

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 5, 2023, 2:26 p.m.

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

Council Members

Adrienne E. Adams, *The Speaker*

Shaun Abreu	Shahana K. Hanif	Kevin C. Riley
Joann Ariola	Kamillah Hanks	Carlina Rivera
Alexa Avilés	Robert F. Holden	Rafael Salamanca, Jr
Charles Barron	Crystal Hudson	Pierina Ana Sanchez
Joseph C. Borelli	Rita C. Joseph	Lynn C. Schulman
Erik D. Bottcher	Ari Kagan	Althea V. Stevens
Justin L. Brannan	Shekar Krishnan	Sandra Ung
Gale A. Brewer	Linda Lee	Marjorie Velázquez
Selvena N. Brooks-Powers	Farah N. Louis	Inna Vernikov
Tiffany Cabán	Christopher Marte	Nantasha M. Williams
David M. Carr	Darlene Mealy	Julie Won
Carmen N. De La Rosa	Julie Menin	Kalman Yeger
Eric Dinowitz	Sandy Nurse	
Amanda Farías	Vickie Paladino	
Oswald Feliz	Keith Powers	
James F. Gennaro	Lincoln Restler	
Jennifer Gutiérrez	Kristin Richardson Jordan	

Absent: Council Members Ayala and Ossé;
Medical Leave: Council Members Moya and Narcisse.

The Majority Leader (Council Member Powers) 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 Powers).

There were 47 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (which includes Council Members Hanks and Velázquez who participated remotely).

INVOCATION

The Invocation was delivered by Pastor Luis Aviles, Casa De La Fe Church located at 1810 Randall Avenue, The Bronx, N.Y. 10473.

Amen. Let's pray.

*Oramos todos.
Amante padre celestial,
te damos gracias por darnos
la oportunidad de poder verla la luz de nova dia.
Gracias por las fuerzas que los das para poder
levantar nos se emprender las farinas diarias,
a favor de nuestra comunidad
y tomar las mejores decisions para ser
de ciudad de New York, con estado seguro
para nuestras familias nuestros jóvenes, y nuestros niños.
Amado Dios, guía a cada líder y funcionario de
nuestro gobierno a laborar en unidad en pro de líderes
que trabajen unidos para una ciudad unida.
Estamos conscientes que sin ti todo
nuestro esfuerzo fuera imposible,
porque eres tú que nos das
la sabiduría a inteligencia para ser tu voluntad
por lo tanto libran nos de todo mal,
libran nos de todo peligro, Dios.
Tú eres un Dios justo, amoroso, y eterno,
deseas la justicia para todos,
y para siempre para defender
los derechos de los demás.
Permite que tu paz reina en cada ciudadano,
que reine el amor en el corazón,
para que la venganza ira y la violencia desaparezca
por siempre y para siempre.
Siempre quedaremos la gloria.
Amen*

Loving Heavenly Father,
we thank you for giving us the opportunity
to see the light of a new day.
Thank you for the strength you give us
to be able to get up and undertake
the daily tasks in favor of our community,
and make the best decisions in order to
make the City of New York a safe state,
for our families, our youth, and our children.
Dear God, guide every leader
and official in our government,

to work in unity so that our leaders
may work together for a united city.
We are aware that without you,
all our efforts will be impossible,
because it is you who gives us
the wisdom and intelligence
to do your will.
Therefore free us from all evil,
and from all danger.
You are a loving and eternal God,
Because you want justice for all
and forever to defend the rights of others.
Allow your peace to reign in every citizen.
Let love reign in our hearts
so that revenge, anger, and violence
will disappear forever and ever.
We will always give you the glory, heavenly God,
in the name of the Father, the Son and the Holy Spirit.
Amen.

Thank you.

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

REPORTS OF THE STANDING COMMITTEES**Report of the Committee on Civil Service and Labor**

Report for Int. No. 78-A

Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating an informational campaign concerning workers' rights under the earned safe and sick time act.

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on March 10, 2022 (Minutes, page 342), respectfully

REPORTS:**I. Introduction**

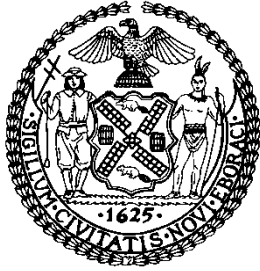
On October 5, 2023, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, held a vote on Int. No. 78-A, sponsored by Council Member Brewer, in relation to creating an informational campaign concerning workers' rights under the earned safe and sick time act (ESSTA). The Committee held a hearing on the topic of safe and sick time for private and nonprofit sector workers on June 20, 2023, during which it heard testimony on Int. No. 78-A. Witnesses who testified at the hearing included representatives from the New York City Department of Consumer and Worker Protection, local chambers of commerce, organized labor, workers' rights advocates, and other interested parties. On October 5, 2023, the Committee on Civil Service and Labor passed Int. No. 78-A with nine votes in the affirmative, zero votes in the negative, and zero abstentions.

II. Legislative Analysis***a. Int. No. 78-A***

Int. No. 78-A would require the City to engage in ongoing public education to inform employees of their rights under ESSTA. Specifically, this bill would require the Commissioner of Consumer and Worker Protection to coordinate with the Department of Health and Mental Hygiene, and to invite the New York City Health + Hospitals Corporation, to make best efforts to distribute posters, flyers, and other written materials to the public regarding the ESSTA, through pharmacies, doctors' offices, hospitals, and other private health-related institutions.

Since its introduction, this bill received technical edits.

(The following is the text of the Fiscal Impact Statement for Int. No. 78-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 INTRO. NO: 78-A

COMMITTEE: Civil Service and Labor

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to creating an informational campaign concerning workers' rights under the earned safe and sick time act.

SPONSOR(S): By Council Members Brewer, Hanif, Cabán, Won, Restler, Dinowitz, Avilés, Nurse, Bottcher, Narcisse, Hudson, Ossé, Schulman, Hanks, Williams, Riley, Louis, Menin, Richardson Jordan, Krishnan, Rivera and Marte (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: This bill would require the commissioner of the Department of Consumer and Worker Protection (DCWP) to engage in best efforts to inform employers, employment agencies, employees, and job applicants about their rights and responsibilities under the earned safe and sick time act. Additionally, DCWP would coordinate with the Department of Health and Mental Hygiene (DOHMH) to distribute and post materials in pharmacies, doctors' offices, and hospitals and such other sites as may be appropriate. The bill would also invite the New York City Health + Hospitals Corporation to participate in the distribution of such educational written materials to the public.

EFFECTIVE DATE: This local law takes effect 120 days after it becomes law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

IMPACT ON EXPENDITURES: It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation, as DCWP and DOHMH 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
Mayor's Office of City Legislative Affairs

ESTIMATE PREPARED BY: Andrew Lane-Lawless, Legislative Financial Analyst, NYC Council Finance Division

ESTIMATE REVIEWED BY: Crilhien R. Francisco, Assistant Director, NYC Council Finance Division
Chima Obichere, Deputy Director, NYC Council Finance Division
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division
Kathleen Ahn, Counsel, NYC Council Finance Division

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on March 10, 2022, as Intro. No. 78 and referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation on June 20, 2023, and the legislation was laid over. The legislation was subsequently amended, and the amended legislation Proposed Intro. No. 78-A, will be considered by the Committee on October 5, 2023. Upon successful vote by the Committee, Proposed Intro. No. 78-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: October 2, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 78-A:)

Int. No. 78-A

By Council Members Brewer, Hanif, Cabán, Won, Restler, Dinowitz, Avilés, Nurse, Bottcher, Narcisse, Hudson, Ossé, Schulman, Hanks, Williams, Riley, Louis, Menin, Richardson Jordan, Krishnan, Rivera and Marte (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to creating an informational campaign concerning workers' rights under the earned safe and sick time act

Be it enacted by the Council as follows:

Section 1. Chapter 8 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-919.1 to read as follows:

§ 20-919.1 *Public education campaign. a. The commissioner shall engage in ongoing public education efforts to inform employers, employment agencies, employees and job applicants about their rights and responsibilities under this chapter, and shall make best efforts to:*

1. In coordination with the department of health and mental hygiene, distribute posters, flyers, and other written materials concerning employees' rights pursuant to this chapter to pharmacies, doctors' offices, and hospitals and such other sites as may be appropriate; and

2. Invite the New York city health and hospitals corporation to participate in the posting and dissemination of posters, flyers and written materials concerning employees' rights pursuant to this chapter.

b. Nothing in this chapter shall be construed to require the acceptance or display of such materials by private entities.

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

CARMEN N. De La ROSA, *Chairperson*; ERIK D. BOTTCHER, TIFFANY CABÁN, ERIC DINOWITZ, OSWALD FELIZ, KAMILLAH HANKS, RITA C. JOSEPH, JULIE MENIN, SANDY NURSE; 9-0-0, *Medical*: Francisco P. Moya; Committee on Civil Service and Labor, October 5, 2023. *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 Consumer and Worker Protection

Report for Int. No. 818-A

Report of the Committee on Consumer and Worker Protection in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer and worker protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act.

The Committee on Consumer and Worker Protection, to which the annexed proposed amended local law was referred on November 22, 2022 (Minutes, page 2814), respectfully

REPORTS:

I. INTRODUCTION

On October 5, 2023, the Committee on Consumer and Worker Protection, chaired by Council Member Marjorie Velázquez, held a vote on Introduction Number 818-A (“Int. No. 818-A”), related to requiring the department of consumer and worker protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act. On March 29, 2023, the Committee held a hearing on an earlier version of this bill. The Committee received testimony at that hearing from the Department of Consumer and Worker Protection (DCWP) and worker rights advocates. Int. No. 818-A was approved by the Committee by a vote of 8 in the affirmative and 0 in the negative.

II. BACKGROUND

A. Temporary Schedule Change Law

In 2018, the Council enacted a local law to protect employees who seek temporary changes to their work schedules for personal events and certain other schedule changes.¹ The law requires employers to accommodate a temporary change to the work schedule two times within a calendar year relating to an employee’s “personal event.” It allows workers to request such changes without fear of retaliation, and requires that employers respond immediately to an employee’s request and follow up with a written request within 14 days, unless the employee failed to put the request in writing. Each schedule change may not exceed one business day; however, an employer may permit an employee to use two business days for one request. A “personal event” includes needing to provide care to a relative or care recipient; needing to attend a legal proceeding or hearing for subsistence

¹ New York City Local Law 69 of 2018, available at: [The New York City Council - File #: Int 1399-2016 \(nyc.gov\)](https://www.nyc.gov/site/council/laws/2018/ll69-2018.html).

benefits to which the employee, a family member or an employee's care recipient is a party; or any event that qualifies for the use of safe time or sick time pursuant to the city's Earned Safe and Sick Time Act.²

"Safe time" includes the need to take leave from work due to an employee or the family member of an employee having been the victim of a family offense matter, human trafficking, a sexual offense, stalking; to enroll a child in a new school, or to obtain social services or legal help due to having been the victim of such an event.³ "Sick time" includes the need to take leave from work due to an employee's health condition, a family member's health condition, a public health emergency causing the closure of the employee's place of business, or a public health emergency causing the closure of the school or childcare provider for a child for whom the employee is responsible.⁴

By allowing for the possibility of two days a year of flexibility in employees' work schedules for a few specified exemptions, the law helps workers meet their caregiving and legal responsibilities. It also offers assistance to employees who may be facing last-minute acute health emergencies or who need resources after having been the victim of a crime (especially those relating to domestic violence), as well as other situations that may occur without adequate notice.⁵

The law is enforced by the Department of Consumer and Worker Protections' Office of Labor Policy & Standards, and requires the director to make notices for employers to put in the workplace or at any job site informing employees of their right to temporary changes to their work schedule.⁶ This requirement is limited in scope and does not include any mandated outreach to employees who may not know about their rights.

III. BILL ANALYSIS

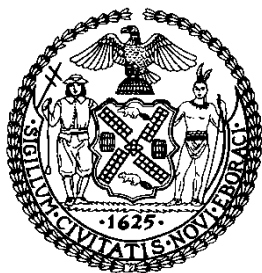
A. Int. No. 818-A — A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer and worker protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act

This bill would establish an ongoing outreach and education campaign to inform employers and employees of their rights related to the Temporary Schedule Change Act. It would require employers to distribute written and electronic materials created by DCWP to their employees.

Since introduction, the bill has been amended to modify DCWP's campaign requirements, and give DCWP 120 days to begin their outreach and education.

This bill would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 818-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 INTRO. NO: 818-A

COMMITTEE: Consumer and Worker Protection

² New York City, N.Y., Code § 20-914.

³ New York City, N.Y., Code § 20-912(a)

⁴ *Id.*

⁵ *See id.*

⁶ New York City, N.Y., Code § 20-1205.

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer and worker protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act.

SPONSOR(S): Council Members Brewer, Hanif, Restler, Hudson, Joseph, Abreu and Narcisse

SUMMARY OF LEGISLATION: This bill would require the Department of Consumer and Worker Protection (DCWP) to conduct an ongoing outreach and education campaign on the Temporary Schedule Change Act. The outreach and education campaign would require employers to distribute written and electronic materials created by the DCWP to their employees.

EFFECTIVE DATE: This local law takes effect 120 days after it becomes a law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Glenn P. Martelloni, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was introduced to the Council on November 22, 2022, as Proposed Intro. No. 818, and was referred to the Committee on Consumer and Worker Protection (the Committee). A hearing was held by the Committee on March 29, 2023, and the legislation was laid over. The legislation was subsequently amended and the final amended version, Proposed Int. No. 818-A, will be voted on by the Committee at a hearing on October 5, 2023. Upon a successful vote by the Committee, Proposed Int. 818-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: September 28, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 818-A:)

Int. No. 818-A

By Council Members Brewer, Hanif, Restler, Hudson, Joseph, Abreu, Narcisse, Rivera and Cabán.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of consumer and worker protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act

Be it enacted by the Council as follows:

Section 1. Subchapter 6 of chapter 12 of title 20 of the administrative code of the city of New York is amended by adding a new section 20-1264 to read as follows:

§ 20-1264 *Outreach and Education. a. The commissioner shall conduct an ongoing outreach and education campaign about the provisions of this subchapter.*

1. Such outreach and education shall be provided to employers, employees and members of the public who are likely to be affected by this law.

2. The department shall develop and distribute to employers written and electronic materials containing information related to this subchapter.

3. Employers shall distribute written and electronic materials created by the department directly to their employees in both electronic and print format.

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

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

MARJORIE VELÁZQUEZ, *Chairperson*; SHAUN ABREU, ERIK D. BOTTCHEER, GALE A. BREWER, AMANDA FARÍAS, SHEKAR KRISHNAN, JULIE MENIN, JULIE WON; 8-0-0; *Absent*: Ossé; Committee on Consumer and Worker Protection, October 5, 2023.

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 Criminal Justice

Report for Int. No. 1094-A

Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to record interactions in which an individual is informed about a scheduled court appearance and report on rates of court production.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on June 8, 2023 (Minutes, page 1734), respectfully

REPORTS:

I. INTRODUCTION

On October 5, 2023, the Committee on Criminal Justice, chaired by Council Member Carlina Rivera, voted on Proposed Introduction Number 1094-A (“Prop. Int. No. 1094-A”) in relation to requiring the department of correction to record interactions in which an individual is informed about a scheduled court appearance and report on rates of court production. The measure passed by a vote of 6-1. On May 30, 2023, the Committee heard a prior version of this legislation. During that hearing, the Committee heard testimony from the Department of Correction (DOC), Board of Correction (BOC), public defenders, and other interested parties.

II. BACKGROUND

In New York City, DOC provides for the care, custody and control of persons accused of crimes or convicted and sentenced to one year or less in jail.¹ An individual arrested for a crime may be held for up to 24 hours before being arraigned by a judge.² Upon their arraignment, a judge determines whether to release that defendant during the pendency of a case, set bail or non-monetary conditions on that defendant, or remand them to the custody of DOC without bail. Under New York State’s criminal procedure law, judges can only impose cash bail, non-monetary conditions for release such as electronic monitoring, or remand individuals directly to jail if they find that it is specifically necessary to ensure that the defendant return for future court dates.³ If a person cannot post bail at the arraignment hearing, then they are admitted to jail and remain incarcerated until a change in bail status or the conclusion of their case.

For individuals who are admitted to DOC custody, section 9-146 of the administrative code requires DOC to determine whether they have other open criminal court cases, notify the court system of their incarceration, and transport them to all required court appearances for such cases.⁴ In FY2024, DOC has \$ 32,898,475 million budgeted for transportation, including staffing, vehicles, and maintenance costs.⁵

A. DOC Court Production Procedures

As of March 2023, the Transportation Division has a fleet of 626 vehicles including 71 transportation buses.⁶ One of the primary functions of this unit is the transportation of people in DOC custody to court, and DOC

¹ “Facilities Overview.” New York City Department of Correction, <https://www1.nyc.gov/site/doc/about/facilities.page>

² The Court of Appeals held that this 24 hour limit is legally required in *People ex rel. Maxian on Behalf of Roundtree v. Brown*, 77 N.Y.2d 422, 570 N.E.2d 223 (1991).

³ Consolidated Laws of New York § 530.40

⁴ Local Law 178 of 2016 <https://nyc.legistar1.com/nyc/attachments/1454fdc3-1394-463c-9e2d-bcf97c3647a4.pdf>

⁵ FY2024 Adopted Expense Budget <https://www.nyc.gov/assets/omb/downloads/xlsx/adopt23/adopt23-expense.xlsx>

⁶ Data provided to the Council by DOC in March 2023

publishes a monthly number of “court appearances” on its website alongside other data..⁷ In response to a request for information from the Speaker of the Council, DOC described the following steps in the process:⁸

- The Office of Court Administration (OCA) maintains a court production dashboard that is shared with the Department. The dashboard has information related to each individual’s scheduled court location and part, priority production, and subsequent facility departure and arrival times. Both the Department and OCA update the dashboard with information respective to each agency. Additionally, the Department maintains an internal database with information related to court production, by borough and by case type (e.g., supreme court, criminal court, family court).
- DOC also maintains data related to production refusals that records refusal reasons, if stated, on an individualized level. Individuals can refuse to go to their scheduled court appearances for a variety of reasons, including due to being medically unfit (e.g., they have tested positive for COVID-19), religious observance, non-compliance, or other reasons. Other reasons include, but are not limited to: conflicting court appointments, priority medical appointments, facility-level incidents, etc.
- The OCA court production dashboard is updated daily by OCA such that the Department can produce a list from the dashboard of individuals scheduled for court the following day,
- Individuals who have a scheduled court appearance are woken up at 5am when lock-out begins and provided with a meal, and are escorted approximately 30 minutes later to a designated search area within the facility. Once they have been searched, individuals are escorted to the vehicle boarding area, and subsequently through the sally port and onto their assigned vehicle.
- Once each bus arrives at the designated court facility, individuals are escorted to Department court holding pens to await transfer to OCA staff at the appropriate time for their scheduled appearance. At this point, individuals are considered to be “court ready” and their arrival time is recorded and they wait to be called for their scheduled court appearance.

B. Alleged Refusals by People in Custody to Travel to Court

There are many reasons detained individuals may decline to travel to court. As described above, transportation process is lengthy and arduous, requiring individuals to wake up in the very early hours of the morning, get searched and sit on buses and in courthouse holding pens for hours. Individuals with Enhanced Restraint or RED ID status who are deemed a higher risk of violence are put in additional restraints such as side or rear cuffs, mitts, a waist chain, and leg irons when they travel to court.⁹

While there are some instances in which people in custody decline to travel to their court appearances, criminal defense attorneys challenge the validity of many refusals.¹⁰ Despite DOC’s policy of documenting refusals with a signed form or videotaped statement, public defenders have testified they are told their clients refused to come to court but the clients later say they were never offered a ride.¹¹ In a May 2023 survey conducted by New York County Defender Services, 66 percent of their attorney respondents stated that, on at least one occasion in the past two months, a client claimed that DOC falsified their refusal for transportation to a court appearance.¹² In the same survey, attorney respondents estimated that their clients dispute DOC’s claims that a client refused court production 60 percent of the time. There is no clear recourse for challenging invalid refusals, and defense attorneys currently have to submit a subpoena to obtain access to refusal videos.

Other stakeholders have reported additional reasons for delays or failures in court production. Public defenders testified they are told their clients are not on the “hot sheet” or “dashboard” for court production, even

⁷ [DOC data Dashboard - DOC \(nyc.gov\)](#)

⁸ Letter from Commissioner Louis Molina to Speaker Adrienne Adams, May 12, 2023

⁹ NYC DOC, Handbook for Detained and Sentenced Individuals, Revised 12/19

https://www.nyc.gov/assets/doc/downloads/pdf/HB_ENG.pdf

¹⁰ New York City Council Committee on Fire and Criminal Justice Services Hearing, December 5, 2016,

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=589728&GUID=A9970797-3CE9-4E53-8C00-93CD9693D14B>

¹¹ Reuven Blau, “Justice Delayed: City Jail Staff Shortage Keeps Detainees From Getting to Court,” September 14, 2021,

<https://www.thecity.nyc/2021/9/14/22674823/nyc-rikers-jail-staff-shortage-keeps-detainees-from-court>.

¹² New York County Defender Services, Testimony at May 30, 2023 Council Hearing,

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6194134&GUID=0BDEDF86-F120-4E70-AC4E-A35FFE07A56E&Options=&Search=>

though their court date was included on the individual's DOC "commit card" or documentation that includes their order(s) to appear in court.¹³ In a May 2023 New York County Defender Services survey, 55 percent of attorney respondents reported that, on at least one occasion in the past two months, they were informed that a client was not transported to a court appearance because the client was not on the DOC production list.¹⁴

Correction officials and attorneys have posited DOC staffing and staff management as potential factors impacting court production.¹⁵ In 2021, Joe Russo, president of the Assistant Deputy Wardens/Deputy Wardens Association, attributed DOC's failure to produce individuals to court to staff shortages. According to Russo, jail officials had to use the department's centralized busing system to transport people in custody around Rikers Island or to the hospital instead of to court due to a lack of staff.¹⁶ Another contributor to the delays is that a "higher percentage of detainees are being transported via bus, because there are no longer jails in walking distance to the courthouses in Manhattan and Brooklyn, where people on trial or awaiting hearings were sometimes held. Those facilities were recently dismantled."¹⁷

III. Legislative Analysis

Prop. Int. 1094-A would require DOC to record video of every interaction between incarcerated individuals and correction officers in which an incarcerated individual is informed about a scheduled court appearance. Upon request, these video files must be provided to a defense attorney within three business days. In addition, the bill requires the department to establish a means by which real-time information regarding an incarcerated individual's departure from their housing facility on the date of their scheduled court appearance can be communicated to defense attorneys and, if necessary, make available a telephone number where such information can be obtained. Finally, the bill requires monthly public reporting on outcomes related to court production including, the number of individuals not delivered to their court appearance, arrival times, and how often use-of-force is required to compel court attendance.

Since introduction, the bill has been amended to remove the position of "Court Production Liaison." It now requires DOC to independently establish, or establish by working with the office of court administration, a means by which real-time information regarding an incarcerated individual's departure from their housing facility on the date of their scheduled court appearance can be communicated to the defense attorney on record of such incarcerated individual and, if necessary, make available a telephone number where such information can be obtained. In addition, the bill clarifies that all court production video recordings shall include the department informing an incarcerated individual that they have a court appearance, that they have the right to attend their court appearance, and the entirety of any response by the incarcerated individual or departmental intervention taken to gain compliance. The reporting requirement was amended to include reporting on the total number of court production videos stored in the department's database and the total number of court production videos provided to defense counsel pursuant to subdivision The data must also include the number of scheduled court appearances for incarcerated individuals in a court facility, as well as virtual court appearances. In addition, the report must include the total number of individuals for which use of force was required to compel the individual to be delivered to the court facility on the date of their scheduled court appearance, disaggregated by housing facility.

(The following is the text of the Fiscal Impact Statement for Int. No. 1094-A:)

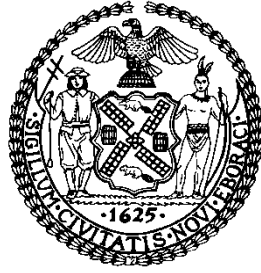
¹³ *Id.*

¹⁴ *Id.*

¹⁵ Matt Katz, "1 in 4 people jailed in NYC are not being brought to court on time," *Gothamist*, February 23, 2023, <https://gothamist.com/news/1-in-4-people-jailed-in-nyc-are-not-being-brought-to-court-on-time>.

¹⁶ Reuven Blau, "Justice Delayed: City Jail Staff Shortage Keeps Detainees From Getting to Court," September 14, 2021, <https://www.thecity.nyc/2021/9/14/22674823/nyc-rikers-jail-staff-shortage-keeps-detainees-from-court>.

¹⁷ *Id.*



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. 1094-A

COMMITTEE: Criminal Justice

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Correction to record interactions in which an individual is informed about a scheduled court appearance and report on rates of court production.

Sponsors: Council Members Rivera, Brewer, Restler, Barron, Williams, Krishnan, Richardson Jordan, Hanif, Gutiérrez, Riley, Caban, Joseph, Stevens and Narcisse.

SUMMARY OF LEGISLATION: This legislation would require the Department of Correction to record video of every interaction between incarcerated individuals and correction officers in which an incarcerated individual is informed about a scheduled court appearance. Upon request, these video files must be provided to a defense attorney within three business days. In addition, the bill requires the department to establish a means by which real-time information regarding an incarcerated individual’s departure from their housing facility on the date of their scheduled court appearance can be communicated to defense attorneys and, if necessary, make available a telephone number where such information can be obtained. Finally, the bill requires monthly public reporting on outcomes related to court production including, the number of individuals not delivered to their court appearance, arrival times, and how often use-of-force is required to compel court attendance.

EFFECTIVE DATE: This local law takes effect in 90 days.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: FISCAL 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	\$0	\$0	\$0
Net	\$0	\$0	\$0

IMPACT ON REVENUES: It is estimated that there would be no impact on revenues 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 the agency responsible for carrying out its requirements would use existing resources to fulfill the requirements of this legislation.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Casey Lajszky, Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Criminal Justice, at a hearing held jointly with the Committee on Oversight and Investigation, as a Pre-considered Introduction on May 30, 2023 and the bill was laid over. The legislation was subsequently introduced to the full Council on June 8, 2023, as Intro. No. 1094 and referred to the Committee on Criminal Justice (the Committee). The legislation has been amended and the amended version, Proposed Intro. No. 1094-A will be considered by the Committee on October 5, 2023. Upon a successful vote by the Committee, Proposed Int. 1094-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: October 4, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1094-A:)

Int. No. 1094-A

By Council Members Rivera, Brewer, Restler, Barron, Williams, Krishnan, Richardson Jordan, Hanif, Gutiérrez, Riley, Caban, Joseph, Stevens and Narcisse.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to record interactions in which an individual is informed about a scheduled court appearance and report on rates of court production

Be it enacted by the Council as follows:

Section 1. Section 9-146 of the administrative code of the city of New York is amended by adding new subdivisions d, e, f and g to read as follows:

d. The department shall record, via body-worn or handheld camera, video, including audio, every interaction between incarcerated individuals and correction officers in which an incarcerated individual is informed about a scheduled court appearance and shall maintain a database with the video files created pursuant to this subdivision. All video recordings shall include the department informing an incarcerated individual that they have a court appearance, that they have the right to attend their court appearance, and the entirety of any response by the incarcerated individual or departmental intervention taken to gain compliance.

e. If consent is provided to the department by an incarcerated individual, the department shall provide, within 3 business days to the defense attorney on record of such incarcerated individual, the video file of an interaction in which that incarcerated individual is informed that they have a court appearance and the entirety of any response by the incarcerated individual or departmental intervention taken to gain compliance, unless otherwise prohibited by law.

f. The department shall independently establish, or establish by working with the office of court administration, a means by which real-time information regarding an incarcerated individual's departure from their housing facility on the date of their scheduled court appearance can be communicated to the defense attorney on record of such incarcerated individual and, if necessary, the department shall make available a telephone number where such information can be obtained.

g. No later than 30 days after the effective date of the local law that added this section, and monthly thereafter, the commissioner, in consultation with the relevant agencies, shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website data on court production. Such data must include the total number of court production videos stored in the department's database and the total number of court production videos provided to defense counsel pursuant to subdivision e. The data must also include the number of scheduled court appearances for incarcerated individuals in a court facility, as well as virtual court appearances. This data shall be further disaggregated by:

- 1. The total number of scheduled court appearances, disaggregated by housing facility and venue of the scheduled court appearance;*
- 2. The total number of individuals that were delivered to the court facility on the date of their scheduled court appearance, disaggregated by housing facility and venue of the scheduled court appearance;*
- 3. The total number of individuals who were not delivered to the court facility on the date of their court appearance disaggregated by housing facility and venue of the scheduled court appearance, and the reason the individual was not delivered to the court facility;*
- 4. The total number of individuals with an on-site court appearance that were delivered to the court facility before 10:00 a.m. on the day of their scheduled court appearance, disaggregated by venue of the scheduled court appearance;*
- 5. The total number of individuals with an on-site court appearance that were delivered to the court facility between 10:00 a.m. and 12:00 p.m. on the day of their scheduled court appearance, disaggregated by venue of the scheduled court appearance;*
- 6. The total number of individuals with an on-site court appearance that were delivered to the court facility after 12:00 p.m. on the day of their scheduled court appearance, disaggregated by venue of the scheduled court appearance;*
- 7. The total number of individuals for which use of force was required to compel the individual to be delivered to the court facility on the date of their scheduled court appearance, disaggregated by housing facility.*

§ 2. This local law takes effect in 90 days.

CARLINA RIVERA, *Chairperson*; SHAUN ABREU, SHAHANA K. HANIF, MERCEDES NARCISSE, LINCOLN RESTLER, LYNN C. SCHULMAN, ALTHEA V. STEVENS; 6-1-0; *Negative*: David M. Carr; Committee on Criminal Justice, October 5, 2023.

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

Report of the Committee on Education

Report for Int. No. 857-A

Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding disaggregated data in department of education reporting, including metrics on students in foster care and students in temporary housing.

The Committee on Education, to which the annexed proposed amended local law was referred on December 21, 2022 (Minutes, page 3061), respectfully

REPORTS:

I. Introduction

On October 5, 2023, the Committee on Education, chaired by Council Member Rita Joseph, will consider Proposed Introduction Number (“Int. No.”) 857-A, sponsored by Council Member Rita Joseph, related to expanding disaggregated data in department of education reporting, including metrics on students in foster care and students in temporary housing. The Committee previously held a hearing on Int. No. 857 on June 21, 2023. At that hearing, the Committee heard testimony from the New York City Department of Education (DOE), community-based organizations, service providers and members of the public.

II. Bill Analysis

Proposed Int. No. 857-A – A Local Law to amend the administrative code of the city of New York, in relation to expanding disaggregated data in department of education reporting, including metrics on students in foster care and students in temporary housing

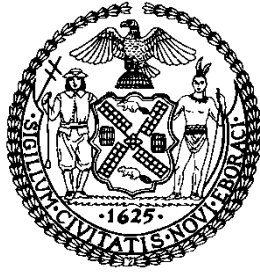
Various sections of Title 21-A of the administrative code of the city of New York require reporting from the DOE, yet do not include disaggregated data on students in foster care or students in temporary housing, including:

- **Section 21-955:** Reporting on Students Receiving Special Education Services
- **Sections 21-956 and 21-957:** Reporting on Demographic Data in New York City Public Schools
- **Sections 21-982, 21-984 and 21-986:** Reports on Discipline and Certain Emergency Transports of Students

This bill would amend the above sections of Title 21-A to expand disaggregated data captured in required reports, particularly in relation to students in foster care or temporary housing.

Since it was heard, this bill was amended to require reporting on students with an Individualized Education Program (IEP) for only the “most restrictive” service recommended on their IEP, rather than all enumerated services recommended on their IEP, in order to avoid duplicate reporting. This bill also received technical edits.

(The following is the text of the Fiscal Impact Statement for Int. No. 857-A:)



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

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

RICHARD LEE, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 857-A

COMMITTEE: EDUCATION

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to expanding disaggregated data in Department of Education reporting, including metrics on students in foster care and students in temporary housing.

SPONSOR(S): Council Members Joseph, Hudson, Abreu, Ossé, Schulman, Williams, Cabán, Krishnan, Avilés, Ayala, Brooks-Powers, Louis, Sanchez, Riley, Menin, Restler, Barron, Nurse, Richardson Jordan, De La Rosa, Brewer, Farías, and Hanif.

SUMMARY OF LEGISLATION: This bill would amend existing Department of Education reporting requirements to expand disaggregated data captured by the reporting, particularly as it relates to students who are in foster care or in temporary housing.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
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 Department of Education would use existing resources to fulfill its requirement.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Monica Saladi, Principal Financial Analyst

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

LEGISLATIVE HISTORY: This legislation was first introduced by Council, as Intro. No. 857 and referred to the Committee on Education (Committee) on December 21, 2022. The Committee heard the legislation on June 21, 2023 and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 857-A, will be considered by the Committee on October 5, 2023. Upon a successful vote by the Committee, Proposed Int. No. 857-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: September 21, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 857-A:)

Int. No. 857-A

By Council Members Joseph, Hudson, Abreu, Ossé, Schulman, Williams, Cabán, Krishnan, Avilés, Ayala, Brooks-Powers, Louis, Sanchez, Riley, Menin, Restler, Barron, Nurse, Richardson Jordan, De La Rosa, Brewer, Farías, Hanif, Lee, Rivera, Brannan and Dinowitz.

A Local Law to amend the administrative code of the city of New York, in relation to expanding disaggregated data in department of education reporting, including metrics on students in foster care and students in temporary housing

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 21-955 of the administrative code of the city of New York, as amended by local law number 21 for the year 2020, is amended by adding a new definition of “student in foster care” in alphabetical order to read as follows:

Student in foster care. The term “student in foster care” means a student placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 2. Subdivision b of section 21-955 of the administrative code of the city of New York, as added by local law number 27 for the year 2015, opening paragraph as amended by local law number 21 for the year 2020, paragraph 8 as amended by local law number 89 for the year 2018, paragraph 12 as amended by local law number 16 for the year 2020, subparagraphs (a) through (h) of paragraph 13 as amended by local law number 16 for the year 2020, subparagraphs (i) and (j) of paragraph 13 as added by local law number 17 for the year 2020, paragraph 14 as added by local law number 16 for the year 2020, paragraph 15 as renumbered by local law number 16 for the year 2020, is amended to read as follows:

b. The department shall submit to the speaker of the council and post on the department’s website an annual report regarding the evaluation of students, not including preschool students, for special education services and the provision of such services during the preceding academic period, which shall include, but shall not be limited to the following information:

1. the number of referrals for initial evaluations and reevaluations pursuant to section 200.4 of title 8 of the official compilation of the codes, rules and regulations of the state of New York, disaggregated by the district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

2. the number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the student was a student with a disability;

3. the number of IEP meetings that were convened less than or equal to [sixty] 60 calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

4. the number of IEP meetings that were convened more than [sixty] 60 calendar days from the date of consent, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

5. the number of reevaluations conducted, including the number of reevaluations that resulted in a determination that the student was no longer a student with a disability;

6. the number of IEP meetings that were convened less than or equal to [sixty] 60 calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

7. the number of IEP meetings that were convened more than [sixty] 60 calendar days from the date of referral for reevaluation, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

8. [(i)] the total number of students who have an IEP as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, grade level, disability classification and school; [and]

[(ii)] 9. the total number of students within each disability classification referenced in [subparagraph (i)] *paragraph 8 of this subdivision* as of June 30 of the reported academic period, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

10. *the number and percentage of students, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, and disability classification who, by the end of the academic period, have an IEP with a most restrictive recommendation of:*

- (a) *related services only;*
- (b) *special education teacher support services;*
- (c) *integrated co-teaching services;*
- (d) *special class in a community school;*
- (e) *special class in a district 75 school; or*
- (f) *non-public school placement;*

[9.] 11. the average number of school days between the date the department receives consent from the parent or person in parental relation for the initial provision of special education services as set forth in section 200.5(b)(1)(ii) of title 8 of the official compilation of the codes, rules and regulations of the state of New York and the date the department issues notice of the school that will implement the IEP, provided that this information shall only be reported when the parent or person in parental relation has not consented to defer implementation of the IEP until the following semester or the following school year, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level;

[10.] 12. the following information, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing*, *status as a student in foster care*, recommended language of instruction, and grade level:

[(i)] (a) the number of reevaluations that resulted in an IEP recommendation of more periods per week in a special class than the student's previous IEP recommendation;

[(ii)] (b) the number of reevaluations that resulted in an IEP recommendation of fewer periods per week in a special class than the student's previous IEP recommendation;

[(iii)] (c) the number of reevaluations that resulted in an IEP recommendation of removal from a school that serves students who are not students with disabilities and placement in a separate school for a student not previously recommended for such placement; and

[(iv)] (d) the number of reevaluations that resulted in an IEP recommendation of placement in a school that serves students who are not students with disabilities for a student previously recommended for placement in a separate school;

[11.] 13. the number of [three-year] 3-year reevaluations conducted, including the number of such evaluations that were timely conducted, disaggregated by district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, *status as a student in temporary housing, status as a student in foster care*, recommended language of instruction, and grade level;

[12.] 14. the number and percentage of students, disaggregated by *eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district*, who were receiving special education services:

[(i)] (a) in full compliance with their IEPs by the end of the academic period, and

[(ii)] (b) in partial compliance with their IEPs by the end of the academic period;

[13.] 15. the number and percentage of students, disaggregated by *eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district*, who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (a) through [(h)] (j) of this paragraph as recommended on their IEPs, the number and percentage of students who as of the end of the academic period were receiving in part such services, and the number and percentage of students who were awaiting the provision of such services:

(a) Monolingual speech therapy;

(b) Bilingual speech therapy;

(c) Monolingual counseling;

(d) Bilingual counseling;

(e) Occupational therapy;

(f) Physical therapy;

(g) Hearing education services;

(h) Vision education services;

(i) Assistive technology services; and

(j) Special transportation services;

[14. The] 16. *the number and percentage of students, disaggregated by eligibility for the free and reduced price lunch program, race/ethnicity, gender, English Language Learner status, status as a student in temporary housing, status as a student in foster care, recommended language of instruction, grade level, service recommendation, school and community school district, who have a behavioral intervention plan; and*

[15.] 17. the number and percentage of students with IEPs who are recommended for participation in the general education curriculum for:

[(i)] (a) 80% or more of the day;

[(ii)] (b) 40-79% of the day; and

[(iii)] (c) less than 40% of the day.

§ 3. Subdivision e of section 21-955 of the administrative code of the city of New York, as added by local law number 21 for the year 2020, is amended to read as follows:

[e.] f. The department shall submit to the speaker of the council and post on the department's website an annual report regarding the evaluation of preschool students for special education services and the provision of such services during the preceding academic period. To the extent such information is available, such report shall include, but shall not be limited to the following information, each disaggregated by community school district, eligibility for the free and reduced price lunch program, race/ethnicity, gender, recommended language of instruction or services, home language, [and] status as a student in temporary housing, *and status as a student in foster care*:

1. The number of referrals for initial evaluations pursuant to section 200.4 of title 8 of the New York codes, rules and regulations;
2. The number of initial evaluations conducted, including the number of such evaluations that resulted in a determination that the child was a preschool student with a disability;
3. The number of requests for referral for an initial evaluation pursuant to section 200.4 of title 8 of the New York codes, rules and regulations, for which the department has not received consent from the parent or person in parental relation;
4. The number of IEP meetings that were convened less than or equal to 60 calendar days from the date of consent for initial evaluations;
5. The number of IEP meetings that were convened more than or equal to 60 calendar days from the date of consent for initial evaluations;
6. The total number of preschool students with a disability who have an IEP as of June 30 of the reported academic period;
7. The number and percentage of preschool students with a disability for whom appropriate special education programs and services were arranged to be provided within 6- school days from the date of consent for initial evaluations pursuant to section 200.4 of title 8 of the New York codes, rules and regulations;
8. The number and percentage of preschool students with a disability who, by the end of the academic period, have an IEP that recommends the following enumerated services:
 - (a) Related services only;
 - (b) Monolingual special education itinerant services;
 - (c) Bilingual special education itinerant services;
 - (d) Monolingual full-day integrated special class program;
 - (e) Monolingual half-day integrated special class program;
 - (f) Bilingual full-day integrated special class program;
 - (g) Bilingual half-day integrated special class program;
 - (h) Monolingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio;
 - (i) Monolingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio;
 - (j) Bilingual full-day special class, disaggregated by the following student-to-teacher-to-aid ratios[;]:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio; and
 - (k) Bilingual half-day special class, disaggregated by the following student-to-teacher-to-aid ratios:
 - (1) 6:1:2;
 - (2) 8:1:2;
 - (3) 12:1:2; or
 - (4) Other ratio[.];
- [8.] 9. The number and percentage of preschool students with a disability who were receiving special education services in full compliance with their IEPs by the end of the academic period in partial compliance with their IEPs by the end of the academic period;
- [9.] 10. The number and percentage of preschool students with a disability who, by the end of the academic period, were receiving in full the services enumerated in subparagraphs (a) through (s) of this paragraph as recommended in their IEPs; the number and percentage of preschool students with a disability who, as of the end of the academic period, were receiving in part such services; and the number and percentage of preschool students with a disability who, as of the end of the academic period, were awaiting the provision of such services;

[10.] 11. The number and percentage of preschool students with a disability enrolled in 3-k or Pre-K for All programs at the end of the academic period, disaggregated by grade level where available;

[11.] 12. The number and percentage of preschool students with a disability enrolled in 3-K or Pre-K for All programs who receive full services at the 3-K or Pre-K for All program where they are enrolled;

[12.] 13. The number of preschool integrated special class programs in 3-K and Pre-K for All;

[13.] 14. The number of non-public preschool special education programs approved by the state education department;

[14.] 15. The number of preschool special classes administered by the department in 3-K and Pre-K for All, including programs in district 75 schools, in total and disaggregated by the following student-to-teacher-to-aid ratios;

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio; and

[15.] 16. The number of non-public preschool special education programs approved by the state education department in total and disaggregated by the following student-to-teacher-to-aid ratio:

(1) 6:1:2;

(2) 8:1:2;

(3) 12:1:2; or

(4) Other ratio.

§ 4. Subdivision f of section 21-955, as added by local law number 17 for the year 2020, is redesignated subdivision g.

§ 5. Subdivision g of section 21-955, as added by local law number 21 for the year 2020, is redesignated subdivision h.

§ 6. The definition of “school” in section 21-956 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, is amended and a new definition of “student in foster care” is added in alphabetical order to read as follows:

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.

Student in foster care. The term “student in foster care” means a student placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 7. Subdivisions a and b of section 21-957 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, are amended to read as follows:

a. For each community school district, school within such district, special program within such school, and grade within such school, the total number of public school students enrolled in the preceding school year in grades kindergarten through eight and the number and percentage of such students who:

1. Receive special education services;

2. Are English language learners;

3. Are eligible for the federal free or reduced price meals program;

4. Reside in temporary housing;

5. *Are in foster care;*

[5] 6. Are attending school out of the attendance zone in which the student resides; and

[6] 7. Are attending school out of the community school district in which the student resides.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;

2. Race or ethnicity;

3. Gender;

4. *Special education status;*

[4] 5. English language learner status; and

[5] 6. Primary home language.

§ 8. Subdivisions a and b of section 21-957.1 of the administrative code of the city of New York, as amended by local law number 223 for the year 2019, are amended to read as follows:

a. For each public high school, the total number of students enrolled in grades nine through twelve in the preceding school year and the number and percentage of such students who:

1. Receive special education services;
2. Are English language learners;
3. Are eligible for the federal free or reduced price meals program;
4. Reside in temporary housing; [and]
5. *Are in foster care; and*
- [5] 6. Are enrolled over the counter.

b. The data provided pursuant to subdivision a shall be disaggregated by:

1. Grade level;
2. Race or ethnicity;
3. Gender;
4. *Special education status;*
- [4] 5. English language learner status; and
- [5] 6. Primary home language.

§ 9. Section 21-982 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended by adding a new definition of “foster care status” in alphabetical order to read as follows:

Foster care status. The term “foster care status” means the circumstance in which a student is placed in 24-hour substitute care away from their birth or adoptive parents and for whom the child welfare agency has placement and care responsibility, as set forth in chancellor’s regulation A-101, at any point and for any length of time during the school year.

§ 10. Subdivision b of section 21-984 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

b. The data provided pursuant to subdivision a shall be disaggregated by race/ethnicity, gender, grade, year of birth, whether the individual is receiving special education services, whether the individual is an English language learner, *foster care status*, and homeless status. The report shall include school district and citywide total numbers for each disaggregated category.

§ 11. Subdivision b of section 21-986 of the administrative code of the city of New York, as amended by local law number 63 for the year 2018, is amended to read as follows:

b. The chancellor shall submit to the council and post to the department's website by October 31 of each year a citywide report on EMS transports during the twelve-month period ending on June 30 of the same year. Each report shall be disaggregated by school and by race/ethnicity, year of birth, [and] whether the individual is receiving special education services[.], *foster care status*, and *homeless status*. *The report shall include school district and citywide total numbers for each disaggregated category.*

§ 12. This local law takes effect immediately.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, ERIC DINOWITZ, OSWALD FELIZ, ALEXA AVILÉS, CARMEN N. De La ROSA, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, SANDRA UNG.; 17-0-0; *Absent*: Gennaro and Narcisse; Committee on Education, October 5, 2023.

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

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 Res. No. 806

Report of the Committee on Finance in favor of 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 October 5, 2023, 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 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”). 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”).

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 2024, Fiscal 2023, and Fiscal 2022 Expense Budgets (“Charts”).

This Resolution, dated October 5, 2023, approves the new designations and the changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, and Speaker’s initiative to address citywide needs and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2024 Expense Budget; approves the changes in designation of certain organizations receiving local, youth, and community safety and victims’ services discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the new designations and the changes in the designation of certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2022 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving local and Speaker’s initiative discretionary funding and certain initiatives in accordance with the Fiscal 2024 and Fiscal 2023 Expense Budgets. 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 2024, Fiscal 2023, and Fiscal 2022 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. 806:)

Preconsidered Res. No. 806

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, 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, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, 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 2024 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 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 aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; 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 2024 Expense Budget, as set forth in Chart 3; 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 Anti-Poverty Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Speaker’s Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; 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 A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; 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 2024 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 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 NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 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 Support Our Older Adults Initiative in accordance with the Fiscal 2024 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 Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 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 Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2024 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 Young Women's Leadership Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; 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 Hate Crime Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the LGBTQIA+ Older Adult Services in Every Borough Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Older Adult Clubs, Programs, and Enhancements Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the LGBTQIA+ Inclusive Curriculum Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support for Immigrant Women Workers Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Welcome NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Unaccompanied Minors and Families Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 44; 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 2024 Expense Budget, as set forth in Chart 45; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 46; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 47; 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 A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 48; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 49; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 50; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 51; 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 2022 Expense Budget, as set forth in Chart 52; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 53; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 54; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Mental Health Workforce Retention and Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 55; 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 56; 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 57.

(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 806 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)

JUSTIN L. BRANNAN, *Chairperson*: KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 14-0-0; *Absent*: Diana I. Ayala; *Medical*: Francisco P. Moya and Chi Ossé; *Parental*: Crystal Hudson; Committee on Finance, October 5, 2023.

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

Report of the Committee on General Welfare

Report for Int. No. 703-A

Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring information on the timeliness of city-funded rental payments.

The Committee on General Welfare, to which the annexed proposed amended local law was referred on September 29, 2022 (Minutes, page 2281), respectfully

REPORTS:

I. Introduction

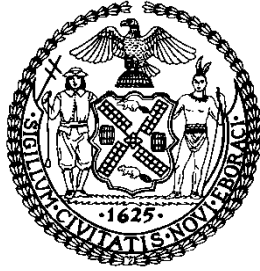
On October 5, 2023, the Committee on General Welfare, chaired by Deputy Speaker Diana Ayala, will consider Proposed Introduction Number (Int. No.) 703-A, sponsored by Council Member Abreu. The Committee previously held a hearing on Int. No. 703 on December 15, 2022.

II. Bill Analysis

This bill would require the Department of Social Services (DSS) to, beginning March 1, 2024, submit to the speaker of the council and post on its website a report on the timeliness of CityFHEPS rental assistance payments for the prior completed quarter. DSS would be required to include a table in such reports in which each row represents a unique rental voucher. In addition, DSS would be required to include the following information: the rental assistance payment amount; the month; the zip code of the recipient; whether the payment was timely and if late, why; and a description of the actions DSS will take to ensure rental assistance payments are consistently made on time in the future.

Since introduction, the bill was amended to require reporting only in relation to city-funded rental assistance payments.

(The following is the text of the Fiscal Impact Statement for Int. No. 703-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 INTRO. NO: 703-A

COMMITTEE: General Welfare

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring information on the timeliness of city-funded rental payments.

SPONSOR(S): Council Members Abreu, Avilés, Restler, Hudson, Ung, Ayala, Louis, Cabán, Yeger, Bottcher, Menin, Krishnan, Velázquez, Powers, Nurse, Brannan, Dinowitz, De La Rosa, Ossé, Marte, Schulman, Feliz, Salamanca, Riley, Hanif, Williams, Brooks-Powers, Richardson Jordan, Farías, and Carr.

SUMMARY OF LEGISLATION: Proposed Int. No. 703-A would require the Department of Social Services (DSS) to produce quarterly reports, beginning on March 1, 2024, regarding the timeliness of CityFHEPS rental assistance payments for the prior quarter. The report would include a table in which each row represents a unique rental voucher, the total number of payments sent monthly disaggregated by the type of program, the number of payments that were late and why, and a description of any actions DSS is taking to ensure that payments are sent on time.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
Revenues	\$0	\$0	\$0
Expenditures	\$0	\$0	\$0
Net	\$0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

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

ESTIMATE PREPARED BY: Julia K. Haramis, Unit Head

ESTIMATE REVIEWED BY: Chima Obichere, Deputy Director
Jonathan Rosenberg, Managing Deputy Director
Kathleen Ahn, Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on September 29, 2022, as Int. No. 703 and was referred to the Committee on General Welfare (the Committee). A hearing was held by the Committee on December 15, 2022, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 703-A, will be voted on by the Committee at a hearing on October 5, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 703-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: September 25, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 703-A:)

Int. No. 703-A

By Council Members Abreu, Avilés, Restler, Hudson, Ung, Ayala, Louis, Cabán, Yeger, Bottcher, Menin, Krishnan, Velázquez, Powers, Nurse, Brannan, Dinowitz, De La Rosa, Ossé, Marte, Schulman, Feliz, Salamanca, Riley, Hanif, Williams, Brooks-Powers, Richardson Jordan, Rivera and Carr.

A Local Law to amend the administrative code of the city of New York, in relation to requiring information on the timeliness of city-funded rental payments

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-145.4 to read as follows:

§ 21-145.4 *Reporting on CityFHEPS rental assistance payments.* a. *Definitions.* For the purposes of this section, the following terms have the following meanings:

CityFHEPS rental assistance payments. The term “CityFHEPS rental assistance payments” means recurring payments made by the department to landlords on behalf of tenants pursuant to chapter 10 of title 68 of the rules of the city of New York.

Scheduled payment date. The term “scheduled payment date” means the date when payments are to be made in accordance with section 10-14(b) of chapter 10 of title 68 of the rules of the city of New York.

b. *CityFHEPS rental assistance payments report.* Beginning on March 1, 2024 and quarterly thereafter, the department shall submit to the speaker of the council and post on its website a report on the timeliness of CityFHEPS rental assistance payments for the prior completed quarter. The report shall include a table in which each row represents a unique rental voucher and shall include, but not be limited to, the following information:

1. Rental assistance payment amount;
2. Rental assistance payment month;
3. Zip code of rental assistance recipient;
4. Whether rental assistance payment was timely or sent after the scheduled payment date, and reason for late payment; and
5. Where the late payment is caused by the agency, a description of the actions the department will take to ensure rental assistance payments are consistently made on or before the scheduled payment date for each late payment recipient.

c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable law relating to the privacy of individual information.

§ 2. This local law takes effect immediately.

ALTHEA V. STEVENS, *Acting Chairperson*; KEVIN C. RILEY, TIFFANY CABÁN, CRYSTAL HUDSON, LINDA LEE, LINCOLN RESTLER, SANDRA UNG, NANTASHA M. WILLIAMS; 8-0-0; *Absent*: Diana I. Ayala; *Medical*: Chi A. Ossé; Committee on General Welfare, October 5, 2023.

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. 576-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 requiring reporting on the features and condition of public restrooms.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on July 14, 2022 (Minutes, page 1846), respectfully

REPORTS:

INTRODUCTION

On October 5, 2023, the Committee on Parks and Recreation, chaired by Council Member Shekar Krishnan, held a hearing to vote on Int. No. 576-A, sponsored by Council Member Rita Joseph, A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on the features and condition of public restrooms. This legislation was originally heard at a hearing held on March 1, 2023, 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](#).

The Committee also voted on Int. No. 1065-A, sponsored by Council Member Erik Bottcher, A Local Law to amend the administrative code of the city of New York, in relation to an urban forest plan. This legislation was originally heard at a hearing held on June 13, 2023, during which the Committee received testimony from DPR, advocates, and other interested parties. More information about this bill, along with the materials for that hearing, can be accessed [here](#).

At this hearing, the Committee voted 10 in favor, 0 opposed and 0 abstentions on the bills.

LEGISLATION

Below is a brief summary of the legislation being considered 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. 576-A, A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on the features and condition of public restrooms

Int. No. 576-A would require DPR to inspect and issue a report on each public restroom under its jurisdiction that has routinely been given an unacceptable rating after having been inspected by DPR. DPR would also be required to maintain a website that would include information about the location of each restroom and the condition and functionality of features in each public restroom (i.e., the cleanliness and the conditions of fixtures like sinks and toilets in such restrooms), as determined by DPR inspections.

This local law would take effect immediately.

Int. No. 1065-A, A Local Law to amend the administrative code of the city of New York, in relation to an urban forest plan

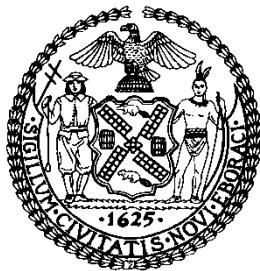
Int. No. 1065-A would require an agency selected by the Mayor, in consultation with DPR, the Mayor's Office of Long-Term Planning and Sustainability, and other relevant government agencies and entities to create an Urban Forest Plan that aims to help the City expand the tree canopy from the current 22% coverage to 30% coverage. The plan would be required to evaluate the distribution, health, and stability of the City's urban forest, identify the causes of tree canopy cover and urban forest gain or reduction, and recommend strategies to remediate any urban forest loss, as well as prevent similar loss in the future and facilitate gain in the tree canopy. It would also include an outreach plan to educate real property owners by providing them with information and strategies on how to protect and expand the trees and vegetation located on private property. The plan would also require the City to collect LIDAR data to monitor the effectiveness of the plan and the condition of the tree canopy at least once every 5 years. Finally, the plan would be required to be submitted to the Mayor and Council and be updated no less than once every 10 years.

This local law would take effect immediately.

UPDATE

On Thursday, October 5, 2023, the Committee adopted Int. 576-A by a vote of 10 in the affirmative, zero in the negative, and zero abstentions and adopted Int. 1065-A by a vote of 10 in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 576-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: 576-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on the features and condition of public restrooms.

SPONSOR(S): By Council Members Joseph, Hanif, Avilés, Nurse, Gutiérrez, Krishnan, Powers, Sanchez, Won, Narcisse, Brewer, Riley, Cabán, Stevens, Richardson Jordan, Louis, Menin, Velázquez, Marte, Schulman, Gennaro, Rivera, De La Rosa, Williams, Ayala, Ossé, Farías, Abreu, Feliz and Kagan (by request of the Manhattan Borough President).

SUMMARY OF LEGISLATION: This bill would require the Department of Parks and Recreation (DPR), to inspect and issue a report on each public restroom under its jurisdiction that has routinely been given an unacceptable rating after having been inspected by DPR. DPR would also be required to maintain a website that would include information about the location of each restroom and the condition and functionality of features in each public restroom (i.e., the cleanliness and the conditions of fixtures like sinks and toilets in such restrooms), as determined by DPR inspections.

EFFECTIVE DATE: This bill would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal Year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
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 DPR would use existing resources to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Parks and Recreation

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on July 14, 2022, as Intro. No. 576 and referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on March 1, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 576-A will be considered by the Committee on October 5, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 576-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: October 3, 2023.

(For text of Int. Nos. 1065-A and its Fiscal Impact Statement, please see the Report of the Committee on Parks and Recreation for Int. Nos. 1065-A printed in these Minutes; for text of Int. No. 576-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 576-A and 1065-A.

(The following is the text of Int. No. 576-A:)

Int. No. 576-A

By Council Members Joseph, Hanif, Avilés, Nurse, Gutiérrez, Krishnan, Powers, Sanchez, Won, Narcisse, Brewer, Riley, Cabán, Stevens, Richardson Jordan, Louis, Menin, Velázquez, Marte, Schulman, Gennaro, Rivera, De La Rosa, Williams, Ayala, Ossé, Fariás, Abreu, Feliz, Lee, Brannan, Dinowitz and Kagan (by request of the Manhattan Borough President).

A Local Law to amend the administrative code of the city of New York, in relation to requiring reporting on the features and condition of public restrooms

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 18-158 of the administrative code of the city of New York, as added by local law number 67 for the year 2022, is amended to read as follows:

a. Definition. For the purposes of this section, the term “park feature” means a structural or landscape element of a park or other property under the jurisdiction of the department, including, but not limited to: athletic fields; benches; fences; lawns; horticultural areas; paved surfaces; play equipment; *public restrooms and the fixtures within*; safety surfacing; sidewalks; trees; unpaved trails; and any condition related to cleanliness, such as the presence of litter, graffiti, broken glass, ice or weeds.

§ 2. Section 18-158 of the administrative code of the city of New York is amended by adding a new subdivision e to read as follows:

e. The department shall maintain a website listing all public restrooms under the jurisdiction and management of the commissioner, which shall include:

- 1. The location of each public restroom;*
- 2. The number of sinks, toilets and changing tables in each public restroom;*
- 3. A website link to data related to the general level of cleanliness of each public restroom and the condition and functionality of each feature and the fixtures within, as determined by an inspection performed pursuant to this section;*
- 4. A website link to information regarding department reporting procedures for complaints related to applicable accessibility requirements; and*
- 5. Any other feature of each public restroom the department deems relevant.*

§ 3. This local law takes effect immediately.

SHEKAR KRISHNAN, *Chairperson*; ERIC DINOWITZ, ROBERT F. HOLDEN, LINDA LEE, CHRISTOPHER MARTE, JULIE MENIN, LINCOLN RESTLER, SANDRA UNG, MARJORIE VELÁZQUEZ, DAVID M. CARR; 10-0-0; *Absent:* Mercedes Narcisse *Medical:* Francisco P. Moya; Committee on Parks and Recreation, October 5, 2023. *Other Council Members Attending: Council Members Joseph and Stevens.*

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

Report for Int. No. 1065-A

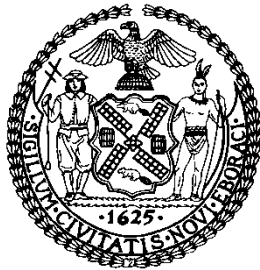
Report of the Committee on Parks and Recreation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an urban forest plan.

The Committee on Parks and Recreation, to which the annexed proposed amended local law was referred on June 8, 2023 (Minutes, page 1688), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Parks and Recreation for Int. No. 576-A printed above in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1065-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: 1065-A

COMMITTEE: Parks and Recreation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to an urban forest plan.

SPONSOR(S): Council Members Bottcher, Krishnan, Brewer, Louis, Cabán, Farías, Riley, Ossé, Nurse, Ung, Hanif, Restler, Abreu, Gutiérrez, Richardson Jordan, Menin, Rivera, Avilés, Ayala, Sanchez, Schulman, Marte, Narcisse, Lee, Velázquez, Powers, Gennaro, Won, Dinowitz, Joseph and Holden.

SUMMARY OF LEGISLATION: This bill would require an agency selected by the Mayor, in consultation with the Department of Parks and Recreation (DPR), the Mayor's Office of Long-Term Planning and Sustainability, and other relevant government agencies and entities to create an Urban Forest Plan that aims to help the City expand the tree canopy from the current 22 percent coverage to 30 percent coverage. The plan would be required to evaluate the distribution, health, and stability of the City's urban forest, identify the causes of tree canopy cover and urban forest gain or reduction, and recommend strategies to remediate any urban forest loss, as well as prevent similar loss in the future and facilitate gain in the tree canopy. It would also include an outreach plan to educate real property owners by providing them with information and strategies on how to protect and expand the trees and vegetation located on private property. The plan would also require the City to, at least every five years, collect LIDaR data to monitor the effectiveness of the plan and the condition of the city tree canopy. Finally, the plan would be required to be submitted to the Mayor and the Council and be updated every 10 years.

EFFECTIVE DATE: This bill would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal year 2025

FISCAL IMPACT STATEMENT:

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
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 DPR would use existing resources to fulfill its requirement. In the event that the agency determines that it requires additional outside assistance with meeting the requirements of this legislation, it is anticipated that these costs will be nominal.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: General Fund

SOURCE OF INFORMATION: New York City Council Finance Division
New York City Department of Parks and Recreation.

ESTIMATE PREPARED BY: Michael Sherman, Senior Financial Analyst

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

LEGISLATIVE HISTORY: The legislation was introduced to the full Council on June 8, 2023, as Intro. No. 1065 and referred to the Committee on Parks and Recreation (the Committee). A hearing was held by the Committee on June 13, 2023 and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 1065-A will be considered by the Committee on October 5, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 1065-A will be submitted to the full Council for a vote on October 5, 2023.

DATE PREPARED: October 4, 2023.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1065-A:)

Int. No. 1065-A

By Council Members Bottcher, Krishnan, Brewer, Louis, Cabán, Farías, Riley, Ossé, Nurse, Ung, Hanif, Restler, Abreu, Gutiérrez, Richardson Jordan, Menin, Rivera, Avilés, Ayala, Sanchez, Schulman, Marte, Narcisse, Lee, Velázquez, Powers, Gennaro, Won, Dinowitz, Joseph, Holden and Brooks-Powers.

A Local Law to amend the administrative code of the city of New York, in relation to an urban forest plan

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 18-164 to read as follows:

§ 18-164 Urban forest plan. a. For purposes of this section, the following terms have the following meanings:

Designated agency. The term “designated agency” means an agency or office designated by the mayor to implement the requirements of this section.

Light detection and ranging. The term “light detection and ranging” means a form of measuring variable distances to earth from the air using a laser or other light source to gather 3-dimensional information about surface characteristics of the earth.

Urban forest. The term “urban forest” means all the trees contained within New York city, whether or not they are under the jurisdiction of the commissioner or on property owned by the city.

b. On or before July 31, 2025, and every 10 years thereafter, the designated agency, in consultation with the department and the mayor’s office of long-term planning and sustainability or successor office, shall develop and report on an urban forest plan that identifies strategies and sets goals to protect, care for, and expand the urban forest canopy with an overall goal of equitably expanding the urban forest canopy to cover 30 percent of land within the city. Such plan shall be submitted to the mayor and the speaker of the council and be posted on the website of the designated agency.

c. The designated agency shall collaborate with any other agency, state agency, public authority, or person that the designated agency deems to have appropriate information or expertise to assist in the plan’s development.

d. Such plan shall:

1. Consider data relevant to evaluating the distribution, extent, health, and stability of the city’s urban forest, including the light detection and ranging data required by subdivision e of this section;

2. Identify the causes of tree canopy cover and urban forest gain or reduction, and recommend strategies to remediate any urban forest loss, prevent similar loss in the future, and facilitate gain;

3. Describe any initiatives or programs to be undertaken by the city, and any initiatives or programs known to the designated agency that are to be undertaken by any other government entity, to reach the goals set in the plan; and

4. Include an outreach strategy to educate real property owners and other stakeholders by providing them with information and strategies on how to advance the goals set in the plan by protecting and expanding the number of trees located on property not under the jurisdiction of the commissioner nor owned by the city.

e. On or before July 31, 2025, and every 5 years thereafter, the designated agency shall collect or procure light detection and ranging data, or other data that similarly provides tree canopy assessment information, to monitor the canopy coverage of the urban forest and measure the growth or loss of tree canopy coverage and track progress towards the goal of urban forest canopy cover provided by subdivision b of this section.

f. Nothing in this section shall require or authorize the commissioner to take control of any tree not already under the commissioner’s jurisdiction.

§ 2. This local law takes effect immediately.

SHEKAR KRISHNAN, *Chairperson*; ERIC DINOWITZ, ROBERT F. HOLDEN, LINDA LEE, CHRISTOPHER MARTE, JULIE MENIN, LINCOLN RESTLER, SANDRA UNG, MARJORIE VELÁZQUEZ, DAVID M. CARR; 10-0-0; *Absent*: Mercedes Narcisse *Medical*; Francisco P. Moya; *Committee on Parks and Recreation*, October 5, 2023. *Other Council Members Attending: Council Members Joseph and Stevens.*

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

GENERAL ORDERS CALENDAR

Report for L.U. No. 260 & Res. No. 811

Report of the Committee on Land Use in favor of approving, as modified, Application number C 230012 ZMQ (42-18 31st Avenue Rezoning) submitted by 42-18 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a & 9b, eliminating from within an existing R5 District a C1-2 District, changing from an R5 District to an R6A District, and establishing within the proposed R6A District a C1-3 District, Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2431) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

SUBJECT

**QUEENS CB-1 – TWO APPLICATIONS RELATED TO 42-18 31ST AVENUE
REZONING**

C 230012 ZMQ (L.U. No. 260)

City Planning Commission decision approving an application submitted by 42-18 Development, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a and 9b:

1. eliminating from within an existing R5 District a C1-2 District bounded by 31st Avenue, 44th Street, a line 150 feet southwesterly of 31st Avenue, and 42nd Street;
2. changing from an R5 District to an R6A District property bounded by 31st Avenue, 44th Street, Newtown Road, 43rd Street, a line 100 feet southwesterly of 31st Avenue, and 42nd Street; and
3. establishing within the proposed R6A District a C1-3 District bounded by 31st Avenue, 44th Street, Newtown Road, 43rd Street, a line 100 feet southwesterly of 31st Avenue, and 42nd Street;

as shown on a diagram (for illustrative purposes only) dated March 27, 2023, and subject to the conditions of CEQR Declaration E-690.

N 230013 ZRQ (L.U. No. 261)

City Planning Commission decision approving an application submitted by 42-18 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.

INTENT

To approve the amendment to rezone the project area from an R5/C1-2 zoning district to R6A/C1-3 zoning district and amend the zoning text to establish the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the development of a new six-story mixed-use building with 33 dwelling units, of which 10 to 12 would be permanently income-restricted, with ground-floor retail located at 42-18 31st Avenue in the Astoria neighborhood of Queens, Community District 1.

PUBLIC HEARING

DATE: September 6, 2023

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 19, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. No. 260 and approve with modifications the decision of the City Planning Commission on L.U. No. 261.

In Favor:

Riley
Moya
Louis
Abreu
Bottcher
Hanks
Schulman
Carr

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 20, 2023

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca
Moya
Louis
Riley
Abreu

Against:

None

Abstain:

None

Brooks-Powers
 Bottcher
 Hanks
 Krishnan
 Mealy
 Sanchez

FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSION

The City Planning Commission filed a letter dated [], 2023, with the Council on [], 2023, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 811

Resolution approving the decision of the City Planning Commission on ULURP No. C 230012 ZMQ, a Zoning Map amendment (L.U. No. 260).

By Council Members Salamanca and Riley.

WHEREAS, 42-18 Development, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section Nos. 9a and 9b, by eliminating from within an existing R5 District a C1-2 District, changing from an R5 District to an R6A District, and establishing within the proposed R6A District a C1-3 District, which in conjunction with the related action would facilitate the development of a new six-story mixed-use building with 33 dwelling units, 10 to 12 of which would be permanently income-restricted, with ground-floor retail located at 42-18 31st Avenue in the Astoria neighborhood of Queens, Community District 1 (ULURP No. C 230012 ZMQ) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 11, 2023 its decision dated August 9, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 230013 ZRQ (L.U. No. 261), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued March 24th, 2023 (CEQR No. 22DCP174Q), which includes an (E) designation related to hazardous materials (E-690) (the "Negative Declaration").

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-690) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 230012 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section Nos. 9a and 9b:

1. eliminating from within an existing R5 District a C1-2 District bounded by 31st Avenue, 44th Street, a line 150 feet southwesterly of 31st Avenue, and 42nd Street;
2. changing from an R5 District to an R6A District property bounded by 31st Avenue, 44th Street, Newtown Road, 43rd Street, a line 100 feet southwesterly of 31st Avenue, and 42nd Street; and
3. establishing within the proposed R6A District a C1-3 District bounded by 31st Avenue, 44th Street, Newtown Road, 43rd Street, a line 100 feet southwesterly of 31st Avenue, and 42nd Street;

and subject to the conditions of CEQR Declaration E-690, Borough of Queens, Community District 1.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

Report for L.U. No. 261 & Res. No. 812

Report of the Committee on Land Use in favor of approving, as modified, Application number N 230013 ZRQ (42-18 31st Avenue Rezoning) submitted by 42-18 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, Borough of Queens, Community District 1, Council District 26.

The Committee on Land Use, to which the annexed Land Use item was referred on September 14, 2023 (Minutes, page 2431) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 260 & Res. No. 811 printed above in the General Orders Calendars section of these Minutes)

Accordingly, this Committee recommends its adoption, as modified.

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

Res. No. 812

Resolution approving with modifications the decision of the City Planning Commission on Application No. N 230013 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 261).

By Council Members Salamanca and Riley.

WHEREAS, 42-18 Development, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, which in conjunction with the related action would facilitate the development of a new six-story mixed-use building with 33 dwelling units, of which 10 to 12 would be permanently income-restricted, with ground-floor retail located at 42-18 31st Avenue in the Astoria neighborhood of Queens, Community District 1 (ULURP No. N 230013 ZRQ), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 11, 2023, its decision dated August 9, 2023 (the "Decision") on the Application;

WHEREAS, the Application is related to application C 230012 ZMQ (L.U. No. 260), a zoning map amendment to change an R5/C1-2 zoning district to an R6A/C1-3 zoning district and a R5 zoning district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 6, 2023;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Negative Declaration issued March 24th, 2023 (CEQR No. 22DCP174Q), which includes an (E) designation related to hazardous materials (E-690) (the “Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-690) and Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 230013 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications.

Matter underlined is new, to be added;
 Matter ~~struck out~~ is to be deleted;
 Matter within # # is defined in Section 12-10;
 * * * indicates where unchanged text appears in the Zoning Resolution.
 Matter ~~double struck out~~ is old, deleted by the City Council;
 Matter double-underlined is new, added by the City Council

* * *

APPENDIX F
Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

QUEENS

* * *


Queens Community District 1

* * *

Map 11 – [date of adoption]

[PROPOSED MAP]



 **Mandatory Inclusionary Housing Program Area** *see Section 23-154(d)(3)*

Area # — [date of adoption] MIH Program Option 1 and ~~Option 2~~ Deep Affordability Option
 Portion of Community District 1, Queens

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, FARAH N. LOUIS, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, ERIK D. BOTTCHER, KAMILLAH HANKS, SHEKAR KRISHNAN, DARLENE MEALY, PIERINA ANA SANCHEZ; 11-0-0; *Absent*: Rivera and Borelli; Committee on Land Use, September 20, 2023.

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

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

- | | |
|---|--|
| (1) Int. No. 78-A - | Informational campaign concerning workers' rights under the Earned Safe and Sick Time Act. |
| (2) Int. No. 576-A - | Reporting on the features and condition of public restrooms. |
| (3) Int. No. 703-A | Information on the timeliness of city-funded rental payments. |
| (4) Int. No. 818-A - | Department of Consumer and Worker Protection to implement an outreach and education campaign regarding the Temporary Schedule Change Act. |
| (5) Int. No. 857-A - | Expanding disaggregated data in Department of Education reporting, including metrics on students in foster care and students in temporary housing. |
| (6) Int. No. 1065-A - | Urban forest plan. |
| (7) Int. No. 1094-A - | Department of Correction to record interactions in which an individual is informed about a scheduled court appearance and report on rates of court production. |
| (8) Preconsidered Res. No. 806 - | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (Transparency Resolution). |
| (9) L.U. No. 260 & Res. No. 811 - | App. C 230012 ZMQ (42-18 31st Avenue Rezoning) , Borough of Queens, Community District 1, Council District 26. |
| (10) L.U. No. 261 & Res. No. 812 - | App. N 230013 ZRQ (42-18 31st Avenue Rezoning) , Borough of Queens, Community District 1, Council District 26. |

The Majority Leader and Acting President Pro Tempore (Council Member Powers) 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, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Nurse, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **47**.

The General Order vote recorded for this Stated Meeting was 47-0-0 as shown above with the exception of the votes for the following legislative items:

The following was the vote recorded for **Int. No. 818-A**:

Affirmative – Abreu, Avilés, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, , De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, Nurse, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **39**.

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

The following was the vote recorded for **Int. No. 1094-A**:

Affirmative – Abreu, Avilés, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Mealy, Menin, Nurse, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **38**.

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

Abstention – Velázquez – **1**.

The following was the vote recorded for **L.U. No. 260 & Res. No. 811 and L.U. No. 261 & Res. No. 812**:

Affirmative – Abreu, Ariola, Avilés, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Nurse, Paladino, Restler, Richardson Jordan, Riley, Rivera, Salamanca, Sanchez, Schulman, Stevens, Ung, Velázquez, Vernikov, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **46**.

Negative – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 78-A, 576-A, 703-A, 818-A, 857-A, 1065-A, and 1094-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. 475

Report of the Committee on Women and Gender Equity in favor of approving a Resolution calling on the New York state legislature to pass, and the Governor to sign, legislation to create a "purple alert system" for missing victims of domestic violence.

The Committee on Women and Gender Equity, to which the annexed resolution was referred on February 2, 2022 (Minutes, page 409), respectfully

REPORTS:

I. INTRODUCTION

On Thursday, October 5, 2023 the Committee on Women and Gender Equity, chaired by Council Member Tiffany Cabán, will consider Resolution Number 475 (Fariás), calling on the New York state legislature to pass, and the Governor to sign, legislation to create a "purple alert system" for missing victims of domestic violence. Res. 475 was originally heard by the Committee on February 27, 2023. Among those invited to testify were representatives from the New York City ("NYC or "City") Mayor's Office to End Domestic and Gender-based Violence (ENDGBV), survivors of domestic and gender-based violence, local legal service providers, community-based service providers, advocates, and experts in the field of domestic violence, gender-based violence and gender equity, and other interested stakeholders.

II. BACKGROUND

The New York State Missing Persons Clearinghouse, within the New York State Division of Criminal Justice, currently administers three alert programs including alerts around missing children under the age of 21, missing college students of any age, and missing vulnerable adults who are cognitively impaired.¹ The State Missing Persons Clearinghouse issues an alert at the request of law enforcement once certain criteria are met under each program.² Once an alert is activated, information about the missing person is distributed to police agencies, the media, New York State Thruway Authority signs and plazas, New York State Department of Transportation highway signs, airports, bus terminals, train stations, hospitals, social media, and other locations.³ Alerts can remain active for up to 72 hours and are utilized as they have proven successful in disseminating emergency notifications that support the safe rescue and return of missing persons.⁴

Given the heightened life threatening risks of victims of domestic violence, Resolution 475 calls on the State legislature to pass and the Governor to sign legislation to create a "purple alert system" for missing victims of domestic violence in order to help coordinate the efforts of law enforcement and galvanize communities to assist in the search and safe recovery of victims of domestic violence.

Accordingly, this Committee recommends its adoption.

¹ *Who We Are*, The New York State Missing Persons Clearinghouse, Division of Criminal Justice Services, accessed on October 3, 2023, <https://www.criminaljustice.ny.gov/missing/who-we-are.html>.

² *Id.*

³ *Id.*

⁴ *Missing Persons Clearinghouse 2019 Annual Report*, Division of Criminal Justice Services, pages 14-15, accessed on October 3, 2023, <https://www.criminaljustice.ny.gov/crimnet/ojsa/FINAL%20Missing%20Persons%20Clearinghouse%202019%20Annual%20Report.pdf>

(The following is the text of Res. No. 475:)

Res. No. 475

Resolution calling on the New York state legislature to pass, and the Governor to sign, legislation to create a "purple alert system" for missing victims of domestic violence.

By Council Members Farías, Cabán, Louis, Hanif, Yeger, Riley, Brewer, Richardson Jordan, Avilés, Ung, Restler, Joseph, Lee, Rivera and Dinowitz.

Whereas, An emergency alert system is essential for conducting speedy and complete investigations into missing victims of domestic violence and sexual assault; and

Whereas, The New York State Missing Persons Clearinghouse within the New York State Division of Criminal Justice administers three alert programs; and

Whereas, Alerts are issued at the request of law enforcement when certain criteria are met; and

Whereas, Alerts are designed to ensure the most rapid and widespread dissemination of information about missing children under the age of 21, missing college students of any age, and missing vulnerable adults who are cognitively impaired; and

Whereas, Within minutes of an alert activation, information about the person is distributed to police agencies, the media, New York State Thruway Authority signs and plazas, New York State Department of Transportation highway signs, airports, bus terminals, train stations, hospitals, social media, and other locations; and

Whereas, Details are displayed on highway signs for up to eight hours and alerts can remain active for up to 72 hours; and

Whereas, New York State's AMBER Alert system, which distributes pertinent information to locate missing children, has proven extraordinarily effective in reuniting children with their families; and

Whereas, According to New York States' AMBER Alert statistics, in nearly 7 of every 10 AMBER Alert cases, children are successfully reunited with their parents and in just over 17 percent of cases, the recovery is a direct result of the AMBER Alert; and

Whereas, The development of a statewide Purple Alert system, for those who have elected to participate, to disseminate much needed emergency notifications, about missing victims of domestic violence and coordinate the efforts of law enforcement, would support the safe rescue and return of victims in life threatening situations; and

Whereas, In most missing persons cases, the first 48 hours are the most critical to successfully reunite victims with their loved ones; and

Whereas, A Purple Alert system would galvanize communities to assist in the search and safe recovery of vulnerable victims of domestic violence; and

Whereas, The "Purple Alert" bill, A8492/S7562 of the 2021-2022 legislative session, sponsored Assemblymember Khaleel Anderson and Senator Julia Salazar, would establish a "Purple Alert" to notify the public of missing victims of domestic violence by unifying the resources of the Division of Criminal Services, Department of Transportation, and appropriate state agencies to inform the public along with private or governmental entities who participate in the dissemination of urgent public information; and

Whereas, Open lines of communication between law enforcement, victims and their families, and the public are necessary during ongoing investigations into cases of missing persons; and

Whereas, The legislation mandates the use of interagency collaboration and the urgent dissemination of information to investigate and provide for the safe rescue of vulnerable victims of domestic violence; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York state legislature to pass, and the Governor to sign, legislation, to create a "purple alert system" for missing victims of domestic violence.

TIFFANY CABÁN, *Chairperson*; KEVIN C. RILEY, JENNIFER GUTIÉRREZ, KRISTIN RICHARDSON JORDAN, ALTHEA V. STEVENS, INNA VERNIKOV; 6-0-0; *Absent*: James F. Gennaro; Committee on Women and Gender Equity, October 5, 2023. *Other Council Members Attending: Council Member Farías.*

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

Adopted unanimously by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Int. No. 1208

By Council Member Ayala (by request of the Mayor).

A Local Law to amend the administrative code of the city of New York, in relation to extending the rate of the additional tax on the occupancy of hotel rooms

Be it enacted by the Council as follows:

Section 1. Paragraph 3 of subdivision a of section 11-2502 of the administrative code of the city of New York, as amended by local law number 207 for the year 2019, is amended to read as follows:

(3) In addition to the tax imposed by paragraph two of this subdivision, there is hereby imposed and there shall be paid a tax for every occupancy of each room in a hotel in the city of New York (A) at the rate of five percent of the rent or charge per day for each such room up to and including August thirty-first, nineteen hundred ninety, (B) at the rate of six percent of the rent or charge per day for each such room on and after September first, nineteen hundred ninety and before December first, nineteen hundred ninety-four, (C) at the rate of five percent of the rent or charge per day for each such room on and after December first, nineteen hundred ninety-four and before March first, two thousand nine, (D) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after March first, two thousand nine and before December first, two thousand thirteen, (E) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand thirteen and before December twentieth, two thousand thirteen, (F) at the rate of five and seven-eighths percent of the rent or charge per day for each such room on and after December twentieth, two thousand thirteen and before December first, two thousand [twenty-three] *twenty-seven*, and (G) at the rate of five percent of the rent or charge per day for each such room on and after December first, two thousand [twenty-three] *twenty-seven*.

§ 2. This local law takes effect immediately, except that if it becomes law after December 1, 2023, it is retroactive to and deemed to have been in effect as of December 1, 2023.

Referred to the Committee on Finance.

Res. No. 805

Resolution condemning the federal government's repression of the African People's Socialist Party and the Uhuru movement.

By Council Member Barron.

Whereas, On July 29, 2022 at 5:00 a.m., the FBI stormed the home of Omali Yeshitela, Chairman of the African People's Socialist Party (APSP) in St. Louis, Missouri. Yeshitela stated that the agents deployed flashbang grenades, carried automatic weapons, damaged the property of his neighbors, and handcuffed himself and his wife. Agents refused to show him a search warrant and absconded with cellphones and other devices from his home; and

Whereas, The assault on Yeshitela's residence was part of a coordinated onslaught against locations affiliated with the APSP across the country; and

Whereas, That same day, the FBI invaded two sites of the APSP-led Uhuru Movement, the Uhuru Solidarity Center in St. Louis and the Uhuru House in St. Petersburg, Florida; and

Whereas, The FBI also raided the APSP’s radio station, Black Power 96.3 FM, and reportedly detained a prominent APSP leader. The FBI’s flimsy excuse for its operation is that the APSP, by exercising its free speech rights about the war in Ukraine, was spreading “Russian propaganda;” and

Whereas, The Council of the City of New York strongly condemns the illegal and racist FBI raids on the offices and homes of the APSP and the Uhuru Movement, whose persecution continues to this day; and

Whereas, The Council of the City of New York stands in solidarity with the activists and organizations targeted by this domestic spying entity (FBI), whose job it has been to consistently and historically squelch dissent and resistance to violations of human rights, civil rights and political activism against the status quo of American inequality and exploitation; and

Whereas, the government raids were an indefensible, politically motivated witch hunt. They are part of an increasing assault on civil liberties in a time of growing hardship for the working-class majority, escalating clashes between rich and poor, and rising injustice, especially against those who are fighting for justice and liberation for oppressed communities; and

Whereas, The African People’s Socialist Party was targeted because it has relentlessly fought for the liberation of Africa and African people for the past 50 years; and

Whereas, The FBI raids on the Uhuru Movement posed a threat to the African community’s hard-won democratic right to participate in elections in their own interests; and

Whereas, African people have a right to petition the United Nations to investigate the Genocide Convention as it applies to the conditions of African people in the U.S. and the “original sin” of slavery and colonialism in this country; and

Whereas, African people and all those in the United States have the inalienable right to freedom of speech, association and assembly including public statements of dissent regarding the official position of the U.S. on the Russia-Ukraine war; and

Whereas, millions of African people in the 1960s struggled for basic human rights as well as economic and political power and faced the effects of the FBI’s COINTELPRO program which carried out assassination, political imprisonment, slander and harm; and

Whereas, Malcolm X, Marcus Garvey, The Black Panther Party, and other human rights and civil rights activists were targeted, threatened, surveilled and/or assassinated by the FBI, often with the complicity of the local police department right here in New York City; now, therefore, be it

Resolved, that the New York City Council strongly condemns the actions of the FBI raid on the African People’s Socialist Party and the Uhuru Movement and calls for all of the trumped up charges to be dropped immediately. In addition the New York City Council calls on all local police departments to commit to non-cooperation with the oppressive tactics of the FBI; and

Be it further resolved, that the New York City Council strongly supports and protects the rights of all individuals and organizations to engage in the exercise of free speech and the organizing for human rights without the harassment and tyranny of the FBI

Referred to the Committee on Cultural Affairs, Libraries and International Intergroup Relations.

Int. No. 1209

By Council Member Brannan (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to amending the district plan of the Westchester Square business improvement district to change the method of assessment upon which the district charge is based

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-484.2 to read as follows:

§ 25-484.2 *Westchester Square business improvement district; amendment of the district plan.* a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize a change in the method of assessment upon which the district charge in the Westchester Square business improvement district is based, and the council having determined further that the tax and debt limitations prescribed in section 25-412 of chapter four of this title will not be exceeded by such change, there is hereby authorized in such district such change as is set forth in the amended district plan required to be filed with the city clerk pursuant to subdivision b of this section.*

b. *Immediately upon adoption of this local law, the council shall file with the city clerk the amended district plan containing the change in the method of assessment authorized by subdivision a of this section.*

§ 2. This local law shall take effect on July 1, 2024.

Referred to the Committee on Finance.

Int. No. 1210

By Council Member Brannan (by request of the Mayor).

A Local law to amend the administrative code of the city of New York, in relation to authorizing an increase in the amount to be expended annually in four business improvement districts

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 25-438.1 of the administrative code of the city of New York, as amended by local law number 17 for the year 2016, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Village Alliance business improvement district beginning on July 1, [2015] 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million four hundred thousand dollars (\$1,400,000)] *one million nine hundred thousand dollars (\$1,900,000)*.

§ 2. Subdivision a of section 25-459 of the administrative code of the city of New York, as amended by local law number 5 for the year 2011, is amended to read as follows:

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Brighton Beach business improvement district beginning on July 1, [2010] 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [two hundred twenty thousand dollars (\$220,000)] *three hundred thousand dollars (\$300,000)*.

§ 3. Subdivision a of section 25-464.1 of the administrative code of the city of New York, as amended by local law number 235 for the year 2017, is amended to read as follows:

a. *The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Fordham Road business improvement district beginning on July 1, [2017] 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of [one million ten thousand dollars (\$1,010,000)] one million five hundred ten thousand dollars (\$1,510,000).*

§ 4. Chapter 5 of title 25 of the administrative code of the city of New York is amended by adding a new section 25-488.1 to read as follows:

§ 25-488.1 *Meatpacking Area business improvement district.*

a. The city council having determined, pursuant to subdivision b of section 25-410 of chapter four of this title, that it is in the public interest to authorize an increase in the amount to be expended annually in the Meatpacking Area business improvement district beginning on July 1, 2024, and the council having determined further that the tax and debt limits prescribed in section 25-412 of chapter four of this title will not be exceeded by such increased expenditure, there is hereby authorized in such district an annual expenditure of six million two hundred thousand dollars (\$6,200,000).

b. The amount of such expenditure to be levied upon each property in the district shall be determined in accordance with the method of assessment set forth in the Meatpacking Area business improvement district plan.

§ 5. This local law takes effect July 1, 2024.

Referred to the Committee on Finance.

Preconsidered Res. No. 806

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, 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, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for Fiscal Year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”); and

Whereas, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2024 and Fiscal 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, youth, anti-poverty, boroughwide, 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 2024 and Fiscal 2023 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local discretionary funding and certain organization receiving funding pursuant to certain initiatives; now, therefore, be it

Resolved, That the City Council approves the new designation and changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2024 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 aging discretionary funding in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 2; 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 2024 Expense Budget, as set forth in Chart 3; 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 Anti-Poverty Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 4; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 5; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 6; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 7; 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 A Greener NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 8; 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 2024 Expense Budget, as set forth in Chart 9; and be it further

Resolved, That the City Council approves the new designations and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 10; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 11; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2024 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 NYC Cleanup Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 13; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2024 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 Support Our Older Adults Initiative in accordance with the Fiscal 2024 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 Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 16; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2024 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 Developmental, Psychological and Behavioral Health Services Initiative in accordance with the Fiscal 2024 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 Young Women's Leadership Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 19; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 20; 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 Hate Crime Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 21; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Trauma Recovery Centers Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 22; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 23; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the LGBTQIA+ Older Adult Services in Every Borough Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 24; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Older Adult Clubs, Programs, and Enhancements Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 25; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 26; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 27; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 28; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Trans Equity Programs Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 29; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the LGBTQIA+ Inclusive Curriculum Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 30; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 31; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Ending the Epidemic Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 32; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 33; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 34; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 35; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 36; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Support for Immigrant Women Workers Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 37; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 38; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 39; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 40; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 41; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Welcome NYC Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 42; and be it further

Resolved, That the City Council approves the new designations of certain organizations receiving funding pursuant to the Immigrant Opportunities Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 43; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Unaccompanied Minors and Families Initiative in accordance with the Fiscal 2024 Expense Budget, as set forth in Chart 44; 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 2024 Expense Budget, as set forth in Chart 45; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 46; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 47; 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 A Greener NYC Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 48; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Community Safety and Victim Services Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 49; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 50; and be it further

Resolved, That the City Council approves the changes in the designation of certain organizations receiving local discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 51; 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 2022 Expense Budget, as set forth in Chart 52; and be it further

Resolved, That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 53; and be it further

Resolved, That the City Council approves the new designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 54; and be it further

Resolved, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Mental Health Workforce Retention and Development Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 55; 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 56; 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 57.

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. 806 of 2023 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

Res. No. 807

Resolution concerning an amendment to the district plan of the Westchester Square business improvement 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 local law authorizing such change.

By Council Member Brannan.

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 Westchester Square Business Improvement District (the "District") in the Borough of the Bronx; 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 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 change and that the tax and debt limits prescribed in Section 25-412 of the BID Law will not be exceeded by such change; and

WHEREAS, the District wishes to amend the District Plan 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, the City Council is required to give notice of the public hearing by publication of a notice in at least one newspaper having general circulation in the district specifying the time when and the place where the hearing will be held; 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) November 15, 2023 is the date and the City Council Committee Meeting Room, 2nd floor, City Hall, is the place and 10:00 am is the time for a public hearing (the "Public Hearing") to hear all persons interested in the legislation that would authorize a change in the method of assessment upon which the district charge in the Westchester Square 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 Westchester Square Business Improvement District is hereby authorized to publish in a newspaper of general circulation in the district, not less than ten (10) days prior to the Public Hearing, a notice stating the time and place of the Public Hearing.

Referred to the Committee on Finance

Res. No. 808

Resolution concerning the increase in the annual expenditure for four business improvement districts and the setting of the date, time and place for the hearing of the local law increasing 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 Village Alliance, Brighton Beach, Fordham Road, and Meatpacking Area 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, the four Business Improvement Districts wish to increase the amount to be expended annually beginning on July 1, 2024 as follows: the Village Alliance Business Improvement District, \$1,900,000; and the Brighton Beach Business Improvement District, \$300,000; and the Fordham Road Business Improvement District, \$1,510,000; and the Meatpacking Area Business Improvement District, \$6,200,000; 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 one 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) November 15, 2023 is the date and the City Council Committee Room, 2nd Floor, City Hall is the place and 10:00 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 the four 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 Village Alliance, Brighton Beach, Fordham Road, and Meatpacking Area Business Improvement Districts are hereby authorized 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 proposed increase in the amount to be expended annually in each of the four Business Improvement Districts.

Referred to the Committee on Finance.

Int. No. 1211

By Council Members Brewer, Restler and Hanif.

A Local Law to amend the New York city charter, in relation to providing survivors of domestic violence with guidance on making voter registration records confidential and voting by special ballot

Be it enacted by the Council as follows:

Section 1. Subdivision 10 of section 1057-a of the New York city charter, as added by local law number 6 for the year 2019, is redesignated subdivision 11 and a new subdivision 12 is added to read as follows:

12. In addition to the other requirements of this section:

a. The campaign finance board, in collaboration with the office to end domestic and gender-based violence, shall produce and regularly update written guidance on the procedures for making a voter registration record confidential pursuant to section 5-508 of the election law and for voting by special ballot pursuant to section 11-306 of the election law; and

b. The office to end domestic and gender-based violence shall:

(1) Distribute such written guidance to individuals receiving services at family justice centers within the meaning of section 3-180 of the administrative code;

(2) In collaboration with the administration for children's services, the commission on human rights, community boards, the department of health and mental hygiene, the department of homeless services, the department of housing preservation and development, the department of youth and community development, and the human resources administration, distribute such written guidance to survivors within the meaning of section 3-180 of the administrative code who are receiving services and

(2) Upon request, assist such individuals in preparing and submitting any written statement that may be required in order to make a voter registration record confidential pursuant to section 5-508 of the election law or vote by special ballot pursuant to section 11-306 of the election law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Res. No. 809

Resolution calling on the New York State Assembly to pass, and the Governor to sign, S.6169A/A.5934, the Voting Integrity and Verification Act of New York.

By Council Member Brewer.

Whereas, The voting equipment currently in use in New York City is over 15 years old; and

Whereas, The expected life span of voting equipment is generally between 10 and 20 years; and

Whereas, The voting equipment currently being used in New York City is at or near the end of its expected lifespan; and

Whereas, The outdated voting equipment used in New York City frequently breaks down, causing long lines at polling sites; and

Whereas, As the outdated voting machines now being used in New York City break down, they will become increasingly difficult to fix or replace; and

Whereas, The New York City Board of Elections ("NYC BOE") will need to purchase new voting equipment in the coming years; and

Whereas, Under New York State law, the NYC BOE may only purchase voting equipment that has been certified by the New York State Board of Elections ("NYS BOE"); and

Whereas, the NYS BOE has already certified one direct-recording voting machine, the ExpressVote XL and may potentially approve more; and

Whereas, Direct-recording voting machines allow a voter to mark their ballot directly on a screen; and
Whereas, Direct-recording voting machines utilize touch screens in lieu of hand marked paper ballots; and
Whereas, Electronic touch screens are prone to errors and malfunctions in ways that paper ballots are not;
and
Whereas, The ExpressVote XL, like other direct-recording machines, not only marks the voters ballot, but also counts the selections; and
Whereas, Many direct-recording voting machines do not print out a human-readable paper ballot; and
Whereas, The ExpressVote XL does not print out a human readable paper ballot, and instead encodes the voter’s selections in a QR code; and
Whereas, When a printed ballot only has a barcode or QR code, voters are unable to verify that their selections were correctly recorded; and
Whereas, A study done by the University of Michigan found that voters missed 93% of errors when using electronic ballot marking devices; and
Whereas, Voting machines that do not print out a voter verifiable paper ballot are considered more vulnerable to foreign interference than voting machines that leave a paper trail; and
Whereas, Paper ballots are required to conduct post-election audits to verify election results; and
Whereas, Election security experts agree that marked paper ballots are the most secure voting method; and
Whereas, Nontabulating ballot marking devices need to remain available to voters to who are unable to hand mark their ballots without assistance; and
Whereas, S.6169A, introduced in the New York State Senate by Senator Cordell Cleare, and passed by the State Senate on June 9, 2023, and companion bill A.5934A, introduced by Assembly Member Brian Cunningham and pending in the New York State Assembly (the “Voting Integrity and Verification Act of New York” or “VIVA NY”), would give all voters at every poll site in New York State the option to mark their ballot by hand or with a nontabulating ballot marking device that prints a human readable paper ballot; and
Whereas, VIVA NY would not prevent the New York City Board of Elections from purchasing the ExpressVote XL, or another similar direct-recording voting equipment; and
Whereas, VIVA NY would ensure that if the New York City Board of Elections were to purchase ExpressVote XL machines, or any other direct-recording voting equipment, voters would still have the option to vote via a hand-marked ballot or on a non-tabulating voting ballot marking device that prints a human readable ballot; and
Whereas, The 2020 election has sown widespread distrust in election security;
Whereas, Human-readable printed ballots increase the public’s trust that ballots are correctly cast and counted; and
Whereas, Every voter should have the option to mark their ballot by hand or by a nontabulating ballot marking device; and
Whereas, Every voter should have the opportunity to verify their ballot before it is cast; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Assembly to pass, and the Governor to sign, S.6169A/A.5934, the Voting Integrity and Verification Act of New York.

Referred to the Committee on Governmental Operations.

Res. No. 810

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.660/A.274.

By Council Members Brewer and Hanif.

Whereas, The right to vote is essential to a well-functioning democracy; and
Whereas, The New York State Constitution sets the minimum voting age at eighteen; and

Whereas, Sixteen year-olds shoulder many of the same responsibilities as adults; and

Whereas, In New York, sixteen year-olds can work and pay taxes; and

Whereas, According to an article in the George Washington Law Review, studies have shown that by the time an individual reaches the age of sixteen they have developed the cognitive abilities required to engage in the reasoned decision making that is necessary for voting; and

Whereas, Without the right to vote sixteen year-olds lack a voice in government decisions that affect their lives, such as who oversees their schools and how their tax dollars are spent; and

Whereas, S.2562, introduced by Senator Brad Hoylman-Sigal and pending in the New York State Senate, and its companion bill A.330 introduced by Assembly Member Robert Carroll and pending in the New York State Assembly would amend the New York State Constitution to lower the minimum voting age to sixteen for state and local elections; and

Whereas, S.660, introduced by Senator Brad-Hoylman-Sigal and pending in the New York State Senate and its companion bill, A.274 introduced by Assembly Member Robert Carrol and pending in the New York State Assembly, amends the New York State election law to conform with the Constitutional changes made by S.2562/A.330; and

Whereas, S.660/A.274 amends the New York State election law to allow sixteen year-olds to vote in state and local elections; and

Whereas, New York election law requires citizens to register prior to voting; and

Whereas, S. 660/A.274 amends the New York State election law to allow anyone who turns sixteen years old by December 31st of the calendar year to register to vote in state and local elections; and

Whereas, S.660/A.274 would mandate that high schools in New York State provide all students turning sixteen years old within the calendar year with both a voter registration form and a voter registration opt-out form; and

Whereas, S.660/A.274 would require that students be afforded classroom time to fill out either a voter registration form or a voter registration opt-out form; and

Whereas, According to a report by the Campaign for the Civic Mission of Schools, students who receive a high-quality civics education are more likely to vote, discuss policy issues with their friends and family and volunteer in their communities; and

Whereas, Civic education can help young people develop the knowledge and habits needed to actively participate in civic affairs; and

Whereas, S.660/A.274 would require that students in the 9th through the 12th grade receive a minimum of eight class periods worth of civics education; 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.660/A.274.

Referred to the Committee on Governmental Operations.

Int. No. 1212

By Council Members Hanif, Restler, Gutiérrez, De La Rosa, Hudson, Sanchez, Nurse and Won.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the department of social services or any other city agency from imposing length of shelter stay restrictions in a shelter of any type

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-152 to read as follows:

§ 21-152 Prohibition on length of shelter stay limitations. a. Definitions. For purposes of this section, the following terms have the following meanings:

Emergency congregate housing. The term “emergency congregate housing” means any location operated by an agency or provider under contract or similar agreement with an agency, except for any location operated by the department or by a provider under contract or similar agreement with the department, where individuals and families reside for more than 96 hours and where such individuals and families sleep in a congregate setting with shared facilities, including but not limited to, sleeping quarters and bathrooms.

Homeless youth. The term “homeless youth” has the same meaning as provided in section 532-a of the executive law. For the purposes of this section, the term “homeless youth” shall also include homeless young adults.

Homeless young adults. The term “homeless young adult” has the same meaning as provided in section 531-a of the executive law.

Shelter. The term “shelter” means temporary housing assistance provided to homeless adults, adult families, families with children, and runaway and homeless youth by the city or a provider under contract or similar agreement with the city.

b. No agency shall impose limits on the length of time an individual or family may reside in shelter or emergency congregate housing. To reside in shelter operated by the department or a provider under contract or similar agreement with the department, an individual or family must maintain eligibility for temporary housing assistance pursuant to section 352.35 of title 18 of the New York codes, rules and regulations.

§ 2. This local law takes effect immediately.

Referred to the Committee on General Welfare.

Int. No. 1213

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to supporting veteran vendors

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-465.2 of the administrative code of the city of New York, as added by local law number 18 for the year 2021, is amended to read as follows:

a. There is hereby established a street vendor advisory board consisting of the commissioner of consumer and worker protection, the commissioner of health and mental hygiene, the commissioner of small business services, the commissioner of transportation, *the commissioner of veterans’ services*, and the police commissioner, or the designee of any such commissioner, [six] 7 members appointed by the speaker, [two] 2 of whom represent street vendors, [one] 1 of whom [represent] *represents* the small business community, [one] 1 of whom represents organizations representing workers at retail food stores, [one] 1 of whom represents property owners, *1 of whom represents the veteran community*, and [one] 1 of whom who represents a community organization, and [four] 4 members appointed by the mayor, [two] 2 of whom represent street vendors and [two] 2 of whom represent the small business community.

§ 2. Title 31 of the administrative code of the city of New York is amended by adding a new section 31-113 to read as follows:

§ 31-113 *Information and resources for veteran vendors.* a. *Definitions.* For purposes of this section, the term “small business” means a business which is resident in the State of New York, independently owned and operated, not dominant in its field, and employs 100 or fewer persons.

b. *The department shall post on its website information and resources related to supporting veterans who are general vendors, as defined in subdivision b of section 20-452, including, but not limited to:*

1. *A brief history in relation to veteran general vendors;*
2. *An overview of relevant terms, including a description of applicable licenses and permits for veteran general vendors;*
3. *Information related to applicable federal, state, and local laws, rules, and regulations;*

4. Information related to completing the application process for any applicable licenses, permits, programs, support, and grants;
5. Information related to tax preparation resources, including but not limited to tax preparation assistance for small business owners;
6. Links to city webpages that contain information related to assistance, resources, or relevant support for veteran general vendors;
7. A copy of the most recent recommendation made by the street vendor advisory board, as required by subdivision b of section 20-465.2; and
8. Information regarding opportunities for veteran general vendors to seek and obtain financial support.
- § 3. This local law takes effect 120 days after it becomes law.

Referred to the Committee on Veterans.

Int. No. 1214

By Council Member Holden.

A Local Law to amend the administrative code of the city of New York, in relation to waiving permit fees for mobile food unit commissaries that reserve space for veteran vendors

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 17-307 of the administrative code of the city of New York is amended to read as follows:

c. It shall be unlawful for any person to operate a commissary, or place of food distribution, or a place wherein five or more pushcarts, or more than one vehicle are stored, without first obtaining a permit. *The commissioner shall waive the fee for such permit for any commissary operator that reserves at least one space for the storage of a mobile food unit operated by a veteran, as defined in subdivision j of section 17-306.*

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

Referred to the Committee on Veterans.

Int. No. 1215

By Council Members Hudson, Restler and Hanif.

A Local Law to amend the administrative code of the city of New York, in relation to the posting of signs notifying operators of bicycles, bicycles with electric assist, and electric scooters of the prohibition against operating such devices on sidewalks, park walkways, and boardwalks, and of related fines and penalties

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 19-176.4 to read as follows:

§ 19-176.4 Signs prohibiting riding on sidewalks. a. Definitions. For purposes of this section:

Bicycle. The term “bicycle” has the same meaning as in paragraph 1 of subdivision a of section 19-176.

Bicycle with electric assist. The term “bicycle with electric assist” has the same meaning as in section 102-c of the vehicle and traffic law or successor provision.

Blockface. The term “blockface” has the same meaning as in section 19-167.

Disability. The term “disability” has the same meaning as in section 8-102.

Electric scooter. The term “electric scooter” has the same meaning as in section 114-e of the vehicle and traffic law or successor provision.

Senior pedestrian zone. The term “senior pedestrian zone” has the same meaning as in section 19-183.1.

Sidewalk. The term “sidewalk” has the same meaning as in paragraph 2 of subdivision a of section 19-176.

b. Posting of signs required. The department shall post signs on the blockface of sidewalks within the city. The signs shall contain information notifying persons operating bicycles, bicycles with electric assist, and electric scooters that they are prohibited from operating on sidewalks, as provided in subdivision b of section 19-176 and in paragraph a of subdivision 5 of section 1242 and paragraph a of subdivision 7 of section 1282 of the vehicle and traffic law. Such signs shall also contain information about the fines and penalties for violations, as provided in subdivisions b and c of section 19-176, and subdivision 12 of section 1242 and subdivision 11 of section 1282 of the vehicle and traffic law. All such signs shall have information printed in English and Spanish, and any other languages that are predominant in the area where the sign is posted.

c. The department shall post at least 500 such signs within 5 years after the effective date of this section, at a rate of no fewer than 100 such signs per year. The department may select the sidewalks on which such signs will be posted but shall prioritize (i) locations that have a high incidence of death, injury, or property damage in connection with operation of bicycles, bicycles with electric assist, or electric scooters on sidewalks; (ii) senior pedestrian zones; and (iii) locations where there are large concentrations of persons with disabilities.

§ 2. Section 18-122 of the administrative code of the city of New York is amended by adding new subdivisions a-1 and c to read as follows:

a-1. Definitions. For purposes of this section:

Bicycle. The term “bicycle” has the same meaning as in paragraph 1 of subdivision a of section 19-176.

Bicycle with electric assist. The term “bicycle with electric assist” has the same meaning as in section 102-c of the vehicle and traffic law or successor provision.

Disability. The term “disability” has the same meaning as in section 8-102.

Electric scooter. The term “electric scooter” has the same meaning as in section 114-e of the vehicle and traffic law or successor provision.

Elevated boardwalk. The term “elevated boardwalk” has the same meaning as in section 18-108.2.

Senior pedestrian zone. The term “senior pedestrian zone” has the same meaning as in section 19-183.1.

Walkway. The term “walkway” means a paved walkway under the purview of the department.

c. Posting of signs required. 1. The department shall post signs along park walkways, beach boardwalks, and other spaces overseen by the department where there are paved walkways within the city. The signs shall contain information notifying persons operating bicycles, bicycles with electric assist, and electric scooters that they are prohibited from operating on such walkways and boardwalks and must ride in designated areas as prescribed by section 18-122. All signs shall have information printed in English and Spanish, and any other languages that are predominant in the area where the sign is posted.

2. The department shall post at least 500 such signs within 5 years after the effective date of this subdivision, at a rate of no fewer than 100 such signs per year. The department may select the park walkways, boardwalks, and other walkways overseen by the department on which such signs will be posted but shall prioritize (i) locations that have a high incidence of death, injury, or property damage in connection with operation of bicycles, bicycles with electric assist, or electric scooters on such walkways and boardwalks; (ii) senior pedestrian zones; and (3) locations where there are large concentrations of persons with disabilities.

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

Referred to the Committee on Transportation and Infrastructure.

Int. No. 1216

By Council Members Powers, Rivera, Restler and Hanif.

A Local Law to amend the New York city charter, in relation to the board of correction’s access to body-worn camera records

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision c of section 626 of the New York city charter, is amended to read as follows

2. The inspection of all books, records, documents, and papers of the department *including direct and real-time remote access to the body-worn camera system and the ability to retain physical and electronic copies.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Int. No. 1217

By Council Member Riley.

A Local Law to amend the administrative code of the city of New York, in relation to structurally unsound privately-owned trees

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 18-160 to read as follows:

§ 18-160 *Structurally unsound privately-owned trees. a. Definitions. As used in this section, the term "structurally unsound privately-owned tree" means a tree that: (i) poses a near-term danger of falling on persons or property outside of the property where it is located, (ii) is not under the jurisdiction of the department, and (iii) is not located within a special natural area district, as defined in chapter 5 of article 10 of the zoning resolution.*

b. The department shall on its website provide a means for the submission of information regarding privately-owned trees that are suspected of posing a near-term danger to persons or property outside of the property where they are located. The department shall inspect any such trees within 4 days of receiving such information.

c. If the department determines that a tree is a structurally unsound privately-owned tree it shall issue a written order to the owner of the tree directing the owner to take corrective action to abate the danger posed by such tree. Such written order shall state the corrective action to be undertaken and shall fix a time for compliance, which shall be no longer than 21 days. If the owner does not comply with the order within the stated time for compliance, the department may, after the opportunity for a hearing, perform the corrective action specified in the order.

d. If the department determines that a structurally unsound privately-owned tree poses an imminent danger to persons or property outside of the property wherein it is located, the department may perform the work necessary to abate such danger without first issuing an order or providing an opportunity for a hearing to the owner of the tree, or prior to the expiration of the time for compliance specified in an order issued pursuant to subdivision c of this section.

e. Whenever the department has incurred expenses for undertaking corrective action relating to a structurally unsound privately-owned tree pursuant to this section, the department shall send to the owner or the owner's designee a statement of account with the expense incurred and a demand for payment thereof. Any amount not paid within 60 days of receipt of the statement shall constitute a lien on the real property where the corrective action was undertaken. Such lien shall have priority over all other liens and encumbrances on the premises except for the lien of taxes and assessments.

f. Nothing in this section shall be construed to create a private right of action.

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

Referred to the Committee on Parks and Recreation.

Int. No. 1218

By Council Members Riley, Restler, Brannan, Won, De La Rosa, Hanif, Hanks, Avilés, Menin, Farías, Cabán, Schulman, Dinowitz, Narcisse, Abreu, Holden, Gutiérrez, Nurse, Yeger, Krishnan, Feliz, Brewer, Velázquez, Borelli, Carr, Ariola, Paladino and Vernikov.

A Local Law to amend the administrative code of the city of New York, in relation to establishing a prevailing wage requirement for covered workers in financially assisted facilities

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 the administrative code of the city of New York is amended by adding a new section 6-148 to read as follows:

§ 6-148 Prevailing wage for certain covered workers in financially assisted facilities. a. Definitions. For purposes of this section, the following terms have the following meanings:

City development project. The term “city development project” means a project undertaken by a city agency or a city economic development entity for the purpose of improvement or development of real property, economic development, job retention or growth, or other similar purposes where the project: (i) is expected to be larger than 50,000 square feet, or, in the case of a residential project, larger than 50 units; (ii) has received or is expected to receive financial assistance; and (iii) is not covered by a project labor agreement. A project will be considered a city development project for 1 year from the date of completion of the city development project.

City economic development entity. The term “city economic development entity” means a not-for-profit organization, public benefit corporation or other entity that provides or administers economic development benefits on behalf of the city pursuant to paragraph b of subdivision 1 of section 1301 of the charter or pursuant to article 12 of the private housing finance law.

Comptroller. The term “comptroller” means the comptroller of the city of New York.

Construction work. The term “construction work” means work performed by a covered worker in connection with a city development project, and includes but is not limited to work performed by laborers, mechanics or other workers in the same trade or occupation as those classified in section 220 of the labor law.

Covered developer. The term “covered developer” means any person or entity receiving financial assistance in relation to a city development project, or any person or entity that contracts or subcontracts with a person or entity receiving financial assistance in relation to a city development project to perform construction work for a period of more than 90 days on the premises of the person or entity receiving financial assistance, or any assignee or successor in interest of real property that qualifies as a city development project. Such term does not include a small business.

Covered worker. The term “covered worker” means any person, the majority of whose employment consists of performing work in the same trade or occupation as those classified in section 220 of the labor law, performing construction work on a city development project.

Financial assistance. The term “financial assistance” means assistance that is provided to a covered developer for the improvement or development of real property, economic development, job retention and growth, or other similar purposes, and that is provided either (i) directly by the city, or (ii) indirectly by a city economic development entity and that is paid in whole or in part by the city, and that at the time the covered developer enters into a written agreement with the city or city economic development entity is expected to have a total present financial value of \$1,000,000 or more. Financial assistance includes, but is not limited to, cash payments or grants, bond financing, tax abatements or exemptions (including, but not limited to, abatements or exemptions from real property, mortgage recording, sales and uses taxes, or the difference between any payments in lieu of taxes and the amount of real property or other taxes that would have been due if the property were not exempted from the payment of such taxes), tax increment financing, filing fee waivers, energy cost reductions, environmental remediation costs, write-downs in the market value of building, land or leases, or the cost of capital improvements related to real property that, under ordinary circumstances, the city would not pay for; provided, however, that any tax abatement, credit, reduction or exemption that is given to all persons who meet criteria set forth in the state or local legislation authorizing such tax abatement, credit, reduction or

exemption, shall be deemed to be as of right (or non-discretionary); and provided further that the fact that any such tax abatement, credit, reduction or exemption is limited solely by the availability of funds to applicants on a first come, first serve or other non-discretionary basis set forth in such state or local law shall not render such abatement, credit, reduction or exemption discretionary. Financial assistance includes only discretionary assistance that is negotiated or awarded by the city or by a city economic development entity, and does not include as-of-right assistance, tax abatements or benefits. Where assistance takes the form of leasing city property at below-market lease rates, the value of the assistance shall be determined based on the total difference between the lease rate and a fair market lease rate over the duration of the lease. Where assistance takes the form of loans or bond financing, the value of the assistance shall be determined based on the difference between the financing cost to a borrower and the cost to a similar borrower that does not receive financial assistance from a city economic development entity.

Prevailing wage. The term “prevailing wage” means the rate of wage and supplemental benefits paid in the locality to workers in the same trade or occupation and annually determined by the comptroller in accordance with the provisions of section 220 of the labor law.

Project labor agreement. The term “project labor agreement” means a pre-hire collective bargaining agreement between a covered developer and a labor organization that establishes the terms and conditions of employment for a city development project.

Small business. The term “small business” means an entity that has annual reported gross revenues of less than \$3,000,000. For purposes of determining whether an employer qualifies as a small business, the revenues of any parent entity, of any subsidiary entities and of any entities owned or controlled by a common parent entity shall be aggregated.

b. Prevailing wage in city development projects required. 1. Covered developers shall ensure that all covered workers performing construction work in connection with a city development project are paid no less than the prevailing wage.

2. Prior to commencing construction work at the city development project, and annually thereafter, every covered developer shall provide to the city economic development entity and the comptroller an annual certification executed under penalty of perjury that all covered workers employed at a city development project by the covered developer or under contract with the covered developer to perform construction work will be and/or have been paid the prevailing wage. Such certification shall include a record of the days and hours worked and the wages and benefits paid to each covered worker employed at the city development project or under contract with the covered developer. Such certification shall be certified by the chief executive or chief financial officer of the covered developer, or the designee of any such person. A violation of any provision of the certification or failure to provide such certification shall constitute a violation of this section by the party committing the violation of such provision.

3. Each covered developer shall maintain original payroll records for each covered worker reflecting the days and hours worked, and the wages paid and benefits provided for such hours worked, and shall retain such records for at least 6 years after the construction work is performed. The covered developer may satisfy this requirement by obtaining copies of records from the employer or employers of such covered workers. Failure to maintain such records as required shall create a rebuttable presumption that the covered workers were not paid the wages and benefits required under this section. Upon the request of the comptroller or the city, the covered developer shall provide a certified original payroll record.

4. No later than the day on which any construction work begins at any city development project subject to the requirements of this section, a covered developer shall post in a prominent and accessible place at every such city development project and provide each covered worker a copy of a written notice, prepared by the comptroller, detailing the wages, benefits and other protections to which covered workers are entitled under this section. Such notice shall also provide the name, address and telephone number of the comptroller and a statement advising covered workers that if they have been paid less than the prevailing wage they may notify the comptroller and request an investigation. Such notice shall be provided in English and Spanish. Such notice shall remain posted for the duration of the period as set forth in paragraph 6 of this subdivision and shall be adjusted periodically to reflect the current prevailing wage for covered workers. The comptroller shall provide the city with sample written notices explaining the rights of covered workers and covered developers' obligations under this section, and the city shall in turn provide those written notices to covered developers.

5. *The comptroller, the city or the city economic development entity may inspect the records maintained pursuant to paragraph 3 of this subdivision to verify the certifications submitted pursuant to paragraph 2 of this subdivision.*

6. *The requirements of this section shall apply for the duration of the construction, expansion, rehabilitation or renovation of the city development project and for 1 year from the date of completion of the city development project.*

7. *The city shall maintain a list of covered developers that shall include, where a written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance is targeted to particular real property, the address of each such property. Such list shall be updated and published as often as is necessary to keep it current.*

c. *Enforcement. 1. No later than 120 days after the effective date of the local law that added this section, the mayor or the mayor's designee shall promulgate implementing rules and regulations as appropriate and consistent with this section and may delegate such authority to the comptroller. Beginning 12 months after the enactment of the local law that added this section, the comptroller shall submit annual reports to the mayor and the council summarizing and assessing the implementation and enforcement of this section during the preceding year.*

2. *In addition to failure to comply with subdivision b of this section, it shall be a violation of this section for any covered developer to discriminate or retaliate against any covered worker who makes a claim that such worker is owed wages due as provided under this section or otherwise seeks information regarding, or enforcement of, this section.*

3. *The comptroller shall monitor covered employers' compliance with the requirements of this section. Whenever the comptroller has reason to believe there has been a violation of this section, or upon a verified complaint in writing from a covered worker, a former covered worker, or a covered worker's representative claiming a violation of this section, the comptroller shall conduct an investigation to determine the facts relating thereto. At the start of such investigation, the comptroller may, in a manner consistent with the withholding procedures established by section 220-b of the labor law, request that the city or city economic development entity that executed a written agreement with the city or city economic development entity providing for financial assistance withhold any payment due to the financial assistance recipient in order to safeguard the rights of the covered workers.*

4. *The comptroller shall report the results of such investigation to the mayor or the mayor's designee, who shall, in accordance with the provisions of paragraph 6 of this subdivision and after providing the covered developer an opportunity to cure any violations, where appropriate issue an order, determination or other disposition, including, but not limited to, a stipulation of settlement. Such order, determination or disposition may at the discretion of the mayor, or the mayor's designee, impose the following on a covered developer committing the applicable violations: (i) direct payment of wages and/or the monetary equivalent of benefits wrongly denied, including interest from the date of the underpayment to the covered worker, based on the interest rate then in effect as prescribed by the superintendent of banks pursuant to section 14-a of the banking law, but in any event at a rate no less than 6 percent per year; (ii) direct payment of a further sum as a civil penalty in an amount not exceeding 25 percent of the total amount found to be due in violation of this section, except that in cases where a final disposition has been entered against a person in two instances within any consecutive 6-year period determining that such person has willfully failed to pay or to ensure the payment of the prevailing wages in accordance with the provisions of this section or to comply with the anti-retaliation, recordkeeping, notice or reporting requirements of this section, the mayor, or the mayor's designee, may impose a civil penalty in an amount not exceeding 50 percent of the total amount found to be due in violation of this section; (iii) direct the maintenance or disclosure of any records that were not maintained or disclosed as required by this section; (iv) direct the reinstatement of, or other appropriate relief for, any person found to have been subject to retaliation or discrimination in violation of this section; or (v) direct payment of the sums withheld at the commencement of the investigation and the interest that has accrued thereon to the covered developer. In assessing an appropriate remedy, due consideration shall be given to the gravity of the violation, the history of previous violations, the good faith of the covered developer, and the failure to comply with record-keeping, notice, reporting, or other non-wage requirements. Any civil penalty shall be deposited in the general fund.*

5. *In addition to the provisions provided in paragraph 4 of this subdivision, based upon the investigation provided in this subdivision, the comptroller shall also report the results of such investigation to the city*

economic development entity, which may impose a remedy as such entity deems appropriate as within its statutorily prescribed authority, including rescindment of the award of financial assistance.

6. Before issuing an order, determination or any other disposition, the mayor or the mayor's designee, as applicable, shall give notice thereof, together with a copy of the complaint, which notice shall be served personally or by mail on any person affected thereby. The mayor or the mayor's designee, as applicable, may negotiate an agreed upon stipulation of settlement or refer the matter to the office of administrative trials and hearings for a hearing and disposition. Such person or covered developer shall be notified of a hearing date by the office of administrative trials and hearings and shall have the opportunity to be heard in respect to such matters.

7. When a final disposition has been made in favor of a covered worker and the person found violating this section has failed to comply with the payment or other terms of the remedial order of the mayor, or the mayor's designee, as applicable, and provided that no proceeding for judicial review shall then be pending and the time for initiation of such proceeding has expired, the mayor, or the mayor's designee, as applicable, shall file a copy of such order containing the amount found to be due with the clerk of the county of residence or place of business of the person found to have violated this section, or of any principal or officer thereof who knowingly participated in the violation of this section. The filing of such order shall have the full force and effect of a judgment duly docketed in the office of such clerk. The order may be enforced by and in the name of the mayor, or the mayor's designee, as applicable, in the same manner and with like effect as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

8. In an investigation conducted under the provisions of this section, the inquiry of the comptroller or mayor, or the mayor's designee, as applicable, shall not extend to work performed more than 3 years prior to the filing of the complaint, or the commencement of such investigation, whichever is earlier.

d. Civil action. 1. Except as otherwise provided by law, any person claiming to be aggrieved by a violation of this section shall have a cause of action in any court of competent jurisdiction for damages, including punitive damages, and for injunctive relief and such other remedies as may be appropriate, unless such person has filed a complaint with the comptroller or the mayor with respect to such claim. In an action brought by a covered worker, if the court finds in favor of the covered worker, it shall award the covered worker, in addition to other relief, such covered worker's reasonable attorneys' fees and costs.

2. Notwithstanding any inconsistent provision of paragraph 1 of this subdivision, where a complaint filed with the comptroller or the mayor is dismissed an aggrieved person shall maintain all rights to commence a civil action pursuant to this chapter as if no such complaint had been filed.

3. A civil action commenced under this section shall be commenced in accordance with subdivision 2 of section 214 of the civil practice law and rules.

4. No procedure or remedy set forth in this section is intended to be exclusive or a prerequisite for asserting a claim for relief to enforce any rights hereunder in a court of law. This section shall not be construed to limit a covered worker's right to bring a common law cause of action for wrongful termination.

5. Notwithstanding any inconsistent provision of this section or of any other general, special or local law, ordinance, city charter or administrative code, a covered worker affected by this law shall not be barred from the right to recover the difference between the amount paid to the covered worker and the amount which should have been paid to the covered worker under the provisions of this section because of the prior receipt by the covered worker without protest of wages or benefits paid, or on account of the covered worker's failure to state orally or in writing upon any payroll or receipt which the covered worker is required to sign that the wages or benefits received by the covered worker are received under protest, or on account of the covered worker's failure to indicate a protest against the amount, or that the amount so paid does not constitute payment in full of wages or benefits due the covered worker for the period covered by such payment.

e. Application to existing city development projects. The provisions of this section shall not apply to any written agreement between a city agency or city economic development entity and a covered developer providing for financial assistance executed prior to the enactment of the local law that added this section, except that extension, renewal, amendment or modification of such written agreement, occurring on or after the enactment of the local law that added this section that results in the grant of any additional financial assistance to the financial assistance recipient shall make the covered developer subject to the conditions specified in this section.

f. Severability. In the event that any requirement or provision of this section, or its application to any person or circumstance, should be held invalid or unenforceable by a court of competent jurisdiction, such holding shall

not invalidate or render unenforceable any other requirements or provisions of this section, or the application of the requirement or provision held unenforceable to any other person or circumstance.

g. Competing laws. This section shall be liberally construed in favor of its purposes. Nothing in this section shall be construed as prohibiting or conflicting with any other obligation or law, including any collective bargaining agreement, that mandates the provision of higher or superior wages, benefits or protections to covered workers. No requirement or provision of this section shall be construed as applying to any person or circumstance where such coverage would be preempted by federal or state law. However, in such circumstances, only those specific applications or provisions of this section for which coverage would be preempted shall be construed as not applying.

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

Referred to the Committee on Civil Service and Labor.

Int. No. 1219

By Council Members Rivera, Powers and Restler.

A Local Law to amend the New York city charter, in relation to the board of correction's access to records

Be it enacted by the Council as follows:

Section 1. Paragraph 2 of subdivision c of section 626 of the New York city charter, is amended to read as follows

2. The inspection of all books, records, documents, and papers of the department *including direct and real-time remote access to the video monitoring systems being utilized by the department and the ability to retain physical and electronic copies, not including the body-worn camera system;*

§ 2. This local law takes effect immediately.

Referred to the Committee on Criminal Justice.

Preconsidered L.U. No. 277

By Council Member Salamanca:

Application number N 230113 ZRY (City of Yes for Carbon Neutrality) submitted by the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to remove impediments to, and expand opportunities for, decarbonization projects within all zoning districts, Citywide.

Referred to the Committee on Land Use and the Subcommittee on Zoning and Franchises (preconsidered but laid over by the Subcommittee on Subcommittee on Zoning and Franchises).

L.U. No. 278

By Council Member Salamanca:

Application number C 220438 ZMK (Belmont Osborn Rezoning) submitted by Osborn Belmont Properties, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 17d, eliminating from within an existing R6 District a C1-3 District, changing from an R6 District to an R7A District, changing from a C4-3 District to an R7A District, and establishing within the proposed R7A District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 41.

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

L.U. No. 279

By Council Member Salamanca:

Application number N 220439 ZRK (Belmont Osborn Rezoning) submitted by Osborn Belmont Properties, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 41.

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

NEW YORK CITY COUNCIL

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

Wednesday, October 11, 2023

Committee on Public Safety jointly with the
Committee on Technology

Kamillah Hanks, Chairperson
Jennifer Gutiérrez, Chairperson

Oversight - NYPD’s Implementation of the Public Oversight of Surveillance Technology (POST) ACT.

Int 1047 - By Council Members Vernikov, Brannan, Restler, Schulman, Louis, Feliz, Abreu, Velázquez, Riley, Hanks, Menin and Paladino - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the creation of a publicly accessible online database and notification system for towed vehicles.

Int 1193 – By Council Member Farías – **A Local Law** to amend the administrative code of the city of New York, in relation to the department of investigation’s oversight of the police department use of surveillance technology.

Int 1195 – By Council Member Hudson – **A Local Law** to amend the administrative code of the city of New York, in relation to the establishment of a police department policy for using facial recognition technology and regular audits to ensure compliance.

Int 1207 – By Council Members Won and Marte – **A Local Law** to amend the administrative code of the city of New York, in relation to police department transparency in the use of surveillance technology.

Council Chambers – City Hall.....10:00 a.m.

Subcommittee on Landmarks, Public Sitings and Dispositions

Farah N. Louis, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

Committee on Environmental Protection,
Resiliency and Waterfronts
Committee on Parks and Recreation

James F. Gennaro, Chairperson
Shekar Krishnan, Chairperson

Oversight - New York City's Climate Resiliency

Int 1069 - By Council Members Gennaro, Cabán, Farías, Riley, Richardson Jordan, Ossé, Brewer, Ung, Restler, Gutiérrez, Menin, Nurse, Avilés, Ayala, Narcisse and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring testing at city waterfronts for harmful substances in the water and the posting of results online.

Res 608 - By Council Members Gennaro, Cabán, Ung and Riley - **Resolution** calling on the New York State Legislature to pass, and Governor to sign, legislation to create a permanent, citywide voluntary buyout program to mitigate flood risk.

Council Chambers – City Hall.....1:00 p.m.

Thursday, October 12, 2023

Committee on Youth Services jointly with the
Committee on Health

Althea V. Stevens, Chairperson
Lynn C. Schulman, Chairperson

Oversight - Addressing the DOHMH Childcare Clearance Backlog.

Int 931 - By Council Members Menin, Schulman, Cabán, Brewer, Ung and Riley - **A Local Law** to amend the New York city charter, in relation to clarifying the health code where approvals from multiple agencies are required.

Int 1159 - By Council Members Abreu, Stevens, Louis, Farías, Schulman, Menin, Marte, Brannan, Hanif, Krishnan, Won, Ayala and Paladino - **A Local Law** to amend the administrative code of the city of New York, in relation to background checks for child care providers, employees, and volunteers.

Int 1160 - By Council Members Abreu, Stevens, Louis, Farías, Schulman, Menin, Brannan, Hanif, Krishnan, Won, Ayala and Paladino - **A Local Law** to amend the administrative code of the city of New York, in relation to background checks for child care providers, employees, and volunteers
 Council Chambers – City Hall.....10:00 a.m.

Friday, October 13, 2023

[Committee on Education](#) jointly with the Rita Joseph, Chairperson
[Committee on General Welfare](#) and the Diana I. Ayala, Chairperson
[Committee on Criminal Justice](#) Carlina Rivera, Chairperson

Oversight - Educational Programming in Detention Facilities.
Int 542 - By Council Members Narcisse, Hanks, Williams, Cabán, Abreu, Louis, Ung, Gutiérrez, Restler, Won, Sanchez, Riley and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education, the administration for children’s services and the department of correction to report on educational programming for juvenile delinquents, juvenile offenders and adolescent offenders.
 Committee Room – City Hall.....10:00 a.m.

[Committee on Transportation and Infrastructure](#) Selvena N. Brooks-Powers, Chairperson

Oversight - An Update on TLC's Regulated Industries.
Int 1079 - By Council Members Krishnan, Hanif, Lee, Cabán, Avilés, Marte, Ung, Abreu, Hudson, Riley, Won, Gutiérrez, Stevens and Richardson Jordan - **A Local Law** to amend the administrative code of the city of New York, in relation to taxicab driver pay for electronically dispatched taxicab trips.
Int 1139 - By Council Members Farías, Louis, Riley and Williams - **A Local Law** to amend the administrative code of the city of New York, in relation to advertising on the interior of for-hire vehicles.
Int 1191 - By Council Member Brooks-Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to taxicab license durations.
Int 1192 - By Council Member Brooks-Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to authorizing physician assistants and nurse practitioners to conduct medical exams of taxi driver license applicants.
 Council Chambers – City Hall.....10:00 a.m.

Monday, October 16, 2023

[Committee on Environmental Protection, Resiliency and Waterfronts](#) James F. Gennaro, Chairperson

Oversight - DEP’s Management of Noise Complaints.
Int 160 - By Council Members Holden, Yeger, Ariola and Vernikov - **A Local Law** to amend the administrative code of the city of New York, in relation to the noise standard for commercial establishments.
Int 774 - By Council Members Powers, Mealy, Restler, Menin, Yeger, Joseph, Holden, Schulman, Brewer, Hudson, Bottcher, Hanks, Riley and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of environmental protection to measure construction-related sound levels inside dwelling units upon request.
Int 775 - By Council Members Powers, Restler, Menin, Yeger, Joseph, Holden, Schulman, Brewer, Hudson, Bottcher, Hanks, Riley, Abreu and Louis - **A Local Law** to amend the administrative code of the city of New York, in relation to results of noise inspections.
Int 776 - By Council Members Powers, Restler, Menin, Yeger, Joseph, Holden, Schulman, Brewer, Hudson, Bottcher, Hanks, Riley and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to providing noise inspection reports.

Int 777 - By Council Members Powers, Restler, Menin, Holden, Schulman, Brewer, Hudson, Bottcher, Hanks, Riley and Abreu - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring an after hours variance for the removal of construction debris.

Int 778 - By Council Members Power, Yeger, Holden, Restler, Menin, Joseph, Schulman, Brewer, Hudson, Bottcher, Hanks, Abreu, Ung, Dinowitz, Louis and Vernikov - **A Local Law** to amend the administrative code of the city of New York, in relation to establishing a photo noise violation monitoring device program for motor vehicles.

Int 1194 - By Council Member Gennaro - **A Local Law** to amend the administrative code of the city of New York, in relation to citizen noise complaints.

Council Chambers – City Hall.....1:00 p.m.

...

Tuesday, October 17, 2023

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

See Land Use Calendar

Committee Room – 250 Broadway, 16th Floor..... 11:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

All items reported out of the Subcommittees

AND SUCH OTHER BUSINESS AS MAY BE NECESSARY

Committee Room – 250 Broadway, 16th Floor.....1:00 p.m.

Wednesday, October 18, 2023

[Committee on Immigration](#)

Shahana K. Hanif, Chairperson

Oversight - Legal Services for Asylum Seekers in New York City.

Council Chambers – City Hall.....10:00 a.m.

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

Carlina Rivera, Chairperson

[Committee on Hospitals](#)

Mercedes Narcisse, Chairperson

Oversight - Outposted Therapeutic Housing Units.

Committee Room – City Hall.....1:00 p.m.

[Committee on Higher Education](#)

Eric Dinowitz, Chairperson

[Committee on Education](#)

Rita Joseph, Chairperson

Oversight – Seal of Biliteracy in DOE High Schools and at CUNY.

Res 579 – By Council Members Dinowitz, Louis, Hanif, Hudson and Riley – **Resolution** calling on the New York City Department of Education to ensure that the New York State Seal of Biliteracy is awarded in all New York City public high schools to eligible students.

Res 580 – By Council Members Dinowitz, Louis, Hanif, Hudson, Brewer and Riley – **Resolution** calling on The City University of New York to ensure that all campuses award an appropriate number of college credits to students who earned a New York State Seal of Biliteracy in high school and, where required, accept that Seal as fulfillment of any foreign language requirement.

Council Chambers – City Hall.....1:00 p.m.

Thursday, October 19, 2023

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 death of a 27-year old male at the Rikers Island facility who had passed away that morning. She noted that this incident was the ninth death at Rikers that year and followed the death of Donny Ubiera six weeks previously at the facility.

The Speaker (Council Member Adams) acknowledged the tragic death of one-year old Ella Vitalis in Brooklyn. Young Ella passed away on September 20, 2023. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to her loved ones and to her community grieving her loss.

The Speaker (Council Member Adams) acknowledged the death of Ryan Carson, a community and environmental activist, who was killed while waiting for a bus in Brooklyn. Mr. Carson, 32, was stabbed to death on October 2, 2023. The Speaker (Council Member Adams) described him as a passionate, devoted, and kind New Yorker who had dedicated his life to preventing overdose deaths and to creating a better future for all. On behalf of the Council, the Speaker (Council Member Adams) offered her thoughts and condolences to his family, friends, and colleagues during this difficult time.

* * *

Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Powers) adjourned these proceedings to meet again for the Stated Meeting of Thursday, October 19, 2023.

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 October 5, 2023 on the New York City Council website at <https://council.nyc.gov>.