local law takes effect 180 days after it becomes law, except that before such effective date (i) the mayor may designate an administering agency, as defined herein, in accordance with section 22-1104 of the administrative code of the city of New York, as set forth in this local law, and (ii) the head of such administering agency may take such measures as are necessary for implementation of this local law, including the promulgation of rules.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 11, 2017 and returned unsigned by the Mayor on January 17, 2018.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 36 of 2018, Council Int. No. 752-C of 2015) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, presented to the Mayor and neither approved nor disapproved within thirty days thereafter.

STEVEN LOUIS, Acting Corporation Counsel.