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**The New York City Council**

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**Committee on Technology**

Hon. Jennifer Gutiérrez, Chair

**May 25, 2023**

**Proposed Int. No. 664-A:** By Council Members Gutiérrez, Louis, Restler, Hanif, Hudson, Brewer, Ung, Sanchez, Ayala, Holden, Lee, Farías, Schulman, Hanks, Avilés and Paladino

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to donate surplus city-owned computers to eligible organizations for beneficial use

**Administrative Code:** Adds new section 12-214

**Proposed Int. No. 665-A:** By Council Members Gutiérrez, Hudson, Louis, Restler, Hanif, Brewer, Ung, Farías, Sanchez, Velázquez, Barron, Stevens, Avilés, Won, Krishnan, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Menin, Nurse, Joseph, Bottcher, Lee, Brooks-Powers, Brannan, Riley, Williams, Powers, Holden and Schulman

**Title:** A Local Law to amend the administrative code of the city of New York, in relation to establishing a digital literacy program for older adults

**Administrative Code:** Adds new section 21-213

1. **Introduction**

On May 25, 2023, the New York City Council Committee on Technology, chaired by Council Member Jennifer Gutiérrez, will hold a hearing to vote on Proposed Int. No. 664-A, sponsored by Council Member Gutiérrez, in relation to requiring the department of citywide administrative services to donate surplus city-owned computers to eligible organizations for beneficial use; and Proposed Int. No. 665-A, sponsored by Council Member Jennifer Gutiérrez, in relation to establishing a digital literacy program for older adults. The bills were first heard on January 12, 2023.

1. **Background**

The use of computers and the internet are more intertwined with our daily lives than ever, which means there are consequences when New Yorkers lack computer access or the knowledge to confidently use the internet. This reality became even clearer during the COVID-19 pandemic and has grown since then. New Yorkers use computers and the internet to stay connected to their families and doctors, access benefits and important information, and even to accomplish everyday tasks like grocery shopping. Proposed Int. No. 664-A and Proposed Int. No. 665-A are targeted programs aimed at closing the digital divide for New Yorkers.

1. **Legislation**

 **Proposed Int. No. 664-A**

This bill would require the Department of Citywide Administrative Services to implement a process to donate unneeded and unused computers and computer equipment to public schools, libraries, other public or private educational institutions, and not-for-profit institutions serving persons with disabilities, senior citizens, or low income individuals. The donation recipient must provide the department with a specific plan for the beneficial use of such equipment and software, with public schools and libraries receiving first priority for any donation. The bill also requires an annual report to the mayor and the speaker of the city council on the donations made in the last year.

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

**Proposed Int. No. 665-A**

This bill would require the Department for the Aging in collaboration with the Department of Information Technology and Telecommunications, along with any relevant stakeholders, to establish and implement an online digital literacy program to serve older adults by December 31, 2024. The program would be offered at no cost and would include information on various topics including navigating telehealth services, social media platforms and government benefits websites. It would also focus on identifying and avoiding online scams. The program would be offered in one senior center or library in each community district in the city in the appropriate prevalent spoken languages.

This legislation would take effect immediately after it becomes law.

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Proposed Int. No. 664-A

By Council Members Gutiérrez, Louis, Restler, Hanif, Hudson, Brewer, Ung, Sanchez, Ayala, Holden, Lee, Farías, Schulman, Hanks, Aviles and Paladino

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to donate surplus city-owned computers to eligible organizations for beneficial use

Be it enacted by the Council as follows:

 Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-214 to read as follows:

§ 12-214 Donation of surplus computer equipment. a. Definitions. As used in this section, the following terms have the following meanings:

Beneficial use. The term “beneficial use” means the use of equipment by an eligible organization for an educational or other public purpose, provided that such organization has a demonstrated need for such equipment; and provided further that such use shall not include religious worship, instruction, or proselytization.

Computer. The term “computer” means a desktop computing device, a laptop, or other portable computing device, containing a central processing unit and any peripheral components that are connected to the central processing unit such that they may reasonably be viewed functionally as a single unit, including but not limited to motherboards, RAM, hard drives, or other storage devices, video or sound cards, and computer cases.

Department. The term “department” means the department of citywide administrative services.

Eligible organization. The term “eligible organization” means a public school, public library, other public or private educational institution, and a not-for-profit institution serving persons with disabilities, senior citizens, or low income individuals.

Equipment. The term “equipment” means a computer and its associated peripheral components, and other electronic devices that operate with or can be operated by a computer, including but not limited to floppy disk drives, CD drives, USB drives, printers, modems, networking devices, scanners, monitors, and the cables or wiring required to connect a computer with the computer equipment.

Surplus. The term “surplus” means equipment that is no longer in use, and not needed for use, by any agency.

b. The department shall, by rule, implement a process through which the department shall donate, at no cost except for any reasonable shipping and handling fees, surplus equipment to eligible organizations for beneficial use. Such process shall include, at a minimum:

1. Public notification of the department’s intent to donate surplus equipment, a description of such surplus equipment, and the total shipping and handling fees, if any, for the delivery of such equipment; and

2. The opportunity for eligible organizations to submit to the department a specific plan for the beneficial use of such equipment.

c. The department shall not donate surplus equipment to an eligible organization unless such organization provides to such department a specific plan for the beneficial use of such surplus equipment. The department shall specify, by rule, how to determine priority when multiple eligible organizations provide such specific plan for the beneficial use of such equipment, except that public schools and libraries shall receive first priority. Such rule shall require consideration of the following factors:

1. Whether the beneficial use of such equipment facilitates services to the public for low or no cost;

2. Whether the beneficial use of such equipment will serve communities that are under-serviced or have difficulty receiving services;

3. In the event that an eligible organization has previously received a donation of surplus equipment, whether such organization has utilized such equipment to fulfill the beneficial use for which it was donated;

4. Whether an eligible organization has a greater need for a donation of surplus equipment due to its limited size as compared to other eligible organizations; and

5. Any other factor that the department deems relevant.

d. Notwithstanding subdivision c of this section, the department shall endeavor to donate surplus equipment that is in need of repair or restoration to an eligible organization, if any, that intends to use the repair or restoration of such equipment in the training of its students. Upon such repair or restoration, such organization may retain such equipment or may return it to the department for donation to another eligible organization pursuant to the process established in subdivision b of this section.

e. The department may auction or otherwise dispose of surplus equipment pursuant to chapter 5 of title 55 of the rules of the city of New York, or successor rule, provided that no eligible organization has provided a specific plan for the beneficial use of such surplus equipment over the course of one year. Nothing in this section shall be construed to require the department to donate equipment where the department determines, upon consideration of the factors identified in paragraphs 1 through 5 of subdivision c of this section, that no eligible organization has demonstrated that it intends to use such equipment for a predominant public purpose in which any private benefit is merely incidental.

f. The donation of any equipment pursuant to this section shall comply with section 10-504.

g. Nothing in this section shall be construed to create any substantive or procedural right or benefit enforceable by law by a party against the city, its officers, or its employees.

h. No later than June 1, 2024, and annually thereafter, the department shall submit to the mayor and the speaker of the council a report on its donations of surplus equipment, including a list of each donation made during the reporting period; the number and type of surplus equipment comprising each donation; the estimated free market value of each donation; the identity and location of the recipient of the donation; a summary of the specific plan submitted by the recipient of the donation; summaries of specific plans of each eligible organization where multiple eligible organizations provided a specific plan for such surplus equipment; and the factors that weighed in favor of the eligible organization that received the donation. The report shall be disaggregated by the borough of each recipient of the donation and by any other factors that may be appropriate.

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

Session 12

XC/CoJM

LS #9153

5/17/2023 9:15pm

Proposed Int. No. 665-A

By Council Members Gutiérrez, Hudson, Louis, Restler, Hanif, Brewer, Ung, Farías, Sanchez, Velázquez, Barron, Stevens, Avilés, Won, Krishnan, Narcisse, De La Rosa, Abreu, Ossé, Cabán, Menin, Nurse, Joseph, Bottcher, Lee, Brooks-Powers, Brannan, Riley, Williams, Powers, Holden and Schulman

A Local Law to amend the administrative code of the city of New York, in relation to establishing a digital literacy program for older adults

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-213 to read as follows:

§ 21-213 Digital literacy program for older adults. a. No later than December 31, 2024, the commissioner for the aging in collaboration with the commissioner of information technology and telecommunications, and any relevant stakeholders deemed necessary by the mayor, shall administer a digital literacy training program to serve older adults. Such training program shall be offered to the public at no cost and shall include the following topics:

1. The importance and need for older adults to be digitally literate;

2. Accessing and navigating city telehealth services;

3. Accessing and navigating online platforms and websites, including social media platforms, which offer technology classes, lectures, workshops and other programming and activities designed to help older adults learn and use technology, develop skills, and connect and socialize with other older adults;

4. Accessing and navigating the website and mobile application in which individuals obtain information on and apply for certain human resources administration benefits, and human resources administration clients obtain certain benefits case information;

5. Identifying and avoiding online fraud or scams; and

6. Accessing and navigating other programs or applications designed to support older adults in accessing services, as deemed appropriate by the commissioner for the aging or the commissioner of information technology and telecommunications.

b. No less than once every three years, the commissioner for the aging, in collaboration with the commissioner of information technology and telecommunications, and any relevant stakeholders deemed necessary by the mayor, shall evaluate the program established pursuant to subdivision a of this section for updates to best practices, educational materials, curricula, resources and any other program components, and make updates to any such components as necessary. Such evaluation shall at minimum include an online or electronic survey for older adults who participate in such program to provide feedback regarding such program.

c. The commissioner for the aging shall report to the mayor and the speaker of the council on any updates to the program made in response to the evaluation required pursuant to subdivision b of this section if and when any such updates are made.

d. The program shall be offered in appropriate prevalent spoken languages.

e. The program established pursuant to subdivision a of this section shall be offered in person or through interactive live video instruction in at least one library or senior center in each community district and in any other facilities as deemed appropriate by the commissioner for the aging or the commissioner of information technology and telecommunications.

f. Nothing in this section shall be construed to invalidate any existing contract or other agreement between any department and any entity that provides digital literacy programming on behalf of any such department.

§ 2. This local law takes effect immediately.

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5/17/23 9:51pm