

## **THE COUNCIL**

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*Minutes of the Proceedings for the*

### **STATED MEETING**

*of*

Thursday, May 11, 2023, 2:53 p.m.

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

#### Council Members

Adrienne E. Adams, *The Speaker*

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

Absent: Council Members Salamanca and Vernikov.

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 49 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. (including Council Member Moya who participated remotely).*

### INVOCATION

The Invocation was delivered by Dr. Hamud Alsilwi, Bronx Muslim Center located at 702 Rhinelander Ave, Bronx, N.Y. 10462.

*(briefly speaking in a foreign language)*

All praises are due to Allah.  
 We praise Him.  
 We seek His help.  
 We seek His forgiveness.  
 And we seek His guidance.  
 We seek refuge in Allah from the evil  
 of ourselves and the sins of our actions...

I witness that there is no God other than Allah...  
 and I witness that Muhammad is his servant and messenger.  
 Oh, God, we seek refuge in you from our worry and grief,  
 From...laziness, and from being heavy in debt,  
 and from being overpowered by people.  
 Oh, God, we seek refuge in you  
 from poverty except to you,  
 from humiliation except for you,  
 and from fear, except from you.  
 Oh, God, we seek refuge in you  
 from false testimony f  
 rom committing immorality,  
 from provoking you,  
 and we seek refuge in you  
 from malice of the enemies  
 and from liberty from disease,  
 and from despair of hope.  
 Oh, God, we seek refuge in you from wicked people...  
 Oh, God, guide among those who are guided,  
 and grant us health among those who granted health, too.  
 And protect us among those who are protected  
 and bless us with what has been given to us by you.  
 And protect us from any evil you have decreed  
 for you decreed in truth and none have decreed over you.  
 None can disgrace who you support...  
 Oh, God, you are the forgiver,  
 you will have to forgive, so forgive us.  
 Oh, God, take away the greed, pride,  
 and selfishness from our hearts  
 and replace it with a love and kindness  
 so we can become united as one.  
 Oh, God, give us strength and guide us

to the path of justice  
and allow us to be contributing citizens  
and community builders.  
You have the blessed and exalted.  
You are the most merciful.  
You are the law of the Universe  
Amen.

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

#### **ADOPTION OF MINUTES**

Council Member Holden moved that the Minutes of the Stated Meeting of April 11, 2023 be adopted as printed.

**MESSAGES & PAPERS FROM THE MAYOR**

M-140

**Communication from the Mayor - Submitting certificate setting forth the maximum amount of debt and reserves which the City, and the NYC Municipal Water Finance Authority, may soundly incur for capital projects for Fiscal Year 2024 and the ensuing three fiscal years, and the maximum amount of appropriations and expenditures for capital projects which may soundly be made during each fiscal year, pursuant to Section 250 of the New York City Charter.**

April 26, 2023

Honorable Members of the Council

Honorable Brad Lander, Comptroller

Honorable Vanessa L. Gibson, Bronx Borough President  
 Honorable Antonio Reynoso, Brooklyn Borough President  
 Honorable Mark D. Levine, Manhattan Borough President  
 Honorable Donovan Richards, Queens Borough President  
 Honorable Vito Fossella, Staten Island Borough President

Honorable Members of the City Planning Commission

Ladies and Gentlemen:

I hereby certify that, as of this date, in my opinion, the City of New York (the "City"), the New York City Municipal Water Finance Authority and the New York City Transitional Finance Authority may soundly issue debt and expend reserves to finance total capital expenditures of the City for fiscal year 2024 and the ensuing three fiscal years, in maximum annual amounts as set forth below:

2024 \$11,517 Million  
 2025 13,470 Million  
 2026 14,478 Million  
 2027 15,664 Million

Certain capital expenditures are herein assumed to be financed from the proceeds of sale of bonds by the City and the New York City Transitional Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed above and are estimated to be as follows in fiscal years 2024 - 2027:

2024 \$9,556 Million  
 2025 11,296 Million  
 2026 12,099 Million  
 2027 13,069 Million

Certain water and sewer capital expenditures are herein assumed to be financed from the proceeds of the sale of bonds by the New York City Municipal Water Finance Authority. Amounts of expenditures to be so financed have been included in the total amounts listed in the first paragraph hereof and are estimated to be as follows in fiscal years 2024 - 2027:

2024	\$1,961 Million
2025	2,174 Million
2026	2,379 Million
2027	2,595 Million

I further certify that, as of this date, in my opinion, the City may newly appropriate in the Capital Budget for fiscal year 2024, and may include in the capital program for the ensuing three fiscal years, amounts to be funded by City debt, New York City Transitional Finance Authority debt or, with respect to water and sewer projects, debt of the New York City Municipal Water Finance Authority, not to exceed the following:

2024	\$14,455 Million
2025	16,532 Million
2026	15,518 Million
2027	15,999 Million

Sincerely,

Eric Adams  
Mayor

Received, Ordered, Printed and Filed.

M-141

**Communication from the Mayor - Submitting the Expense Revenue Contract Budget, for Fiscal Year 2024, pursuant to Section 249 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-142

**Communication from the Mayor - Submitting the Executive Capital Budget for Fiscal Year 2024, pursuant to Section 249 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007).

Referred to the Committee on Finance.

M-143

**Communication from the Mayor - Submitting the Proposed City Fiscal Year 2024 Community Development Program, the Proposed CFY'24 Budget, the Proposed Reallocations-the CD 49 Funds, Proposed CD 50 Statement of Objectives and Budget, dated April 27, 2023.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-144

**Communication from the Mayor - Submitting the Executive Budget Supporting Schedules, for Fiscal Year 2024 pursuant to Section 250 of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-145

**Communication from the Mayor - Submitting the Capital Commitment Plan, Executive Budget, Fiscal Year 2024, Volumes 1, 2, 3 and 4, pursuant to Section 219(d) of the New York City Charter.**

(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)

Referred to the Committee on Finance.

M-146

**Communication from the Mayor - Submitting the Executive Budget - Geographic Reports for Expense Budget for Fiscal Year 2024.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007, and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

M-147

**Communication from the Mayor - Submitting the Budget Summary, the Message of the Mayor, and the Program to Eliminate the Gap relative to the Executive Budget, Fiscal Year 2024, pursuant to Section 249 of the New York City Charter.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007).**

Referred to the Committee on Finance.

M-148

**Communication from the Mayor – Submitting the Ten-Year Capital Strategy, Fiscal Year 2024-2033.**

**(For text of this Budget-related material, please refer to the City Hall Library at 31 Chambers Street, Suite 112, New York, N.Y. 10007 and the Mayor's Office of Management and Budget at 255 Greenwich Street, Suite 8, New York, N.Y. 10007)**

Referred to the Committee on Finance.

Preconsidered M-149

**Communication from the Mayor – Submitting the name of Kenneth Y. K. Chan to the Council for its advice and consent regarding his appointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

April 28, 2023

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

Dear Speaker Adams:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of Kenneth Y. K. Chan to the City Council for advice and consent in anticipation of his appointment as a member of the New York City Taxi and Limousine Commission.

If appointed, Mr. Chan will serve the remainder of a seven-year term that will expire on January 31, 2024.

I send my thanks to you and the Members of the City Council for your review of this nomination.

Sincerely,

Eric Adams  
Mayor

EA:ek

cc: Kenneth Y. K. Chan  
Meera Joshi, Deputy Mayor for Operations  
David Do, Chair, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-150

**Communication from the Mayor – Submitting the name of Paul Bader to the Council for its advice and consent regarding his appointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

April 28, 2023

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

Dear Speaker Adams:

Pursuant to Sections 31 and 2301 of the New York City Charter, and upon recommendation by the Queens Delegation of the New York City Council, I am pleased to present the name of Paul Bader to the City Council for advice and consent in anticipation of his appointment as a member of the New York City Taxi and Limousine Commission.



If appointed, Mr. Bader will serve the remainder of a seven-year term that will expire on January 31, 2029. I send my thanks to you and the Members of the City Council for your review of this nomination.

Sincerely,

Eric Adams  
Mayor

EA:ek

cc: Paul Bader  
Meera Joshi, Deputy Mayor for Operations  
David Do, Chair, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-151

**Communication from the Mayor – Submitting the name of Thomas Sorrentino to the Council for its advice and consent regarding his appointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

April 28, 2023

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

Dear Speaker Adams:

Pursuant to Sections 31 and 2301 of the New York City Charter, and upon recommendation by the Brooklyn Delegation of the New York City Council, I am pleased to present the name of Thomas Sorrentino to the City Council for advice and consent in anticipation of his reappointment as a member of the New York City Taxi and Limousine Commission.

If appointed, Mr. Sorrentino will serve the remainder of a seven-year term that will expire on January 31, 2029.

I send my thanks to you and the Members of the City Council for your review of this nomination.

Sincerely,

Eric Adams  
Mayor

EA:ek

cc: Paul Sorrentino  
Meera Joshi, Deputy Mayor for Operations  
David Do, Chair, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-152

**Communication from the Mayor – Submitting the name of Sarah Kaufman to the Council for its advice and consent regarding her appointment to the New York City Taxi and Limousine Commission, pursuant to Sections 31 and 2301 of the City Charter.**

April 28, 2023

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

Dear Speaker Adams:

Pursuant to Sections 31 and 2301 of the New York City Charter, I am pleased to present the name of Sarah Kaufman to the City Council for advice and consent in anticipation of her appointment as a member of the New York City Taxi and Limousine Commission.

If appointed, Ms. Kaufman will serve the remainder of a seven-year term that will expire on January 31, 2026.

I send my thanks to you and the Members of the City Council for your review of this nomination.

Sincerely,

Eric Adams  
Mayor

EA:ek

cc: Sarah Kaufman  
Meera Joshi, Deputy Mayor for Operations  
David Do, Chair, New York City Taxi and Limousine Commission

Referred to the Committee on Rules, Privileges and Elections.

## COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-153

**Communication from the Office of Management & Budget - Transfer City funds between various agencies in Fiscal Year 2023 to implement changes to the City's expense budget, pursuant to Section 107(b) of the New York City Charter (MN-5).**

April 26, 2023

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(b) of the New York City Charter, I request your approval to transfer City funds between various agencies in fiscal year 2023 to implement changes in the City's expense budget.

This modification (MN-5) will implement expense budget changes which were reflected in the City's Executive Financial Plan. In addition, as requested by the City Council, this modification reflects the funding for the reallocation of City Council initiatives that were included in the FY 2023 Adopted Budget.

Appendix A details State, Federal and other funds impacted by these changes. Your approval of modification MN-5 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.  
Director

(For text of the MN-5 and Appendix A numbers, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-153 file of 2023](#))

Referred to the Committee on Finance.

M-154

**Communication from the Office of Management & Budget - Appropriation of new City revenues in Fiscal Year 2023, pursuant to Section 107(e) of the New York City Charter (MN-6).**

April 26, 2023

TO THE CITY COUNCIL

Dear Council Members:

In accordance with Section 107(e) of the New York City Charter, I seek your approval to appropriate new City revenues in fiscal year 2023 in the amount of \$2.25 billion.

This modification (MN-6) implements revenue budget changes reflected in the City's Executive Financial Plan. The \$2.25 billion of new revenues, combined with additional resources of \$400 million of Prior Year Payables, will be used fund the labor reserve for labor settlements with the City's workforce and to partially prepay \$362 million of fiscal year 2024 expenses in fiscal year 2023

Your approval of modification MN-6 is respectfully requested.

Sincerely,

Jacques Jiha, Ph.D.  
Director

(For text of the MN-6 numbers and related material, please see the New York City Council website at <https://council.nyc.gov/> for the respective attachments section of [the M-154 file of 2023](#))

Referred to the Committee on Finance.

## REPORTS OF THE STANDING COMMITTEES

### Report of the Committee on Civil and Human Rights

Report for Int. No. 209-A

**Report of the Committee on Civil and Human Rights 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 prohibiting discrimination on the basis of a person’s height or weight in employment, housing, and public accommodations.**

The Committee on Civil and Human Rights, to which the annexed proposed amended local law was referred on April 28, 2022 (Minutes, page 739), respectfully

#### REPORTS:

##### **I. INTRODUCTION**

On Thursday, May 11, 2023 the Committee on Civil and Human Rights, chaired by Council Member Nantasha Williams, will hold a vote on Introduction Number (Int. No.) 209-A, sponsored by Council Member Shaun Abreu, which would amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of a person's height or weight in employment, housing, and public accommodations. On February 28, 2023, the Committee along with the Committee on State and Federal Legislation, chaired by Council Member Abreu, held an oversight hearing, entitled “Dignity for All – National and Local Efforts to End Appearance-Based Discrimination.” A previous version of Int. No. 209 was heard at that time. Witnesses invited to testify included representatives from the Commission on Human Rights (CCHR), local legal service providers, community-based organizations, advocates, and other interested stakeholders. The testimony and feedback informed changes to the bill. The bill passed with 4 votes in the affirmative, 0 votes in the negative, and no abstentions.

##### **II. LEGISLATIVE ANALYSIS**

***a. Int. 209-A - A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of a person’s height or weight in employment, housing, and public accommodations***

Section one of this bill would expand the policy statement of the New York City Human Rights Law (HRL) to include prohibitions on discrimination based on height and weight.

Sections two, four, five, and seven of the bill would prohibit discrimination on the basis of a person’s actual or perceived height or weight in relation to employment, housing, and access to public accommodations.

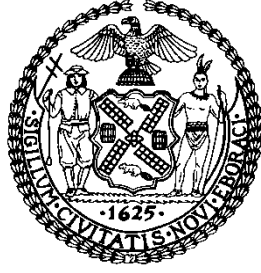
Sections three and six of this bill would create an exemption for employers that need to consider height or weight in employment decisions, and operators or providers of public accommodations that need to consider height and weight. These exemptions would be available if required by federal, state, or local law or regulation, or as permitted by CCHR regulations that identify certain jobs or categories of jobs for which a person’s height or weight can prevent them from carrying out the duties and where CCHR has not identified any alternative actions.

Section eight amends the identifying information law to include height and weight.

Section nine amends the housing code to include height and weight as classes protected from harassment.

Section ten sets the effective date for this law as 180 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 209-A:)**



**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. NO. 209-A**

**COMMITTEE:** Civil and Human Rights

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of a person's height or weight in employment, housing, and public accommodations

**Sponsors:** Council Members Abreu, Restler, Hanif, Hudson, Sanchez, Stevens, Won, Schulman, Kagan, Ung, Barron, Ossé, Richardson Jordan, Cabán, Louis, Ayala, Narcisse, Krishnan, Rivera, Williams, Riley, Nurse, Avilés, Marte, Velázquez, Powers, Brannan, Brooks-Powers, Farías, De La Rosa, Menin, Gutiérrez, Gennaro and Paladino (in conjunction with the Queens Borough President).

**SUMMARY OF LEGISLATION:** This bill would prohibit discrimination on the basis of a person's height or weight in employment, housing, and public accommodations. This bill would also create an exemption for employers needing to consider height or weight in employment decisions only where required by federal, state, or local laws or regulations or where the Commission on Human Rights permits such considerations because height or weight may prevent a person from performing essential requirements of a job and no alternative is available or this criteria is reasonably necessary for the normal operation of the business. This bill would similarly permit consideration of height or weight by operators or providers of public accommodations. Covered entities under this law would have an affirmative defense that their actions based on a person's height or weight were reasonably necessary for normal operations.

**EFFECTIVE DATE:** This law takes effect 180 days after becoming law.

**FISCAL YEAR (FY) IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FY25

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>Succeeding FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no fiscal impact on expenditures resulting from the enactment of this legislation as the agency responsible for carrying out its requirements 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

**ESTIMATE PREPARED BY:** Tanveer Singh, Legislative Financial Analyst

**ESTIMATE REVIEWED BY:** Jack Storey, Unit Head  
Kathleen Ahn, Finance Division Counsel  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 28, 2022, as Intro. No. 209 and referred to the Committee on Civil and Human Rights (the Committee). The legislation was considered by the Committee jointly with the Committee on State and Federal Legislation at a hearing held on February 28, 2023, and was subsequently amended. The amended version, Proposed Intro. No. 209-A will be considered by the Committee on May 11, 2023. Upon successful vote by the Committee, Proposed Intro. No. 209-A will be submitted to the full Council for a vote on May 11, 2023.

**DATE PREPARED:** 5/08/2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 209-A:)**

Int. No. 209-A

By Council Members Abreu, Restler, Hanif, Hudson, Sanchez, Stevens, Won, Schulman, Kagan, Ung, Barron, Ossé, Richardson Jordan, Cabán, Louis, Ayala, Narcisse, Krishnan, Rivera, Williams, Riley, Nurse, Avilés, Marte, Velázquez, Powers, Brannan, Brooks-Powers, Farías, De La Rosa, Menin, Gutiérrez, Gennaro, Lee and Mealy (in conjunction with the Queens Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to prohibiting discrimination on the basis of a person's height or weight in employment, housing, and public accommodations**

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

§ 8-101 Policy. In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, immigration or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, uniformed service, *height, weight*, any lawful source of income, status as a victim of domestic violence or [status] as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person, or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. The

council further finds and declares that gender-based harassment threatens the terms, conditions, and privileges of employment. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination, sexual harassment, and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Paragraphs a, b, c, and d of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, are amended to read as follows:

(a) For an employer or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height*, *weight*, or immigration or citizenship status of any person:

- (1) To represent that any employment or position is not available when in fact it is available;
- (2) To refuse to hire or employ or to bar or to discharge from employment such person; or
- (3) To discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height*, *weight*, or immigration or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services, including by representing to such person that any employment or position is not available when in fact it is available, or in referring an applicant or applicants for its services to an employer or employers.

(c) For a labor organization or an employee or agent thereof, because of the actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height*, *weight*, or immigration or citizenship status of any person, to exclude or to expel from its membership such person, to represent that membership is not available when it is in fact available, or to discriminate in any way against any of its members or against any employer or any person employed by an employer.

(d) For any employer, labor organization or employment agency or an employee or agent thereof to declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height*, *weight*, or immigration or citizenship status, or any intent to make any such limitation, specification or discrimination.

§ 3. Subdivision 1 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph g to read as follows:

(g) (1) *The provisions of this subdivision relating to height and weight shall not apply to an action by a covered entity based on a person's height or weight when such action is*

(A) *required by federal, state, or local law or regulation, or*

(B) *permitted by regulation adopted by the commission identifying particular jobs or categories of jobs for which*

(i) *a person's height or weight could prevent performing the essential requisites of the job, and*

(ii) *the commission has not found alternative action that covered entities could reasonably take to allow persons who do not meet the height or weight criteria to perform the essential requisites of the job or category of jobs, or*

(C) *permitted by regulation adopted by the commission identifying particular jobs or categories of jobs for which consideration of height or weight criteria is reasonably necessary for the execution of the normal operations of such covered entity.*

(2) *In instances where a covered entity's action is not required by law or regulation or permitted by regulation as described in paragraph 1, it shall be an affirmative defense that*



*(A) a person's height or weight prevents the person from performing the essential requisites of the job, and there is no alternative action the covered entity could reasonably take that would allow the person to perform the essential requisites of the job, or*

*(B) the covered entity's decision based on height or weight criteria is reasonably necessary for the execution of the normal operations of such covered entity.*

*(3) Nothing in this subdivision shall prevent a covered entity from offering incentives that support weight management as part of a voluntary wellness program.*

§ 4. Paragraphs b, c, and d of subdivision 2 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, are amended to read as follows:

(b) To deny to or withhold from any person because of such person's actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight*, immigration or citizenship status, or status as a victim of domestic violence or as a victim of sex offenses or stalking the right to be admitted to or participate in a guidance program, an apprentice training program, on-the-job training program, or other occupational training or retraining program, or to represent that such program is not available when in fact it is available.

(c) To discriminate against any person in such person's pursuit of such program or to discriminate against such a person in the terms, conditions or privileges of such program because of actual or perceived race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight*, immigration or citizenship status, or status as a victim of domestic violence or as a victim of sex offenses or stalking.

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed service, *height, weight*, immigration or citizenship status, or status as a victim of domestic violence or as a victim of sex offenses or stalking, or any intent to make any such limitation, specification or discrimination.

§ 5. Paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

a. It shall be an unlawful discriminatory practice for any person who is the owner, franchisor, franchisee, lessor, lessee, proprietor, manager, superintendent, agent, or employee of any place or provider of public accommodation:

1. Because of any person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, *height, weight*, or immigration or citizenship status, directly or indirectly:

(a) To refuse, withhold from or deny to such person the full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, services, facilities, or privileges of the place or provider of public accommodation; or

(b) To represent to any person that any accommodation, advantage, facility, or privilege of any such place or provider of public accommodation is not available when in fact it is available; or

2. Directly or indirectly to make any declaration, publish, circulate, issue, display, post or mail any written or printed communication, notice or advertisement, to the effect that:

(a) Full and equal enjoyment, on equal terms and conditions, of any of the accommodations, advantages, facilities, and privileges of any such place or provider of public accommodation shall be refused, withheld from or denied to any person on account of race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, *height, weight*, or immigration or citizenship status; or

(b) The patronage or custom of any person is unwelcome, objectionable, not acceptable, undesired or unsolicited because of such person's actual or perceived race, creed, color, national origin, age, gender, disability, marital status, partnership status, sexual orientation, uniformed service, *height, weight*, or immigration or citizenship status.

§ 6. Subdivision 4 of section 8-107 of the administrative code of the city of New York is amended by adding a new paragraph g to read as follows:

(g) (1) *The provisions of this subdivision relating to height and weight shall not apply to an action by a covered entity based on a person's height or weight when such action is (i) required by federal, state, or local law or regulation; or (ii) permitted by regulation adopted by the commission allowing consideration of height or weight because such action is reasonably necessary for the normal operations of a particular place or provider of accommodation, or a category of such places or providers, and there is no alternative action the covered entity could reasonably take that would allow patrons to use or enjoy the accommodations, advantages, services, facilities, or privileges of the place or provider of public accommodation.*

(2) *In instances where a covered entity's action is not required by law or regulation or permitted by regulation as described in paragraph 1, it shall be an affirmative defense that a covered entity took an action based on a person's height or weight because such action is reasonably necessary for its normal operations and there is no alternative action the covered entity could reasonably take that would allow patrons to use or enjoy the accommodations, advantages, services, facilities, or privileges of the place or provider of public accommodation.*

§ 7. Subparagraphs 1 and 2 of paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 58 for the year 2020, is amended to read as follows:

(a) Housing accommodations. It shall be an unlawful discriminatory practice for the owner, lessor, lessee, sublessee, assignee, or managing agent of, or other person having the right to sell, rent, or lease or approve the sale, rental, or lease of a housing accommodation, constructed or to be constructed, or an interest therein, or any agent or employee thereof:

(1) Because of the actual or perceived race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, *height, weight*, marital status, partnership status, or immigration or citizenship status of any person or group of persons, or because of any lawful source of income of such person or persons, or because children are, may be, or would be residing with such person or persons:

(a) To refuse to sell, rent, lease, approve the sale, rental, or lease or otherwise deny to or withhold from any such person or group of persons such a housing accommodation or an interest therein;

(b) To discriminate against any such person or persons in the terms, conditions, or privileges of the sale, rental, or lease of any such housing accommodation or an interest therein or in the furnishing of facilities or services in connection therewith; or

(c) To represent to such person or persons that any housing accommodation or an interest therein is not available for inspection, sale, rental, or lease when in fact it is available to such person.

(2) To declare, print, or circulate or cause to be declared, printed, or circulated any statement, advertisement, or publication, or to use any form of application for the purchase, rental, or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental, or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, national origin, gender, age, disability, sexual orientation, uniformed service, *height, weight*, marital status, partnership status, or immigration or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification, or discrimination.

§ 8. Section 23-1201 of the administrative code of the city of New York, as added by local law number 247 for the year 2017, is amended by amending the definition of "identifying information" to read as follows:

Identifying information. The term "identifying information" means any information obtained by or on behalf of the city that may be used on its own or with other information to identify or locate an individual, including, but not limited to: name, sexual orientation, gender identity, race, marital or partnership status, status as a victim of domestic violence or sexual assault, status as a crime victim or witness, citizenship or immigration status, eligibility for or receipt of public assistance or city services, all information obtained from an individual's income tax records, information obtained from any surveillance system operated by, for the benefit of, or at the direction of the police department, motor vehicle information or license plate number, biometrics such as fingerprints and photographs, *height, weight*, languages spoken, religion, nationality, country of origin, place of birth, arrest record or criminal conviction, employment status, employer information, current and previous home and work addresses, contact information such as phone number and email address, information concerning social media accounts, date and/or time of release from the custody of the administration for children's services, the department of correction, or the police department, any scheduled court appearances, or any scheduled appointments with any employee, contractor, or subcontractor.

§ 9. Subparagraph f-5 of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as added by local law number 48 for the year 2018, is amended to read as follows:

f-5. threatening any person lawfully entitled to occupancy of such dwelling unit based on such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, uniformed service, *height, weight*, sexual orientation, [alienage] *immigration* or citizenship status, status as a victim of domestic violence[, status] *or* as a victim of sex offenses or stalking, lawful source of income or because children are, may be, or would be residing in such dwelling unit, as such terms are defined in sections 8-102 and 8-107.1 of the code;

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

NANTASHA M. WILLIAMS, *Chairperson*; RAFAEL SALAMANCA, Jr., CHRISTOPHER MARTE, KRISTIN RICHARDSON JORDAN; 4-0-0; *Absent*: Rita C. Joseph; Committee on Civil and Human Rights, May 11, 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. 589-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 reporting on medical care and outcomes for incarcerated pregnant persons in the custody of the department of correction.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on July 14, 2022 (Minutes, page 1862), respectfully

### **REPORTS:**

#### **I. INTRODUCTION**

On May 11, 2023, the Committee on Criminal Justice, chaired by Council Member Carlina Rivera, voted on Proposed Introduction Number 589-A ("Prop. Int. No. 589-A") in relation to reporting on medical care and outcomes for incarcerated pregnant persons in the custody of the department of correction, Proposed Introduction Number 806-A ("Prop Int. No. 806-A") in relation to the establishment of a comprehensive jail population review program, and Proposed Resolution Number 156-A ("Prop. Res. No. 156-A"), calling on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S1976A/A1263A), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support. The Committee voted to pass Prop. Int. No. 589-A by a vote of 8 in the affirmative, 0 in the negative, and Prop. Int. No. 806-A and Prop. Res. 156-A were both passed by a vote of 7 in the affirmative and 1 in the negative. On June 28, 2022, the Committee heard a prior version of Prop. Res. No. 156-A, and on December 13, 2022, the Committee heard prior versions of Prop. Int. No. 589-A and Prop. Int. No. 806-A. During those hearings, the Committee heard testimony from the Department of Correction (DOC), and other interested parties.

## II. BACKGROUND

### **Jail Population and Conditions:**

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 of jail time.<sup>1</sup> As of May 3, 2023, there are 5,993 people incarcerated in New York City jails.<sup>2</sup> Of that total, approximately 56.2 percent of detainees identified as Black, 32.9 percent as Hispanic, 5.9 percent as white, 3.3 percent as Other, and 1.7 percent as Asian.<sup>3</sup> Approximately four percent of detainees identified as women.<sup>4</sup> About half the individuals in DOC custody have a mental health diagnosis, and around 16% have a serious mental health diagnosis.<sup>5</sup>

In 2015, DOC entered into a consent settlement in the case of *Nunez vs. City of New York*,<sup>6</sup> a class action lawsuit regarding DOC's excessive use of force against those in its custody. The settlement requires DOC to implement specific policies and practices and meet certain goals. The process is overseen by a court-appointed monitor. In a status report issued on April 3, 2023, the federal monitor noted, "there have been improvements in addressing core foundational issues and in remediating the dangerous conditions in the jails—but the current state of affairs remains deeply troubling."<sup>7</sup> As of the second quarter of fiscal year 2023, the use of force per 100 Average Daily Population (ADP) was 32.9%; this was down 3.95% from last quarter.<sup>8</sup> In March 2023, there were 59 assaults on staff and 32 slashing and stabbing incidents, both totals higher than the previous month. In 2022, 19 people died in New York City jails, the highest rate since 1996.<sup>9</sup>

### **Medical Care for Incarcerated Pregnant Persons:**

As of 2016, Correctional Health Services (CHS), a division of NYC Health + Hospitals, became the direct provider of health care in New York City's Jails.<sup>10</sup> CHS offers health care to all persons in DOC custody.<sup>11</sup> In addition to medical care, they also provide mental health care, substance abuse treatment, dental care, and nursery care.<sup>12</sup>

Incarcerated pregnant persons have unique health needs related to their pregnancies, leading up to during and after their pregnancies and have a right to quality health care. Research shows that incarcerated women are more likely to suffer from substance use disorders, prior trauma and abuse, mental illness, and sexually transmitted infections than incarcerated men. These diagnoses can lead to complications in pregnancy and increase risks for both pregnant persons and fetuses.<sup>13</sup> Governmental entities, such as CHS and the Department of Health and Mental Hygiene, produce reports on the medical care of incarcerated persons, however, reporting on the medical care and outcomes for incarcerated pregnant persons is lacking.

<sup>1</sup> "About the New York City Department of Correction" New York City Department of Correction, <https://www1.nyc.gov/site/doc/about/about-doc.page>.

<sup>2</sup> <https://greaterjusticenyc.org/nycjail/>

<sup>3</sup> "NYC Department of Correction at a Glance: Information for the First 6 Months of FY2021." Department of Correction, [DOC At Glance first6 months FY2021-030921.pdf](https://www1.nyc.gov/assets/doc/downloads/pdf/DOC_At_Glance_first6_months_FY2021-030921.pdf)

<sup>4</sup> Id.

<sup>5</sup> Preliminary Mayor's Management Report, Fiscal Year 2023, available at: <https://www.nyc.gov/assets/operations/downloads/pdf/pmmr2023/doc.pdf>

<sup>6</sup> No. 11 CIV. 5845 LTS JCF, 2013 WL 2149869 (S.D.N.Y. May 17, 2013).

<sup>7</sup> <http://tillidgroup.com/wp-content/uploads/2023/04/2023-04-03-Status-Report-of-Action-Plan.pdf>

<sup>8</sup> <https://comptroller.nyc.gov/services/for-the-public/department-of-correction-doc/dashboard/>

<sup>9</sup> <https://gothamist.com/news/nyc-detainee-death-rate-is-highest-in-25-years>

<sup>10</sup> <https://www.nychealthandhospitals.org/correctionalhealthservices/>

<sup>11</sup> Id.

<sup>12</sup> Id.

<sup>13</sup> Sufrin, Carolyn., Kolbi-Molinas, Alexa, & Roth, Rachel, "Reproductive Justice, Health Disparities And Incarcerated Women in the United States. Perspectives on Sexual and Reproductive Health, 47(4), 213–219", (2015), available at <https://doi.org/10.1363/47e3115>.

**III. PROP. INT. 589-A**

This bill would require the DOC, in consultation with relevant agencies, to report annually on medical care and outcomes for incarcerated pregnant persons. Among other things, required data would include the number of pregnant persons in custody, the number of maternal mortalities, and the number of individuals in custody receiving prenatal or postnatal care. The legislation would also require the Department to annually submit such report to the Mayor and the Speaker of the Council and post it on its website. The bill would take effect immediately upon enactment.

Since introduction, the bill has been amended to require aggregate rather than individual reporting, in order to ensure that the privacy of incarcerated individuals is protected.

**IV. PROP. INT. 806-A**

This bill would require the establishment of a jail population review program to identify people in custody of the DOC whose cases could be resolved or who could be safely released into the community. The Mayor's Office of Criminal Justice ("MOCJ") would be responsible for establishing the population review program, which will review identified criteria and provide materials to an incarcerated individual's defense attorney related to such review at the earliest practicable date. MOCJ would also be required to submit a biannual report detailing the outcomes of the population review program.

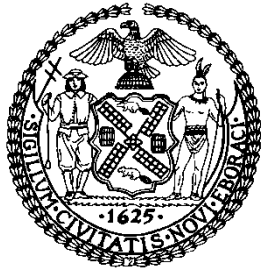
Since introduction, the bill has been amended to create a more centralized structure in which MOCJ would be responsible for collecting relevant information that will aid in the case processing and provide that information to the individuals' attorney.

**V. PROP. RES. 156-A**

This resolution calls on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S1976A/A1263A), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.

Since introduction, this resolution has been amended to reflect updated bill numbers for the 2023 New York State legislative session.

**(The following is the text of the Fiscal Impact Statement for Int. No. 589-A:)**



**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. 589-A**

**COMMITTEE: Criminal Justice**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reporting on

**Sponsors:** Council Members Rivera, Cabán, Louis, Hanif, Joseph, Nurse, Gutiérrez, Sanchez, Ayala, Narcisse, Restler, Barron, Schulman and Hudson.

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medical care and outcomes for incarcerated pregnant persons in the custody of the department of correction.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Correction, in consultation with relevant agencies, to annually report on medical care and outcomes for incarcerated pregnant persons. This bill would also require the Department to annually submit such report to the Mayor and the Speaker of the Council and post it on its website.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2024

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** There is no estimated 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 be able to 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:** Jonathan Rosenberg, Managing Director  
Kathleen Ahn, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 589 on July 14, 2022 and was referred to the Committee on Criminal Justice. The Committee heard the legislation on December 13, 2022, and the legislation was laid over. Proposed Intro. 589-A, will be considered by the Committee on Criminal Justice on May 11, 2023. Upon a successful vote by the Committee, Proposed Int. 589-A will be submitted to the full Council for a vote on May 11th, 2023.

**DATE PREPARED:** MAY 5, 2023.

(For text of Int. No. 806-A and its Fiscal Impact Statement, please see the Report of the Committee on Criminal Justice for Int. No. 806-A printed in these Minutes; for text of Res. No. 156-A, please see the Report of the Committee on Criminal Justice for Res. No. 156-A printed in the voice-vote Resolutions calendar section of these Minutes; for text of Int. No. 589-A, please see below)

*Accordingly, this Committee recommends the adoption of Int. Nos. 589-A, 806-A and Res. No. 156-A.*

**(The following is the text of Int. No. 589-A:)**

## Int. No. 589-A

By Council Members Rivera, Cabán, Louis, Hanif, Joseph, Nurse, Gutiérrez, Sanchez, Ayala, Narcisse, Restler, Barron, Schulman, Hudson, Ossé, Avilés, Brooks-Powers, Farías, Bottcher and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to reporting on medical care and outcomes for incarcerated pregnant persons in the custody of the department of correction**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 *Medical care and outcomes for incarcerated pregnant persons. a. Definitions. For purposes of this section, the following terms have the following meanings:*

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

*Maternal mortality. The term “maternal mortality” means the death of a person that occurs during pregnancy, or within one year from the end of pregnancy, regardless of the duration of such pregnancy.*

*Pregnancy-associated death. The term “pregnancy-associated death” means the death of a person from any cause during pregnancy or within one year from the end of pregnancy.*

*Pregnancy-related death. The term “pregnancy-related death” means the death of a person (i) during pregnancy or within one year from the end of pregnancy that (ii) is due to a pregnancy complication, a chain of events initiated by pregnancy or the aggravation of an unrelated condition by the physiologic effects of pregnancy.*

*Relevant agencies. The term “relevant agencies” includes the department of health and mental hygiene, New York city health and hospitals corporation, any successor of an agency specified in this definition and any other agency that the service deems relevant.*

*Service. The term “service” means correctional health services, as defined in section 9-108.*

*b. Report. By no later than 90 days after the effective date of the local law that added this section, and every fifteenth day of February thereafter, correctional health services, in consultation with the relevant agencies, shall submit a report to the mayor and the speaker of the council and post such report on its website based on data from the prior calendar year. Such report shall include, but need not be limited to:*

- 1. The number of pregnant persons in the custody of the department;*
- 2. The number of incarcerated pregnant persons whose pregnancy resulted in a live birth while in the custody of the department;*
- 3. The number of incarcerated pregnant persons whose pregnancy resulted in a miscarriage while in the custody of the department;*
- 4. The number of incarcerated pregnant persons whose pregnancy resulted in a still birth while in the custody of the department;*
- 5. The number of maternal mortalities known to the service while in the custody of the department;*
- 6. The number of maternal mortalities while in the custody of the department considered to be a pregnancy-associated death, if information necessary to make such determination is available to the service;*
- 7. The number of maternal mortalities while in the custody of the department considered to be a pregnancy-related death, if information necessary to make such determination is available to the service;*
- 8. The number of persons in the custody of the department receiving prenatal care; and*
- 9. The number of persons in the custody of the department receiving postnatal care.*

*c. Confidentiality. The service shall report information required by subdivision b of this section in a manner that does not jeopardize the confidentiality of an incarcerated pregnant person.*

§ 2. This local law takes effect immediately.

CARLINA RIVERA, *Chairperson*; SHAUN ABREU, SHAHANA K. HANIF, MERCEDES NARCISSE, LINCOLN RESTLER, LYNN C. SCHULMAN, ALTHEA V. STEVENS, DAVID M. CARR; 8-0-0; Committee on Criminal Justice, May 11, 2022.

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. 806-A

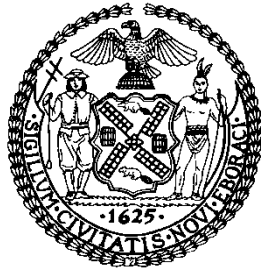
**Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the establishment of a comprehensive jail population review program.**

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on October 27, 2022 (Minutes, page 2633), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 589-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 806-A:*



**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. 806-A**

**COMMITTEE: Criminal Justice**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a comprehensive jail population review program.

**Sponsors:** Council Members Rivera, The Speaker (Council Member Adams), Hanif, Louis, Restler, Brewer, Joseph, Abreu, Cabán, Ayala, De La Rosa, Sanchez, Narcisse, Barron, Hudson, Ossé.

**SUMMARY OF LEGISLATION:** This bill would require the establishment of a jail population review program to identify people in custody of the Department of Correction (“DOC”) whose cases could be resolved or who could be safely released into the community. The Mayor’s Office of Criminal Justice (“MOCJ”) would be responsible for establishing the population review program, which will review established criteria and provide materials to an incarcerated individual’s defense attorney at the earliest practicable date. MOCJ would also be required to submit a biannual report detailing the outcomes of the population review program.

**EFFECTIVE DATE:** This local law takes effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** FISCAL 2024



**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$3,000,000	\$3,000,000
<b>Net</b>	\$0	\$3,000,000	\$3,000,000

**IMPACT ON REVENUES:** There is no estimated impact on revenues as a result of this legislation.

**Impact on Expenditures:** It is anticipated that there would be net impact on expenditures of \$3 million to meet the requirements of this legislation. MOCJ currently utilizes \$900,000 in existing resources to support services in one borough. It is estimated that \$3 million would be sufficient to scale this existing program Citywide to meet the requirements of this legislation.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** MOCJ

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Casey Lajszky, Financial Analyst

**ESTIMATE REVIEWED BY:** Jonathan Rosenberg, Managing Director  
Kathleen Ahn, Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council as Intro. No. 806 on October 27, 2022 and was referred to the Committee on Criminal Justice (Committee). The Committee heard the legislation on December 13, 2022. The legislation was amended and was laid over. Proposed Intro. 806-A, will be considered by the Committee on Criminal Justice on May 11, 2023. Upon a successful vote by the Committee, Proposed Int. 806-A will be submitted to the full Council for a vote on May 11th, 2023.

**DATE PREPARED:** MAY 5, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 806-A:)**

Int. No. 806-A

By Council Members Rivera, The Speaker (Council Member Adams), Hanif, Louis, Restler, Brewer, Joseph, Abreu, Cabán, Ayala, De La Rosa, Sanchez, Narcisse, Barron, Hudson, Ossé, Avilés, Powers, Gutiérrez, Krishnan, Brooks-Powers, Stevens, Fariás, Bottcher and Richardson Jordan.

**A Local Law to amend the administrative code of the city of New York, in relation to the establishment of a comprehensive jail population review program**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-310 to read as follows:

§ 9-310 Jail population review. a. Definition. For the purpose of this section, the following term has the following meaning:

Covered person. The term “covered person” means a person who has been in the custody of the department of correction for at least seven consecutive days.

*b. No later than October 1, 2023, the office shall establish a jail population review program that shall conduct a review of covered persons to identify opportunities for early case resolution or pretrial release with any appropriate conditions. The office may implement such program in one or more boroughs, provided that the office shall implement a citywide program by July 1, 2024.*

*c. Review criteria. The jail population review program shall (i) establish criteria for determining whether a case presents opportunities for early case resolution or pretrial release with any appropriate conditions and (ii) review each covered person based on such criteria, to the extent the office has access to the information required by such criteria. To the extent such information is available, the criteria shall include the following:*

- 1. The charges filed against the covered person;*
- 2. The covered person's criminal history and any previous record with respect to court attendance;*
- 3. Any known physical and mental health conditions;*
- 4. Any known psychosocial conditions contributing to the individual's circumstances at the time of arrest, including, but not limited to, the individual's financial stability, mental and emotional health, housing, employment, education, and history of trauma;*
- 5. The treatment needs of the covered person;*
- 6. Any available community-based programming that provides services outside the department of correction;*
- 7. The amount of bail set relative to the covered person's ability to pay bail;*
- 8. The typical sentence imposed in similar cases; and*
- 9. Any other information the office deems relevant.*

*d. The office shall provide, as early as practicable, all the material information collected during the review to the covered person's attorney. The office shall not share any confidential information with the district attorney or the court without the consent of the covered person's attorney.*

*e. Confidentiality. The office shall establish confidentiality protocols for the jail population review program to ensure that all information collected to conduct the individualized review required by this section is collected, maintained, and disclosed in accordance with applicable law and policies.*

*f. Report. The office shall publish on its website and submit to the speaker of the council and the mayor a biannual report submitted within 60 days of January 1 and July 1 of each year. Such report must include the following information, disaggregated by race, age, gender, and any relevant health designations, where such information is available to the office:*

- 1. The number of covered persons who were reviewed;*
- 2. The number of covered persons for whom the review required by this section was completed in (i) zero to 10 days, (ii) 11 to 20 days, or (iii) more than 21 days from the covered person's date of entry into department of correction custody;*
- 3. The number of covered persons identified as having opportunities for early case resolution or pretrial release with appropriate conditions;*
- 4. The number of covered persons identified in paragraph 3 of this subdivision who were released from incarceration, disaggregated by the disposition or status of such person's case and the conditions of pretrial release, if any;*
- 5. The number of covered persons identified in paragraph 4 of this subdivision who were subsequently arraigned on a new offense within the prior 6 months.*

*The report shall use an asterisk in place of a number where there are fewer than 5 covered persons in any of the categories identified in paragraphs 1 through 5 of this subdivision.*

§ 2. This local law takes effect immediately.

CARLINA RIVERA, Chairperson; SHAUN ABREU, SHAHANA K. HANIF, MERCEDES NARCISSE, LINCOLN RESTLER, LYNN C. SCHULMAN, ALTHEA V. STEVENS; 7-1-0; *Negative*: David M. Carr; Committee on Criminal Justice, May 11, 2022.

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. 644-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 requiring the department of education to provide information on establishing afterschool programs.**

The Committee on Education, to which the annexed proposed amended local law was referred on August 11, 2022 (Minutes, page 2027), respectfully

### REPORTS:

#### I. Introduction

On May 9, 2023, the Committee on Education, chaired by Council Member Rita Joseph, will consider Proposed Introduction Number (“Int. No.”) 644-A, sponsored by Council Member Nantasha Williams, related to requiring the Department of Education (DOE) to provide information on establishing afterschool programs; Proposed Int. No. 725-A, sponsored by Council Member Linda Lee, related to requiring the DOE to create a website for schools to list surplus school supplies to be claimed for use by other schools; Proposed Int. No. 868-A, sponsored by Council Member Althea Stevens, relating to requiring the DOE to report on the number of District 75 students and the criteria used to determine the location of District 75 schools; and Resolution Number (“Res. No.”) 129, sponsored by Council Member Erik Bottcher, calling on the DOE to carry out instruction in bicycle safety in all New York City (NYC) schools. The Committee previously held a hearing on Proposed Int. No. 644-A, Proposed Int. No. 725-A and Proposed Int. No. 868-A on March 29, 2023, and a hearing on Res. No. 129 on January 25, 2023. At both hearings, the Committee heard testimony from DOE, community-based organizations, service providers and members of the public.

#### II. Bill Analysis

**Proposed Int. No. 644-A – A Local Law to amend the administrative code of the city of New York, in relation to requiring the DOE to provide information on establishing afterschool programs**

This bill would require the DOE to post on its website information about the requirements to establish afterschool programs. Such information would include department regulations; protocols explaining the guidelines by which programs may hire and pay afterschool program staff; insurance and internal revenue service guidelines; and an explanation of federal state and local laws regulating afterschool programs. This bill would also require the DOE to provide information on best practices for successfully integrating afterschool programming with school curricula.

Since it was heard, the bill was amended to exclude information on best practices and options for creating scholarships and collecting fees for afterschool programs, as DOE and Department of Youth and Community Development run afterschool programs are free of charge. The bill also received technical edits.

**Proposed Int. No. 725-A – A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools**

This bill would help alleviate the burden on individual schools by requiring the DOE to create a centralized platform where schools may list their surplus school supplies for the purpose of allowing other schools to claim such supplies.

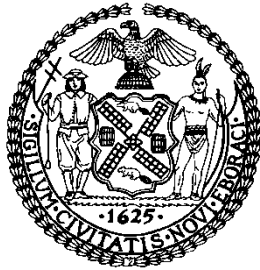
Since it was heard the bill received technical edits.

**Proposed Int. No. 868-A – A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on the number of District 75 students and the criteria used to determine the location of District 75 schools**

This bill would require the DOE to issue an annual report to the Speaker, and to post such report on the DOE website, regarding District 75 programs. The required report would include the number of students in each building that provides a District 75 program, as well as the criteria DOE considers to determine where to establish a District 75 program.

Since it was heard, the bill was amended to include disaggregated data on the number of District 75 students and exclude certain criteria used to determine the location of District 75 schools. The bill also received technical edits.

**(The following is the text of the Fiscal Impact Statement for Int. No. 644-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: 644-A**

**COMMITTEE: Education**

**TITLE:** A Local Law to amend the charter of the city of New York, in relation to requiring the New York City Department of Education to provide information on establishing afterschool programs.

**SPONSOR(S):** By Council Members Williams, Feliz, Sanchez, Brewer, Restler, Nurse, Gutiérrez, Yeger, Hudson, Holden, Brooks-Powers, Narcisse, Louis, De La Rosa, Lee, Farías, Menin, Riley, Abreu, Krishnan, Ossé, Cabán, Gennaro, and Schulman.

**SUMMARY OF LEGISLATION:** This bill would require the New York City Department of Education to provide information on establishing afterschool programs on its website.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** There would be no fiscal impact from the enactment of this legislation because the Department of Education can absorb within its current operations any costs associated with publishing online information that is readily available.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Monica F. Saladi, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Michael Twomey, Assistant Counsel  
Elizabeth Hoffman, Assistant Director  
Chima Obichere, Deputy Director

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on September 11, 2022 as Intro. 644-A and referred to the Committee on Education (Committee). The legislation was considered by the Committee on March 29, 2023 and was subsequently laid over. Upon successful vote by the Committee, Intro. No. 644-A will be submitted to the full Council for a vote on May 9, 2023.

**DATE PREPARED:** May 1, 2023.

**(For text of Int. Nos. 725-A and 868-A and their Fiscal Impact Statements, please see the Report of the Committee on Education for Int. Nos. 725-A and 868-A, respectively, printed in these Minutes; for text of Res. No. 129, please see the Report of the Committee on Education for Res. No. 129 printed in the voice-vote Resolutions calendar section of these Minutes; for text of Int. No. 644-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 644-A, 725-A, 868-A, and Res. No. 129.*

**(The following is the text of Int. No. 644-A:)**

Int. No. 644-A

By Council Members Williams, Feliz, Sanchez, Brewer, Restler, Nurse, Gutiérrez, Yeger, Hudson, Holden, Brooks-Powers, Narcisse, Louis, De La Rosa, Lee, Farías, Menin, Riley, Abreu, Krishnan Ossé, Cabán, Gennaro, Schulman, Ung, Avilés, Joseph, Dinowitz and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to provide information on establishing afterschool programs**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 31 to read as follows:

*CHAPTER 31  
DISTRIBUTION OF INFORMATION REGARDING AFTERSCHOOL PROGRAMS*

*§ 21-1002 Guidelines on establishing afterschool programs. The chancellor shall post on the department's website a document with guidelines and information on establishing afterschool programs. The document shall include, but not be limited to:*

*a. A list of chancellor's regulations for afterschool programs;*

- b. Protocols explaining the guidelines by which afterschool programs may hire and pay staff and contractors, including department employees;*
- c. Insurance guidelines for afterschool programs;*
- d. Internal revenue service guidelines for operators of afterschool programs;*
- e. A brief list and explanation of significant federal, state, and local laws regulating afterschool programs;*
- f. Best practices and options for successfully integrating afterschool programming with school curricula, common core state standards, and curricula for students receiving additional instructional services; and*
- g. Contact information for the department employee or designee who can provide assistance in the creation of afterschool programs.*

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

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, JAMES F. GENNARO, ERIC DINOWITZ, OSWALD FELIZ, CARMEN N. De La ROSA, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, 15-0-0; *Absent*: Alexa Avilés, Jennifer Gutiérrez, Shahana K. Hanif, and Sandra Ung; Committee on Education, May 9, 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 Int. No. 725-A

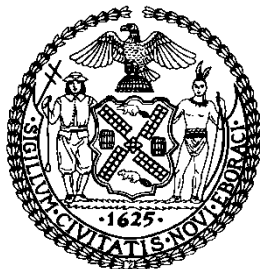
**Report of the Committee on Education in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools.**

The Committee on Education, to which the annexed proposed amended local law was referred on September 29, 2022 (Minutes, page 2307), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 644-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 725-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: 725-A**

**COMMITTEE: Education**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools.

**SPONSOR(S):** By Council Members Lee, Hanif, Brewer, Hudson, Ung, Avilés, Joseph, Abreu, Holden, Brooks-Powers, Narcisse, Louis, De La Rosa, Feliz, Stevens, and Krishnan.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Education to create a website where schools may list their surplus school supplies for the purpose of allowing other schools to claim such supplies.

**EFFECTIVE DATE:** This local law would take effect 90 days after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** There would be no fiscal impact from the enactment of this legislation because the Department of Education can absorb within its current operations any costs associated with publishing online information that is readily available.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Monica F. Saladi, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Michael Twomey, Assistant Counsel  
Elizabeth Hoffman, Assistant Director  
Chima Obichere, Deputy Director

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on September 29, 2022 as Intro. 725-A and referred to the Committee on Education (Committee). The legislation was considered by the Committee on March 29, 2023 and was subsequently laid over. Upon successful vote by the Committee, Intro. No. 725-A will be submitted to the full Council for a vote on May 9, 2023.

**DATE PREPARED:** May 1, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 725-A:)**

Int. No. 725-A

By Council Members Lee, Hanif, Brewer, Hudson, Ung, Avilés, Joseph, Abreu, Holden, Brooks-Powers, Narcisse, Louis, De La Rosa, Feliz, Stevens, Krishnan, Yeger, Gennaro, Schulman, Cabán, Dinowitz and Mealy.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to create a website for schools to list surplus school supplies to be claimed for use by other schools**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 32 to read as follows:

*CHAPTER 32  
SURPLUS SCHOOL SUPPLIES*

*§ 21-1003 Surplus school supplies. The department shall create and maintain a website where schools may list surplus school supplies for the purpose of allowing such surplus supplies to be claimed for use by other schools. Such website shall not be available to the public.*

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

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, JAMES F. GENNARO, ERIC DINOWITZ, OSWALD FELIZ, CARMEN N. De La ROSA, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, 15-0-0; *Absent*: Alexa Avilés, Jennifer Gutiérrez, Shahana K. Hanif, and Sandra Ung; Committee on Education, May 9, 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 Int. No. 868-A

**Report of the Committee on Education in favor of approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on the number of District 75 students and the criteria used to determine the location of District 75 schools.**

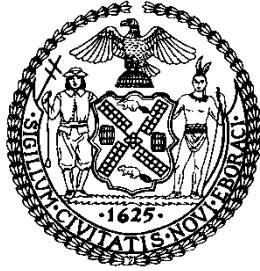
The Committee on Education, to which the annexed proposed amended local law was referred on December 21, 2022, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 644-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 868-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: 868-A**

**COMMITTEE: Education**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Education to report on the number of District 75 students and the criteria used to determine the location of District 75 schools.

**SPONSOR(S):** By Council Members Stevens, Dinowitz, Joseph, Louis, Farías, Restler, Hudson, Ung, Holden, Brooks-Powers, Narcisse, De La Rosa, Feliz, Lee, and Krishnan.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Education to issue a report to the Speaker as well as publish such report on its website of the number of students in each building providing a District 75 program as well as the criteria used to determine where to establish such a program.

**EFFECTIVE DATE:** This local law would take effect immediately.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2023

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

**IMPACT ON EXPENDITURES:** There would be no fiscal impact from the enactment of this legislation because the Department of Education can absorb within its current operations any costs associated with publishing online information that is readily available.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Monica F. Saladi, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Michael Twomey, Assistant Counsel  
Elizabeth Hoffman, Assistant Director  
Chima Obichere, Deputy Director

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on December 21, 2022 as Intro. 868-A and referred to the Committee on Education (Committee). The legislation was considered by the Committee on March 29, 2023 and was subsequently laid over. Upon successful vote by the Committee, Intro. No. 868-A will be submitted to the full Council for a vote on May 9, 2023.

**DATE PREPARED:** May 1, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 868-A:)**

Int. No. 868-A

By Council Members Stevens, Dinowitz, Joseph, Louis, Farías, Restler, Hudson, Ung, Holden, Brooks-Powers, Narcisse, De La Rosa, Feliz, Lee, Krishnan, Avilés, Gennaro, Sanchez, Schulman and Cabán (by request of the Bronx Borough President).

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of education to report on the number of District 75 students and the criteria used to determine the location of District 75 schools**

*Be it enacted by the Council as follows:*

Section 1. Title 21-A of the administrative code of the city of New York is amended by adding a new chapter 33 to read as follows:

*CHAPTER 33  
DISTRICT 75 SCHOOLS REPORTING*

*§ 21-1004 District 75 reporting. a. Definitions. For purposes of this section, the term “district 75 program” means a department program, designated as such, that provides educational, vocational, and behavioral support for students with significant challenges, such as autism spectrum disorders, significant cognitive delays, emotional disabilities, sensory impairments, and multiple disabilities.*

*b. No later than August 30, 2023, and annually thereafter, the department shall submit to the speaker of the council and post on the department's website a report regarding information on all district 75 programs for the prior school year. Such report shall include, but need not be limited to:*

*1. The number of students participating in a district 75 program in each building where a district 75 program is provided, disaggregated by school, eligibility for the free and reduced price lunch program, race/ethnicity, gender, English language learner status, status as a student in temporary housing, and status as a student in foster care; and*

*2. The process and inputs used to determine the buildings where a district 75 program is provided, including, but not limited to:*

*(a) Any categories of non-quantitative criteria considered, which may include, but need not be limited to, facility replacements, grade expansion and truncation, school re-zonings, co-locating schools, and converting space in existing facilities; and*

*(b) The following information, reported at the community school district level, if utilized:*

*(1) Projections at the beginning of the prior school year of the number of students requiring a district 75 program and related confidence intervals;*

*(2) Any formula used for measuring capacity, including class size goals;*

*(3) Any relevant standards required for instructional space;*

*(4) Any relevant standards required for accessibility;*

*(5) Any relevant standards required for security;*

*(6) Any relevant standards required for the provision of medical care; and*

*(7) Any new capacity projects the department expected to be initiated during the plan period.*

*c. No information that is otherwise required to be reported pursuant to this section shall be reported in a manner that would violate any applicable provision of federal, state, or local law relating to the privacy of student information or that would interfere with law enforcement investigations or otherwise conflict with the interests of law enforcement. If a category contains between 1 and 5 students, or contains a number that would allow the number of individuals in another category that is 5 or fewer to be deduced, the number shall be replaced with a symbol.*

§ 2. This local law takes effect immediately.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, JAMES F. GENNARO, ERIC DINOWITZ, OSWALD FELIZ, CARMEN N. De La ROSA, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, 15-0-0; *Absent*: Alexa Avilés, Jennifer Gutiérrez, Shahana K. Hanif, and Sandra Ung; Committee on Education, May 9, 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. 607

### **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 May 11, 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”).

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 2023 and Fiscal 2022 Expense Budgets (“Chart”).

This Resolution, dated May 11, 2023, approves the new designations and the changes in the designation of certain organizations receiving local and boroughwide discretionary funding and funding for certain initiatives in accordance with the Fiscal 2023 Expense Budget; approves the change in designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2022 Expense Budget; and amends the description for the Description/Scope of Services of certain organizations receiving boroughwide discretionary funding in accordance with the Fiscal 2022 Expense Budget. All new designations and changes in designations are as described in the attached Charts and the Resolution text.

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

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

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 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. 607:)**

Preconsidered Res. No. 607

**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 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 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and boroughwide 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 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local discretionary funding; now, therefore, be it

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 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 funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 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 funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; 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 4; and be it further

**Resolved**, That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; 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 2023 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 aging discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 607 of 2023 file](https://council.nyc.gov) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

JUSTIN L. BRANNAN, Chairperson: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 18-0-0; Committee on Finance, May 11, 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).

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

Report for L.U. No. 201

**Report of the Committee on Finance in favor of a Resolution approving Norgate Plaza, Block 1812, Lot 42, Brooklyn, Community District No. 3, Council District No. 36.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 11 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

**THE COUNCIL OF THE CITY OF NEW YORK**

May 11, 2023

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

FROM: Michael Twomey, Assistant Counsel, Finance Division  
Kathleen Ahn, Counsel, Finance Division

RE: Finance Committee Agenda of May 11, 2023 – Resolution approving a tax exemption for six Land Use items (Council Districts 2, 21, 36, 37)

**Item #1: Grand Street Senior Housing**

This item is a correction to the amendment passed on April 11, 2023. The correction will amend the April 11 resolution to reflect the section of law under which the original tax exemption has been granted.

**Item #2: Norgate Plaza**

Norgate Plaza does not currently have a tax exemption. All units except the superintendent unit are covered under a 20-year Mark-to-Market HAP contract under Project Based Rental Assistance Section 8. The last rent mark-up occurred on 10/1/2010. The Project’s existing Section 8 contract expires on October 1, 2030.

The Project contains 214 units, divided between 35 studios, 122 one-bedrooms, 47 two-bedrooms (one of which is reserved for the superintendent), and 10 three-bedrooms. The lot size for this building is 218,302 square feet. There are no commercial units, but the Project has a community facility space for an adult day care. The Project is bordered by Gates Avenue, Monroe Street, and Nostrand Avenue. Project also generates ancillary income from laundry and cell towers.

**Summary:**

- Borough – Brooklyn
- Block 1812, Lot 42
- Council District – 36
- Council Member – Ossé
- Council Member approval – Yes
- Number of buildings – 1
- Number of units – 214 residential
- Type of exemption – Article XI, partial, 40 year
- Population – rental
- Sponsors – LIHC Investment Group
- Purpose – preservation
- Cost to the city – \$4.75 million (present value)
- Housing Code Violations
  - Class A – 2
  - Class B – 16
  - Class C – 14
- Anticipated AMI Targets: 50% AMI

**Item #3: Queenswood**

Queenswood was originally constructed in 1990 and ended its LIHTC compliance period in 2004. The buildings are currently 99% leased. Rent restrictions are in place until the existing HDC subordinate loan is re-paid; thereafter, there would be no further rent restrictions upon vacancy, putting the project in jeopardy of losing affordability. The Sponsor, “Slate Property Group,” is seeking to extend and deepen the affordability with an Article XI tax exemption. The buildings are in the process of being acquired in conjunction with this tax exemption.

The project consists of two eight-story residential buildings. There are 40 studio units, 139 one-bedroom units, 102 two-bedroom units, and 15 three-bedroom units (one of which is reserved for the superintendent). The

project also provides 150 on-site parking spaces for the tenants. Building amenities include a playground, private courtyard, controlled access gated entry, and 24-hour laundry facility.

The buildings were originally constructed in 1990. Prior to then, the site was a vacant lot. The project has been owned by Queenswood Associates, LP, which entered into a regulatory agreement with New York City Housing Development Corporation (HDC) in 1989. The contract ran with the subject property's 421-a partial real estate tax exemption and both the HDC regulatory agreement, and the 421-a expired in 2015. The project ended its LIHTC Compliance Period on 12/31/2004 and Extended Use Period in 12/31/2007 according to the seller. Rent restrictions are in place until the existing HDC subordinate loan is re-paid.

Summary:

- Borough – Queens
- Block 1937, Lot 1
- Council District – 21
- Council Member – Moya
- Council Member approval – Yes
- Number of buildings – 2
- Number of units – 295 residential
- Type of exemption – Article XI, partial, 40 year
- Population – Rental
- Sponsors – LIHC Investment Group
- Purpose – preservation
- Cost to the city – \$19.86 million (present value)
- Housing Code Violations
  - Class A – 13
  - Class B – 3
  - Class C – 4
- Anticipated AMI Targets: 35 units at 30% AMI; 8 units at 50% AMI; 230 units at 80% AMI; 22 units at 100% AMI

**Item #4 – Duncan Genns**

Duncan Genns (“Project”) is an existing age-restricted (62+ head of household) 103-unit project-based Section 8 apartment building located at 725 Evergreen Avenue in the Bushwick neighborhood of Brooklyn. The Project recently refinanced with a 223(f) HUD insured mortgage in March 2023 and is requesting that HPD provide a 40-year Article XI tax exemption starting from January 17, 2023.

The Project contains 103 units consisting of: 12 studios and 90 one-bedrooms plus 1 two-bedroom superintendent’s unit. The Project offers the following common area amenities: a laundry room, one elevator, Chapel, community room, and an attended lobby. The Project contains no rentable commercial or community facility space, but it holds a T-Mobile cell tower on the roof of the building. As the Project was constructed under Section 202 guidelines, it contains a functional community kitchen located in the community room, but no dining room.

All units, except for the superintendent’s unit, are covered under a 20-year Project-based Section 8 Mark Up to Market Housing Assistance Payment Contract (HAP Contract) that expires in March 2043.

Summary:

- Borough – Brooklyn
- Block 3446, Lot 1
- Council District – 37
- Council Member – Nurse
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 103 residential
- Type of exemption – Article XI, partial, 40 year
- Population – Rental
- Sponsors – St. Thomas Episcopal Senior Citizens Housing Development Fund Corporation
- Purpose – preservation
- Cost to the city – \$3.46 million (present value)
- Housing Code Violations
  - Class A – 1
  - Class B – 3
  - Class C – 1
- Anticipated AMI Targets: 50% AMI

Item #5 – Renwick Apartments

This project’s Article V tax exemption expired on June 30, 2021. In order to maintain affordable housing, HPD is asking the council for additional period of tax exemption under Article V with retroactivity back to the original expiration. This property currently has a Mark Up to Market HAP contract. The HAP contract was issued July 17th, 2020 and will expire July 31st, 2040.

The Board of Estimate approved a resolution on May 26, 1977 (Cal. No. 1) providing for a tax exemption for the Exemption Area pursuant to PHFL Section 125(1)(a) (“Original Exemption”). The Original Exemption, which expired on June 30, 2021, required the Exemption Area to make an annual real property tax payment of \$51,788 plus an additional amount equal to 25% of the amount by which the contract rents applicable to the project, as adjusted and established from time to time pursuant to Section 8 of the United States Housing Act of 1934, as amended, exceeds the contract rents in effect as of the date of occupancy of the project by eligible tenants. Eligible tenants currently receive Section 8 rental assistance. The Company intends to apply for a new twenty-year Section 8 contract once their current contract expires on approximately July 31, 2040.

Summary

- Borough – Manhattan
- Block 934, Lot 15
- Council District – 2
- Council Member – Rivera
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 224 residential
- Type of exemption – Article V, partial, 40 year
- Population – Rental
- Sponsors – Low Income Housing Corporation
- Purpose – preservation
- Cost to the city – \$9.11 million (present value)
- Housing Code Violations



- Class A – 0
- Class B – 1
- Class C – 2
- Anticipated AMI Targets: 50% AMI

### **Item #6 – Risley Dent Towers**

Risley Dent Towers (“Project”) is an apartment building with a project based rental assistance Mark-Up-to-Market HAP contract with 248 units located in Brooklyn. A new Article XI would ensure 40 more years of affordable housing for low income rental tenants will be effective at closing. The Project is co-owned by the Lucas Family and the Gendron Family (acting through LIHC Investment Group). These two groups are the development group for this project.

The Project is located in the Bedford-Stuyvesant neighborhood of Brooklyn, within Community District 3, a 300,400 square foot site. Risley Dent Towers consists of a single lot bordered by Marcus Garvey Boulevard to the west, Fulton Street to the south, and abutting Bainbridge Street to the east.

The building, completed in 1980, contains 248 units consisting of: 12 studios, 50 one-bedrooms, 166 two-bedrooms (one of which is reserved for the superintendent), and 20 three-bedrooms. There are no commercial spaces. The property offers the following common area amenities: laundry room, four elevators, and security.

All units, except for the superintendent’s unit, are covered under a 20-year Project-based Section 8 Mark-Up-to-Market Housing Assistance Payment Contract (HAP Contract) that expires on May 31, 2042.

### **Summary**

- Borough – Brooklyn
- Block 1684, Lot 1
- Council District – 36
- Council Member – Osse
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 248 residential
- Type of exemption – Article XI, partial, 40 year
- Population – Rental
- Sponsors – Low Income Housing Corporation
- Purpose – preservation
- Cost to the city – \$8.54 million (present value)
- Housing Code Violations
  - Class A – 46
  - Class B – 160
  - Class C – 164
- Anticipated AMI Targets: 50% AMI

**(For text of the coupled resolutions for L.U. Nos. 202, 203, 204, and 205, please see the Report of the Committee on Finance for L.U. Nos. 202, 203, 204, and 205, respectively, printed in these Minutes; for the coupled resolution for L.U. No. 201, please see below:)**

*Accordingly, this Committee recommends the adoption of L.U. Nos. 201, 202, 203, 204, and 205.*

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

Res. No. 626

**Resolution approving an exemption from real property taxes for property located at (Block 1812, Lot 42) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 201).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 2, 2023 that the Council take the following action regarding a housing project located at (Block 1812, Lot 42) Brooklyn (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Community Facility Space” shall mean those portions of the Exemption Area which the Regulatory Agreement requires to be devoted solely to community facility uses.
  - b. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - c. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$482,799, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- e. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
  - f. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - g. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1812, Lot 42 on the Tax Map of the City of New York.
  - h. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - i. “HDFC” shall mean Norgate Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - j. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - k. “Owner” shall mean, collectively, the HDFC and the Partnership.
  - l. “Partnership” shall mean Norgate Development Associates L.P. or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business or commercial use other than the Community Facility Space), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
  4. Notwithstanding any provision hereof to the contrary:
  5. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.

- a. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.
- b. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.

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

JUSTIN L. BRANNAN, Chairperson: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 18-0-0; Committee on Finance, May 11, 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).

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

Report for L.U. No. 202

**Report of the Committee on Finance in favor of a Resolution approving Queenswood, Block 1937, Lot 1, Queens, Community District No. 4, Council District No. 21.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 11 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 201 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 627

**Resolution approving an exemption from real property taxes for property located at (Block 1937, Lot 1) Queens, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 202).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 4, 2023 that the Council take the following action regarding a housing project located at (Block 1937, Lot 1) Queens (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Queenswood Owner LLC or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
  - b. “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that either (A) HPD and the Owner, or (B) HPD, HDC and the Owner, enter into the Regulatory Agreement.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Queens, City and State of New York, identified as Block 1937, Lot 1 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - f. “Gross Rent” shall mean the gross potential rents from all residential, commercial, and community facility units on the Exemption Area without regard to whether such units are occupied or vacant, including, but not limited to, Section 8, rent supplements, rental assistance, or any other subsidy.
  - g. “Gross Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Gross Rent Tax for the applicable tax year.
  - h. “Gross Rent Tax” shall mean, with respect to any tax year, an amount equal to five percent (5.0%) of the Gross Rent in such tax year; provided, however, that if the Owner fails to provide the Gross Rent on or before the Gross Rent Deadline, Gross Rent Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.

- i. “HDC” shall mean the New York City Housing Development Corporation.
  - j. “HDFC” shall mean Queenswood Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - k. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - l. “Owner” shall mean, collectively, the HDFC and the Company.
  - m. “Regulatory Agreement” shall mean the regulatory agreement between either (i) HPD and the Owner, or (ii) HPD, HDC and the Owner, establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
  3. Commencing upon the Effective Date, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Gross Rent Tax. Notwithstanding the foregoing, the total annual real property tax payment by the Owner shall not at any time exceed the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation.
  4. Notwithstanding any provision hereof to the contrary:
    - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
    - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to buildings on the Exemption Area that exist on the Effective Date.
    - c. Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  5. In consideration of the Exemption, the owner of the Exemption Area shall, for so long as the Exemption shall remain in effect, waive the benefits of any additional or concurrent exemption from or abatement

of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, Chairperson: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 17-1-0; *Negative*: Charles Barron; Committee on Finance, May 11, 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).

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

Report for L.U. No. 203

**Report of the Committee on Finance in favor of a Resolution approving Duncan Genns, Block 3446, Lot 1, Brooklyn, Community District No. 4, Council District No. 37.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 11, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 201 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 628

**Resolution approving an exemption from real property taxes for property located at (Block 3446, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 203).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 2, 2023 that the Council take the following action regarding a housing project located at (Block 3446, Lot 1) Brooklyn (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - c. “Contract Rent Differential Tax” shall mean the sum of (i) \$413,842, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - d. “Effective Date” shall mean January 17, 2023.
  - e. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - f. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3446, Lot 1 on the Tax Map of the City of New York.
  - g. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - h. “HDFC” shall mean St. Thomas Episcopal Senior Citizens Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.



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

JUSTIN L. BRANNAN, Chairperson: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 18-0-0; Committee on Finance, May 11, 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).

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

Report for L.U. No. 204

**Report of the Committee on Finance in favor of a Resolution approving Renwick Apartments, Block 934, Lot 15, Manhattan, Community District No. 6, Council District No. 2.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 11, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 201 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 629

**Resolution approving an exemption from real property taxes for property located at (Block 934, Lot 15) Manhattan, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 204).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 2, 2023 that the Council take the following action regarding a housing project located at (Block 934, Lot 15) Manhattan (“Exemption Area”):

Approve an exemption of the Project from real property taxes pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (the “Tax Exemption”);

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Site 10 Community Alliance Associates, L.P.
  - b. “Effective Date” shall mean July 1, 2021.
  - c. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - d. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 934, Lot 15 on the Tax Map of the City of New York.
  - e. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, (iii) the date upon which the Exemption Area ceases to be owned by the Owner, (iv) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (v) the date of the expiration or termination of the Exemption Area’s Section 8 Housing Assistance Payments Contract.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
  - h. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
  - i. “Contract Rent Differential Tax” shall mean the sum of (i) \$1,236,396, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, that the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
  - j. “Owner” shall mean the Company or, with the prior written approval of HPD, any future owner of the Exemption Area that is a redevelopment company organized pursuant to Article V of the Private Housing Finance Law.
  - k. “Regulatory Agreement” shall mean the Land Disposition Agreement dated May 26, 1977 between the City of New York and the Owner, establishing certain controls upon the operation of the Exemption Area in accordance with Private Housing Finance Law Section 114 and recorded on reel 428, page 1567, in the office of the City Register of the City of New York.

1. "Restrictive Agreement" shall mean an agreement between HPD and the Owner that is entered into on or after May 1, 2023 and that requires the Exemption Area to remain a redevelopment company development organized under and operated pursuant to Article V of the Private Housing Finance Law for a period of five years from the date of execution.
2. All of the value of the property in the Exemption Area, including both the land and any improvements, shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Commencing upon the Effective Date, the Owner shall make real property tax payments in the sum of \$1,518,780 for each year until June 30, 2023, and during each year thereafter until the Expiration Date, the Owner shall make real property tax payments in the sum of the Contract Rent Differential Tax.
4. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of the Restrictive Agreement; (iv) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (v) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vi) the owner of the Exemption Area did not apply for and receive a new Section 8 Housing Assistance Payments contract on or before August 1, 2040, or (vii) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area but shall only apply to a building on the Exemption Area that exists on the Effective Date.
  - c. Nothing herein shall entitle the Company, the Owner or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
  - d. All previous resolutions, if any, providing an exemption from or abatement of real property taxation with respect to the Exemption Area are hereby revoked as of the Effective Date.
5. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

JUSTIN L. BRANNAN, Chairperson; DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 18-0-0; Committee on Finance, May 11, 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).

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

Report for L.U. No. 205

**Report of the Committee on Finance in favor of a Resolution approving Risley Dent Towers, Block 1684, Lot 1, Brooklyn, Community District No. 3, Council District No. 36.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 11, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 201 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 630

**Resolution approving an exemption from real property taxes for property located at (Block 1684, Lot 1) Brooklyn, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 205).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 2, 2023 that the Council take the following action regarding a housing project located at (Block 1684, Lot 1) Brooklyn (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:

- a. “Contract Rent Deadline” shall mean three hundred and sixty-five (365) days from the date of the HPD letter requesting the information that HPD needs to calculate the Contract Rent Differential Tax for the applicable tax year.
- b. “Contract Rent Differential” shall mean the amount by which the total contract rents applicable to the Exemption Area for such tax year (as adjusted and established pursuant to Section 8 of the United States Housing Act of 1937, as amended) exceed the total contract rents which are authorized as of the Effective Date.
- c. “Contract Rent Differential Tax” shall mean the sum of (i) \$982,195, plus (ii) twenty-five percent (25%) of the Contract Rent Differential; provided, however, the total annual real property tax payment by the Owner shall not at any time exceed the lesser of (A) seventeen percent (17%) of the contract rents in the applicable tax year, or (B) the amount of real property taxes that would otherwise be due in the absence of any form of exemption from or abatement of real property taxation provided by an existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, if the Owner fails to provide the contract rents on or before the Contract Rent Deadline, Contract Rent Differential Tax shall mean an amount equal to real property taxes that would otherwise be due in such tax year in the absence of any form of exemption from or abatement of real property taxation.
- d. “Effective Date” shall mean the date that HPD and the Owner enter into the Regulatory Agreement.
- e. “Exemption” shall mean the exemption from real property taxation provided hereunder.
- f. “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 1684, Lot 1 on the Tax Map of the City of New York.
- g. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
- h. “HDFC” shall mean Risley Dent Apartments Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
- i. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
- j. “Owner” shall mean, collectively, the HDFC and the Partnership.
- k. “Partnership” shall mean Risley Dent Towers Associates Limited Partnership or any other entity that acquires the beneficial interest in the Exemption Area with the prior written consent of HPD.
- l. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.

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

JUSTIN L. BRANNAN, Chairperson: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 18-0-0; Committee on Finance, May 11, 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).

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

Report for L.U. No. 206

**Report of the Committee on Finance in favor of a Resolution approving Grand Street.HUDMF.FY23, Block 376, Lot 58, Manhattan, Community District No. 3, Council District No. 2.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on May 11, 2023 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of Finance Memo, please see the Report of the Committee on Finance for L.U. No. 201 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 631

**Resolution approving an amendment to a previously approved real property tax exemption pursuant to Section 422 of the Real Property Tax Law for property located at (Block 376, Lot 58), Manhattan (Preconsidered L.U. No. 206).**

By Council Member Brannan.

**WHEREAS**, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated March 17, 2023 that the Council amend a previously approved tax exemption for real property located at (Block 376, Lot 58), Manhattan (“Exemption Area”) pursuant to Section 422 of the Real Property Tax Law;

**WHEREAS**, the HPD’s request for amendments is related to a previously approved Council Resolution adopted on May 8, 2002 (Resolution No. 263) (the “Prior Resolution”), granting the Exemption Area a real property tax exemption pursuant to Section 422 of the Real Property Tax Law;

**WHEREAS**, the Council held a public hearing on this request and subsequently approved the request by Council Resolution 569 of 2023 (Resolution 569) on April 11, 2023;

**WHEREAS**, this Resolution inaccurately stated the amendment was approved pursuant to Section 577 of the Private Housing Finance Law and should instead have said it was approved pursuant to Section 422 of the Real Property Tax Law;

**RESOLVED:**

The Council amends Resolution 569 by deleting the first paragraph under the Resolved section in its entirety and replacing it with the following:

The Council approves the amendments to the Prior Resolution requested by HPD for the Exemption Area pursuant to Section 422 of the Real Property Tax Law as follows:



Except as specifically amended above, all other terms, conditions, provisions and requirements of the Prior Resolution remain in full force and effect.

JUSTIN L. BRANNAN, Chairperson: DIANA I. AYALA, FRANCISCO P. MOYA, KEITH POWERS, FARAH N. LOUIS, SELVENA N. BROOKS-POWERS, CHARLES BARRON, GALE A. BREWER, AMANDA FARÍAS, KAMILLAH HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA ANA SANCHEZ, ALTHEA V. STEVENS, MARJORIE VELÁZQUEZ, NANTASHA M. WILLIAMS, JULIE WON, DAVID M. CARR; 18-0-0; Committee on Finance, May 11, 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 Housing and Buildings**

Report for Int. No. 434-A

**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to expanding the heat sensors program.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on May 19, 2022 (Minutes, page 1133), respectfully

#### **REPORTS:**

##### **I. INTRODUCTION**

On May 10, 2023, the New York City Council Committee on Housing and Buildings, chaired by Council Member Pierina Sanchez, held a hearing to vote on Int. No. 434-A, sponsored by Council Member Sanchez, in relation to expanding the heat sensors program; Int. No. 538-A, sponsored by Public Advocate Jumaane Williams, in relation to increasing penalties for violations issued by the department of housing preservation and development and certifying correction of violations in multiple dwellings; and Int. No. 875-B, sponsored by Council Member Sanchez, in relation to technical corrections, clarifications and modifications to provisions of the New York city construction codes. Int. No. 434-A and Int. 583-A were first heard on December 6, 2022. Int. No. 875-B was first heard on January 24, 2023.

##### **II. LEGISLATION**

##### **Int. No. 434-A**

This bill would expand the Heat Sensor Pilot Program (“Program”) that was established pursuant to Local Law 18 of 2020. This Program requires the installation of heat sensors in individual apartments in buildings that have heat and heat-related violations. Int. No. 434-A would increase the number of buildings required to install heat sensors from 50 Class A multiple dwellings citywide every two years to 50 Class A multiple dwellings citywide every year. The building owners subject to the Program must install internet-capable temperature

reporting devices for up to four years and would have to submit to the Department of Housing Preservation and Development (“HPD”) the data collected by the device at least once during each 30 day period during heat season. HPD would also be required to post a notice in the building that such building is subject to the Program and its requirements. HPD would be required to conduct dedicated heat inspections of these buildings at least once every two weeks. This bill also specifies the circumstances under which an owner could be eligible for early release from the program.

This legislation would take effect 180 days after becoming law.

**Int. No. 583-A**

This bill would increase the penalties for violations issued by HPD. In addition, HPD would be required to annually identify 100 buildings based on criteria such as the number of hazardous or immediately hazardous violations that have been falsely certified as corrected. Hazardous or immediately hazardous violations issued to buildings on the list would not be deemed corrected unless HPD has attempted at least two re-inspections, or those violations are excluded from the calculation for identifying the 100 buildings based on a certification that it was corrected.

This legislation would take effect 180 days after becoming law.

**Int. No. 875-B**

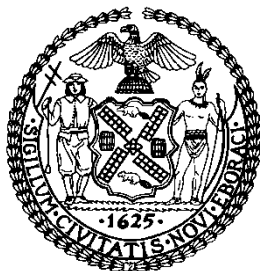
Local Law 33 of 2007 requires that, every three years, the Department of Buildings lead a code revision process that results in submission to the City Council of recommendations for updating the Plumbing Code, the Building Code, the Mechanical Code and the Fuel Gas Code (collectively, the “Construction Codes”) to reflect changes in the International Plumbing, Building, Mechanical and Fuel Gas Codes. The most recent updates to the Construction Codes were passed by the City Council through Local Law 14 of 2020 and Local Law 126 of 2021. Int. No. 875-B would make a variety of technical corrections, clarifications and modifications to the recently passed Construction Code update.

This legislation would take effect immediately.

**UPDATE**

On Wednesday, May 10, 2023, the Committee adopted Int. 434-A by a vote of nine in the affirmative, zero in the negative, and zero abstentions; Int. 583-A by a vote of eight in the affirmative, one in the negative, and zero abstentions; and Int. 875-B by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

**(The following is the text of the Fiscal Impact Statement for Int. No. 434-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: 434-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to expanding the heat sensors program.

**SPONSOR(S):** Council Members Sanchez, Stevens, Farías, De La Rosa, Hudson, Louis, Nurse, Krishnan, Restler, Brewer, Brannan, Abreu, Joseph, Williams, Salamanca, Won, Menin, Hanif, Velázquez, Riley, Schulman, Narcisse, Barron, Avilés, and Cabán.

**SUMMARY OF LEGISLATION:** The proposed legislation would require the Department of Housing Preservation and Development (HPD) to identify 50 class A multiple dwellings per year based on factors including number of temperature violations and heat-related complaints. Such identified buildings would then be required to install internet-capable temperature reporting devices for up to four years, and owners would be required to transmit heat data to HPD once every 30 days for the duration of heat season. HPD would be required to conduct dedicated heat inspections of these buildings at least once every two weeks.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

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

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** 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 May 19, 2022 as Proposed Intro. No. 434 and referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 6, 2022 and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 434-A, will be considered by the Committee on May 10, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 434-A will be submitted to the full Council for a vote on May 11, 2023.

**DATE PREPARED:** May 9, 2023.

(For text of Int. Nos. 583-A and 875-B and their Fiscal Impact Statements, please see the Report of the Committee on Housing and Buildings for Int. Nos. 583-A and 875-B, respectively, printed in these Minutes; for text of Int. No. 434-A, please see below)

*Accordingly, this Committee recommends the adoption of Int. Nos. 434-A, 583-A, and 875-B.*

**(The following is the text of Int. No. 434-A:)**

Int. No. 434-A

By Council Members Sanchez, Stevens, Farías, De La Rosa, Hudson, Louis, Nurse, Krishnan, Restler, Brewer, Brannan, Abreu, Joseph, Williams, Salamanca, Won, Menin, Hanif, Velázquez, Riley, Schulman, Narcisse, Barron, Avilés, Cabán, Brooks-Powers, Mealy and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the heat sensors program**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2033.1 of the administrative code of the city of New York, as added by local law number 18 for the year 2020, is amended to read as follows:

§ 27-2033.1 Heat inspections and installation of internet capable temperature reporting devices. a. Definitions. As used in this section, the following terms have the following meanings:

Heat season. The term “heat season” means the period from October 1 through May 31.

Internet capable temperature reporting device. The term “internet capable temperature reporting device” means a device that is capable of measuring the indoor air temperature not less than once per hour and recording such temperature, along with the date and time of such reading, for a period of time not less than the immediately preceding 90 days. Such device must be capable of making such information available through an ordinary internet connection or through other means when no such connection is present. Such information must be accessible to property owners and any tenant of the unit in which such device is placed.

b. 1. No later than July 1, [2020] 2024, and every [two years] *year* thereafter, the department shall select 50 class A multiple dwellings that shall be subject to the requirements of this subdivision. The department shall select such class A multiple dwellings pursuant to criteria set forth in rules of the department, which shall include, but need not be limited to: (i) the number of violations of subdivision a of section 27-2029 over the preceding two years, and (ii) whether the department has received heat complaints from more than one dwelling unit in such class A multiple dwelling.

2. Annually, for the duration of heat season, the department shall conduct inspections of each class A multiple dwelling selected pursuant to this subdivision at least [once every two weeks] *twice each month*, without receipt of complaints, for compliance with the requirements of this section, section 27-2028 and subdivision a of section 27-2029, consistent with applicable law and in accordance with rules of the department. [If the department has not issued one or more notices of violation of paragraph three of this subdivision section 27-2028 or subdivision a of section 27-2029 to a class A multiple dwelling selected pursuant to paragraph one by January 31 of such inspection period, the] *In the course of such inspections, the department shall also inspect to ensure the device is installed in accordance with subparagraph (b) of paragraph 3 of this subdivision. The department may discontinue such inspections in such class A multiple dwelling, provided that there are no open violations of paragraph 3 of this subdivision as of January 31 in such heat season and no violations of section 27-2028 or subdivision a of section 27-2029 were issued since October 1 of such heat season. The department may by rule provide for a fee for any inspection conducted after January 31 for the remainder of such heat season.*

3. For a period of no more than four years, beginning on the date a class A multiple dwelling was last selected pursuant to this subdivision, the owner of each such class A multiple dwelling shall:

(a) Notify all tenants, at a time and manner described in rules promulgated by the department, regarding the requirements of this section, including installation of such devices, instructions on how to access the information collected by such devices, [and] the tenant’s right of refusal, *and the tenant’s right to request that such device be installed in a living room of the tenant’s choice within the dwelling in accordance with subparagraph (b) of this paragraph;*

(b) Provide and install one internet capable temperature reporting device in one living room of *the tenant's choice* in each dwelling unit, *except where a tenant has refused such device pursuant to paragraph 7 of this subdivision*, in such class A multiple dwelling by October 1 of the year in which such class A multiple dwelling was selected pursuant to this subdivision;

(c) Replace any such device that was stolen, removed, found missing or rendered inoperable during a prior occupancy of the dwelling unit and was not replaced prior to the commencement of the current occupancy of such dwelling unit *for the time period that the multiple dwelling is subject to the requirements of this section*;

(d) Replace such device within 30 days after the receipt of written notice provided by the tenant of the dwelling unit where such device is located that such device has become inoperable due to a defect in the manufacture or installation of such device and through no fault of the tenant *for the time period that the multiple dwelling is subject to the requirements of this section*;

(e) Maintain such records as the commissioner shall prescribe by rule relating to the installation and maintenance of such internet capable temperature reporting devices and collection of heat data from such devices, and make such records available to the commissioner upon request, consistent with applicable law and in accordance with rules of the department;

(f) *Submit to the department, at least once during each 30 day period during the heat season for the time period that the multiple dwelling is subject to the requirements of this section, data collected from the internet capable temperature reporting devices installed in such multiple dwelling pursuant to this section, provided the tenant has not opted out of installation of such internet capable temperature reporting device pursuant to paragraph 7 of this subdivision*;

(g) Maintain a record of reasonable efforts, in accordance with procedures prescribed by rule of the department, to gain access to a tenant's dwelling unit to install an internet capable temperature reporting device where the owner has been unable to gain such access and such tenant has not refused the installation of such device pursuant to paragraph [six] 7 of this subdivision; and

[(g)] (h) Maintain a written record of the number of each dwelling unit for which the tenant has refused installation of an internet capable temperature reporting device pursuant to paragraph [six] 7 of this subdivision for not less than one year after such owner is no longer subject to the provisions of this section.

4. *Upon selection of a multiple dwelling pursuant to paragraph 1 of this subdivision, the department shall post a notice in each of the designated citywide languages in section 23-1101 in a prominent place of such multiple dwelling, notifying tenants of the requirements of this section, a tenant's option to refuse the installation of such device in their dwelling unit, the requirement of twice monthly inspections by the department, and a tenant's option to call 311 to file a complaint relating to inadequate heat and to check the department's website for the issuance of heat violations. The department shall monitor that such notice is posted throughout the time period that such multiple dwelling is subject to inspection by the department pursuant to paragraph 2 of this subdivision.*

5. The tenant of each dwelling unit in a class A multiple dwelling in which an internet capable temperature reporting device has been provided and installed by the owner pursuant to this section shall:

(a) Keep and maintain such device in good repair; and

(b) Replace any such device that is stolen, removed, found missing or rendered inoperable during such tenant's occupancy of such dwelling unit, except that the owner may make such replacement and charge such tenant a maximum of \$50 for the cost of each such replacement.

[5.] 6. The owner may not charge the tenant of a dwelling unit for the acquisition or installation of an internet capable temperature reporting device, nor for the replacement of such device where the replacement is due to wear or malfunction or pursuant to subparagraph (c) or subparagraph (d) of paragraph [three] 3 of this subdivision, except as provided in subparagraph (b) of paragraph [four] 5 of this subdivision.

[6.] 7. A tenant of a dwelling unit in a class A multiple dwelling selected pursuant to this subdivision shall have the option to refuse an internet capable temperature reporting device installed in such tenant's dwelling unit. The owner of such class A multiple dwelling shall receive from the tenant written confirmation of the tenant's decision to opt out of such installation.

[7.] 8. An owner of a class A multiple dwelling who is required to install an internet capable temperature reporting device pursuant to this section may apply to the department for discharge from such obligation in less than four years [if the department did not issue any violation of this section, section 27-2028, or subdivision a of section 27-2029 during the immediately preceding heat season, or if such owner has demonstrated to the

satisfaction of the department that such owner has taken permanent action to address the provision of heat for the next heat season. The department may establish a discharge process by rule] *as follows:*

(a) *A class A multiple dwelling shall be discharged from the requirements of this section at the end of the heat season, provided that the owner of such multiple dwelling has (i) complied with the requirements of this section to install and, as appropriate, replace an internet capable temperature reporting device in each dwelling unit, (ii) not been issued a notice of violation of section 27-2028 or subdivision a of section 27-2029 during such heat season, (iii) supplied all requested records required to be maintained pursuant to subparagraphs e, f and g of paragraph 3 of this subdivision for the preceding heat season, and (iv) is currently registered with the department in accordance with section 27-2097.*

(b) *An owner of a multiple dwelling selected pursuant to this subdivision who has not complied with the requirements of paragraph 3 of this subdivision but is otherwise eligible for discharge pursuant to subparagraph (a) of this paragraph may be discharged from the requirements of this section upon payment of a penalty of \$500 as the department shall provide by rule for each violation of this section.*

c. *On or before August 1, 2021, and annually thereafter] of each year, the department shall submit to the mayor and the speaker of the council a report containing, at a minimum:*

1. Information about the implementation of the requirements of this section;
2. A list of the class A multiple dwellings selected in the most recent selection cycle pursuant to subdivision b of this section;
3. The number of heat complaints from each of the two immediately preceding heat seasons associated with each class A multiple dwelling on such list;
4. The number of violations of [sections] section 27-2028 and subdivision a of section 27-2029 issued in each of the two immediately preceding heat seasons to each class A multiple dwelling on such list;
5. Where such information is available to the department, whether the owner of a class A multiple dwelling on such list corrected the condition that resulted in any violation of [sections] section 27-2028 [and] or subdivision a of section 27-2029;
6. An evaluation of information that was collected from internet capable temperature reporting devices installed pursuant to this section;
7. The number of complaints received and violations issued during the period of time that the internet capable temperature reporting device was installed pursuant to this section;
8. For the report due August 1, [2021] 2024, the report shall include the information required by paragraphs [two] 2 and [seven] 7 of this subdivision, provided that information required by paragraphs [one, three, four, five and six] 1, 3, 4, 5 and 6 of this subdivision shall be included to the extent available to the department; and
9. For the report due August 1, [2023] 2025, a recommendation based on the information required by paragraph [six] 6 of this subdivision as to whether the requirements of this section should remain in effect.

d. Failure to install an internet capable temperature reporting device pursuant to paragraph [three] 3 of subdivision b of this section may result in a hazardous violation.

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

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, DAVID M. CARR; 9-0-0; Committee on Housing and Buildings, May 10, 2023. *Others Attending:* The Public Advocate (Mr. Williams).

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. 583-A

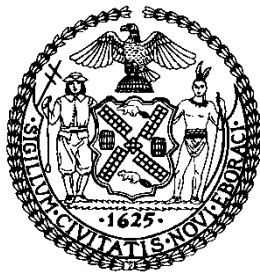
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for violations issued by the department of housing preservation and development and certifying correction of violations in multiple dwellings.**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on July 14, 2022 (Minutes, page 1856), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 434-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 583-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: 583-A**

**COMMITTEE: Housing and Buildings**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for violations issued by the department of housing preservation and development and requiring the department of housing preservation and development to maintain a certification of correction watch list and prohibiting any listed landlord from certifying correction of violations in multiple dwellings without an inspection.

**SPONSOR(S):** The Public Advocate (Mr. Williams) and Council Members Cabán, Louis, Hanif, Brewer, Joseph, Nurse, Gutiérrez, Sanchez, Brannan, Narcisse, Hudson, and Avilés.

**SUMMARY OF LEGISLATION:** The proposed legislation would increase the penalties for many violations issued by the Department of Housing Preservation and Development (HPD). In addition, HPD would be required to annually identify 100 buildings based on criteria such as the number of hazardous or immediately hazardous violations that have been falsely certified as corrected. Hazardous or immediately hazardous violations issued to buildings on the list would not be deemed corrected unless HPD has attempted at least two re-inspections, or those violations are excluded from the calculation for identifying the 100 buildings.

**EFFECTIVE DATE:** This local law would take effect 180 days after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY24</b>	<b>FY Succeeding Effective FY25</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is estimated that this legislation would not affect revenues as full compliance with the requirements of the legislation is anticipated.

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

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** 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 July 14, 2022 as Proposed Intro. No. 583 and referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on December 6, 2022 and it was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. 583-A, will be considered by the Committee on May 10, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 583-A will be submitted to the full Council for a vote on May 11, 2023.

**DATE PREPARED:** May 9, 2023.

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 583-A:)**

Int. No. 583-A

By the Public Advocate (Mr. Williams) and Council Members Cabán, Louis, Hanif, Brewer, Joseph, Nurse, Gutiérrez, Sanchez, Brannan, Narcisse, Hudson and Avilés.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for violations issued by the department of housing preservation and development and certifying correction of violations in multiple dwellings**

*Be it enacted by the Council as follows:*

Section 1. Section 27-2107 of the administrative code of the city of New York is amended to read as follows:  
§ 27-2107 Failure to register; penalties. a. A person who is required to file a statement of registration or an amendment of a statement of registration or any other statement required under this article and who fails to file



as required [may, whenever appropriate, be punished under the provisions of article three of subchapter five of this code, and such person] shall be subject to a civil penalty of not less than [two] five hundred [and fifty] dollars and not more than *one thousand* five hundred dollars *for a multiple dwelling containing five or less dwelling units, and not less than one thousand dollars and not more than five thousand dollars for a multiple dwelling containing more than five dwelling units*, recoverable by the department by civil action in a court of appropriate jurisdiction pursuant to the provisions of article two of subchapter five of this chapter.

*a-1. A person who is required to file a statement of registration or an amendment of a statement of registration or any other statement required under this article and who provides false information on any such statement shall be subject to a civil penalty of not less than seven hundred and fifty dollars and not more than five thousand dollars, recoverable by the department by civil action in a court of appropriate jurisdiction pursuant to the provisions of article two of subchapter five of this chapter. The department shall invalidate any statement required under this article that has been found to contain false information.*

b. An owner who is required to file a statement of registration under this article and who fails to file as required shall be denied the right to recover possession of the premises for nonpayment of rent during the period of noncompliance, and shall, in the discretion of the court, suffer a stay of proceedings to recover rents, during such period. In any action to recover possession under section seven hundred eleven of the real property actions and proceedings law, the owner shall set forth his or her registration number issued by the department, and shall allege that he or she has filed a statement of registration and shall annex a copy of the receipt of such registration to his or her petition.

§ 2. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 63 for the year 2022, is amended to read as follows:

(a) [A] *In addition to any other penalty authorized by this chapter, a person who violates any law relating to housing standards shall be subject to a civil penalty [of not less than ten dollars nor more than fifty dollars for each non-hazardous violation, not less than twenty-five dollars nor more than one hundred dollars and ten dollars per day for each hazardous violation, fifty dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than fifty dollars nor more than one hundred fifty dollars and, in addition, one hundred twenty-five dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person making a false certification of correction of a violation shall be subject to a civil penalty in the following amounts, in addition to the other penalties herein provided: not less than five hundred dollars nor more than one thousand dollars for each immediately hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars for each hazardous violation falsely certified, and not less than fifty dollars nor more than two hundred fifty dollars for each non-hazardous violation falsely certified] as follows:*

*(1) For each non-hazardous violation, not less than fifty dollars nor more than one hundred fifty dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, twenty-five dollars per day;*

*(2) For each hazardous violation, not less than seventy-five dollars nor more than five hundred dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than twenty-five dollars nor more than one hundred twenty-five dollars per day; and*

*(3) For each immediately hazardous violation:*

*(i) In a multiple dwelling containing five or fewer dwelling units, not less than one hundred fifty dollars nor more than seven hundred fifty dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than fifty dollars nor more than one hundred fifty dollars per day; and*

*(ii) In a multiple dwelling containing more than five dwelling units, not less than one hundred fifty dollars nor more than one thousand two hundred dollars, and, in addition, from the date set for correction in the notice of violation until the violation is corrected, not less than one hundred fifty dollars nor more than one thousand two hundred dollars per day.*

*(4) Provided, however, that in addition to the other penalties herein provided, a person who makes a false certification of correction of a violation shall be subject to a civil penalty as follows:*

*(i) For each non-hazardous violation falsely certified, not less than fifty dollars nor more than two hundred fifty dollars;*

(ii) *For each hazardous violation falsely certified, not less than two hundred fifty dollars nor more than five hundred dollars; and*

(iii) *For each immediately hazardous violation falsely certified, not less than five hundred dollars nor more than one thousand dollars.*

§ 3. Paragraph (3) of subdivision (f) of section 27-2115 of the administrative code of the city of New York is amended to read as follows:

(3) (i) Such violation shall be deemed corrected seventy days from the date of receipt of such certification by the department unless the department has determined by a re-inspection made within such period that the violation still has not been corrected and has recorded such determination upon its records and has notified the person who executed the certification by registered or certified mail to the address stated in the certification that it has been set aside and the reasons therefor; a copy of such notice shall be sent to the complainant.

(ii) *Notwithstanding subparagraph (i) of this paragraph, by the later of either January 15, 2025, or the first business day thereafter, and each calendar year thereafter, the department shall compile and post on its website a list of 100 multiple dwellings for which the department has determined that: (A) more than 20 hazardous violations or immediately hazardous violations have been certified as corrected during the previous calendar year, other than a violation issued pursuant to section 27-2017.4 of this code, and (B) at least four of such hazardous or immediately hazardous violations that have been certified as corrected during such calendar year were falsely certified as corrected, provided that to the extent more than 100 multiple dwellings satisfy the criteria described in clauses (A) and (B) of this subparagraph, the department shall include in such list such multiple dwellings with the greatest number of hazardous or immediately hazardous violations that have been certified as corrected during the previous calendar year and that such department found constituted false certifications.*

(iii) *The department may promulgate rules excluding any immediately hazardous or hazardous violation from calculation in the number of violations certified as corrected for purposes of compiling the list described in subparagraph (ii) of this paragraph when the nature of the condition of any such violation is such that the owner has taken steps toward correcting such condition but compliance may not have been achieved.*

(iv) *For the duration of the calendar year following the compilation of the list described in subparagraph (ii) of this paragraph, the department shall not deem corrected any immediately hazardous or hazardous violation issued to a multiple dwelling included in such list unless: (A) such immediately hazardous or hazardous violation is excluded from calculation in the number of violations certified as corrected for purposes of compiling such list by rules promulgated pursuant to subparagraph (iii) of this paragraph, or (B) the department has attempted at least two re-inspections of such multiple dwelling to determine whether any such violation has been corrected pursuant to subparagraph (i) of this paragraph.*

§ 4. Subparagraph (i) of paragraph (1) of subdivision (k) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 2011, is amended to read as follows:

(i) Notwithstanding any other provision of law, a person who violates section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of this chapter shall be subject to a civil penalty of not less than [two] *three* hundred fifty nor more than [five] *one thousand two* hundred fifty dollars per day for each violation from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected and not less than five hundred nor more than one thousand *five hundred* dollars per day for each subsequent violation of such sections at the same dwelling or multiple dwelling that occurs within two consecutive calendar years or, in the case of subdivision a of section 27-2029, during two consecutive periods of October first through May thirty-first. A person who violates subdivision b of section 27-2029 of this chapter shall be subject to a civil penalty of [twenty-five] *fifty* dollars per day from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected but not less than [one] *two* thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

§ 5. This local law takes effect 180 days after it becomes law, except that the commissioner of housing preservation and development shall take such measures as are necessary for its implementation, including the promulgation of rules, prior to such date.

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON; 8-1-0; *Negative: David M. Carr*; Committee on Housing and Buildings, May 10, 2023. *Others Attending*: The Public Advocate (Mr. Williams).

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. 875-B

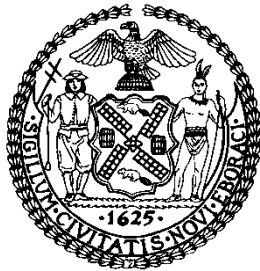
**Report of the Committee on Housing and Buildings in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to technical corrections, clarifications and modifications to provisions of the New York city construction codes**

The Committee on Housing and Buildings, to which the annexed proposed amended local law was referred on January 4, 2023 (Minutes, page 9), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Housing and Buildings for Int. No. 434-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 875-B:*



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: 875-B**

**COMMITTEE:** Housing and Buildings

**TITLE:** A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to technical corrections, clarifications and modifications to provisions of the New York city construction codes.

**SPONSOR(S):** Council Members Sanchez and Louis (by request of the Mayor).

**SUMMARY OF LEGISLATION:** This bill would make technical corrections, updates, modifications, and corrections to Local Law 126 of 2021, which enacted the latest revision to the New York City Construction Codes.

**EFFECTIVE DATE:** This local law would take effect immediately after it becomes law.

**FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED:** Fiscal 2024

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY23</b>	<b>FY Succeeding Effective FY24</b>	<b>Full Fiscal Impact FY24</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

**IMPACT ON REVENUES:** It is anticipated that this legislation would not affect revenues.

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

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

**SOURCE OF INFORMATION:** New York City Council Finance Division

**ESTIMATE PREPARED BY:** Daniel Kroop, Principal Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** 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 January 4, 2023 as Proposed Intro. No. 875 and referred to the Committee on Housing and Buildings (Committee). The Committee heard the legislation on January 24, 2023 and it was laid over. The legislation was subsequently amended twice, and the amended version, Proposed Intro. 875-B, will be considered by the Committee on May 10, 2023. Upon a successful vote by the Committee, Proposed Intro. No. 875-B will be submitted to the full Council for a vote on May 11, 2023.

**DATE PREPARED:** May 9, 2023

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Int. No. 875-B:)**

Proposed Int. No. 875-B

By Council Members Sanchez, Louis, Mealy and the Public Advocate (Mr. Williams) (by request of the Mayor).

**A Local Law to amend the administrative code of the city of New York, the New York city plumbing code, the New York city building code, the New York city mechanical code and the New York city fuel gas code, in relation to technical corrections, clarifications and modifications to provisions of the New York city construction codes.**

***Editor's Note:*** due to the length of the bill and the orientations of certain pages, the text of Int. No. 875-B (FINAL) is available at this link below instead of being printed here.

**The full text of this bill is available at:**

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=5983599&GUID=0906ADC9-D9EF-4C2D-AB59-94BECCEB68AE&Options=ID|Text|&Search=875>

PIERINA ANA SANCHEZ, *Chairperson*; ERIC DINOWITZ, OSWALD FELIZ, TIFFANY CABÁN, SHAUN ABREU, ALEXA AVILÉS, CHARLES BARRON, CRYSTAL HUDSON, DAVID M. CARR; 9-0-0; Committee on Housing and Buildings, May 10, 2023. *Others Attending*: The Public Advocate (Mr. Williams).

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

### **Report of the Committee on Land Use**

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

Report for Res. No. 625

#### **Report of the Committee on Land Use in favor of approving a Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise.**

The Committee on Land Use, to which the annexed preconsidered authorizing resolution was referred on May 11, 2023, respectfully

#### **REPORTS:**

#### **SUBJECT**

**CITYWIDE**

**G 230030 FCY**

Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise. The Franchisee and the City wish to amend the 2015 Agreement to extend the term of the 2015 Agreement for five (5) years, bringing the total term of the Agreement to twenty-five (25) years, and to incorporate additional rights and responsibilities, including an increase in the overall number of bus stop shelters and automatic public toilets that the Franchisee may install, maintain and operate.

#### **PUBLIC HEARING**

**DATE:** May 2, 2023

**Witnesses in Favor:** One

**Witnesses Against:** None

#### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 10, 2023

The Subcommittee recommends that the Land Use Committee approve the resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise on the Preconsidered Res. No. 625.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Riley	None	None
Moya		
Louis		
Abreu		
Bottcher		
Hanks		
Schulman		
Carr		

### **COMMITTEE ACTION**

**DATE:** May 10, 2023

The Committee recommends that the Council approve the attached authorizing resolution.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	None	None
Moya		
Louis		
Riley		
Abreu		
Brooks-Powers		
Bottcher		
Hanks		
Krishnan		
Mealy		
Sanchez		
Borelli		

In connection herewith, Council Members Salamanca (by request of the Mayor) offered the following resolution:

Res. No. 625

### **Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise.**

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

**WHEREAS**, by Executive Order No. 25, dated August 23, 1995, the Mayor has designated the Department of Transportation (“**DOT**”) as the responsible agency for the granting of franchises for bus stop shelters (“**BSSs**”), self-cleaning automatic public toilets (“**APTs**”), newsstand structures (“**NSs**”), additional public service structures (“**PSSs**”), and any combination thereof; and

**WHEREAS**, pursuant to Section 363 of Chapter 14 of the Charter of the City of New York (“**Charter**”) on August 19, 2003, the City Council of the City of New York (“**City Council**”) adopted Resolution No. 1004,

Land Use No. 226-A (“**Resolution No. 1004**”), authorizing DOT, acting on behalf of the City of New York (the “**City**”), to grant a non-exclusive franchise for the occupation and use of the inalienable property of the City for the installation and maintenance of NSs and the installation, operation, and maintenance of BSSs, APTs, and PSSs (as defined in Resolution No. 1004, and which, together with NSs, BSSs and APTs are referred to herein as the “**Coordinated Franchise Structures**”); and

**WHEREAS**, pursuant to Resolution No. 1004, DOT issued a Request For Proposals on March, 26, 2004 (“**Franchise RFP**”) for a franchise to install, operate and maintain the Coordinated Franchise Structures; and

**WHEREAS**, in connection with the Uniform Land Use Review Procedure (“**ULURP**”) review of the Franchise RFP (ULURP no. C 960543 (A) GFY), a negative declaration was issued (CEQR no. 96DOT010Y) finding that such actions will not result in any significant adverse environmental impacts, all in accordance with the New York State Environmental Quality Review Act (“**SEQRA**”), the regulations set forth in Title 6 of the New York Code of Rules and Regulations, Section 617 et seq., the Rules of Procedure for City Environmental Quality Review (“**CEQR**”) (Chapter 5 of Title 62 and Chapter 6 of Title 43 of the Rules of The City of New York); and

**WHEREAS**, on June 26, 2006, Cemusa, Inc. and the City, acting by and through its DOT, entered into the Franchise Agreement for the Coordinated Street Furniture Franchise for the installation, operation, and maintenance of BSSs, APTs, and PSSs and for the installation and maintenance of NSs (the “**2006 Agreement**”); and

**WHEREAS**, on September 20, 2007, Cemusa, Inc. assigned its interest in the 2006 Agreement to Cemusa NY, LLC, a wholly owned subsidiary thereof; and

**WHEREAS**, at a meeting held on September 30, 2015, the New York City Franchise and Concession Review Committee (the “**FCRC**”), acting in accordance with its customary procedures, voted on and approved a change in control of Cemusa NY, LLC, pursuant to which all shares of Cemusa, Inc. were transferred from CEMUSA-Corporación Europea de Mobiliario Urbano, S.A. to JCDecaux North America, Inc. (the “**2015 Change in Control**”), together with certain other amendments, clarifications and provisions to the 2006 Agreement; and

**WHEREAS**, on October 1, 2015, Cemusa NY, LLC and the City, acting by and through its DOT, entered into an Amended and Restated Agreement for the Coordinated Street Furniture Franchise (the “**2015 Agreement**”); and

**WHEREAS**, on or about December 10, 2015, Cemusa NY, LLC changed its company name to JCDecaux Street Furniture New York, LLC (the “**Franchisee**”); and

**WHEREAS**, on or about December 10, 2015, Cemusa, Inc. changed its company name to JCDecaux Street Furniture, Inc.; and

**WHEREAS**, the Franchisee and the City wish to amend the 2015 Agreement to extend the term of the 2015 Agreement and to incorporate additional rights and responsibilities, including an increase in the overall number of BSSs and APTs that the Franchisee may install, maintain and operate (the “**2023 Increase in Bus Shelters and APTs**”); and

**WHEREAS**, DOT considered the potential environmental impact resulting from the 2023 Increase in Bus Shelters and APTs and determined that it is a Type II action and not subject to further environmental review; and

**WHEREAS**, the City Council has determined that the authorization of the extension of the 2015 Agreement by five years is consistent with Resolution No. 1004 and will be in the public interest by enhancing the health, welfare, convenience, and safety of the public;

**NOW THEREFORE, BE IT RESOLVED,**

**FIRST**, that the City Council hereby authorizes DOT to extend the 2015 Agreement for five (5) years, bringing the total term of the Agreement to twenty-five (25) years. Any extension granted pursuant to this resolution shall be subject to such other approvals as may be required by law, such as the approval of the FCRC and the separate and additional approval of the Mayor, and the registration of the Agreement by the Comptroller.

**SECOND**, DOT will file with the City Council within fifteen (15) days of approval by the Mayor, a copy of the Agreement.

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 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. 184

**Report of the Committee on Land Use in favor of approving Application number C 220283 ZMX (2560 Boston Road Rezoning) submitted by Boston Road Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4a: changing from an R6 District to an R7-2 District, changing from a C8-1 District to an R7-2 District and establishing within the proposed R7-2 District a C2-4 District, Borough of the Bronx, Community District 11, Council District 13.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1006) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**SUBJECT**

**BRONX CB-11 - TWO APPLICATIONS RELATED TO 2560 BOSTON ROAD REZONING**

**C 220283 ZMX (L.U. No. 184)**

City Planning Commission decision approving an application submitted by Boston Road Associates, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4a:

1. changing from an R6 District to an R7-2 District property bounded by a line 100' southeasterly of Boston Road, Matthews Avenue, a line 350 feet northerly of Mace Avenue, a line midway between



Barnes Avenue and Matthews Avenue, a line 250 feet northerly of Mace Avenue, and Barnes Avenue; and

2. changing from a C8-1 District to an R7-2 District property bounded by Boston Road, Matthews Avenue, a line 100' southeasterly of Boston Road, and Barnes Avenue; and
3. establishing within the proposed R7-2 District a C2-4 District bounded by Boston Road, Matthews Avenue, a line 350 feet northerly of Mace Avenue, a line midway between Barnes Avenue and Matthews Avenue, a line 250 feet northerly of Mace Avenue, and Barnes Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated October 24, 2022, and subject to the conditions of CEQR Declaration E-694.

### **N 220284 ZRX (L.U. No. 185)**

City Planning Commission decision approving an application submitted by Boston Road Associates, 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.

### **INTENT**

To approve a zoning map amendment to change R6 and C8-1 zoning districts to an R7-2/C2-4 zoning district and amend the zoning text to establish a Mandatory Inclusionary Housing area, which would facilitate the development of a new 10-story mixed-use building with approximately 333 affordable residential units, as well as commercial and community facility uses, at 2560 Boston Road in the Allerton section of Bronx, Community District 11.

### **PUBLIC HEARING**

**DATE:** April 19, 2023

**Witnesses in Favor:** Five

**Witnesses Against:** Two

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 2, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. Nos. 184 and 185.

**In Favor:**

Riley  
Moya  
Louis

**Against:**

None

**Abstain:**

None

Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**COMMITTEE ACTION**

**DATE:** May 10, 2023

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**  
Salamanca  
Moya  
Louis  
Riley  
Abreu  
Brooks-Powers  
Bottcher  
Hanks  
Krishnan  
Mealy  
Sanchez  
Borelli

**Against:**  
None

**Abstain:**  
None

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

Res. No. 632

**Resolution approving the decision of the City Planning Commission on ULURP No. C 220283 ZMX, a Zoning Map amendment (L.U. No. 184).**

By Council Members Salamanca and Riley.

**WHEREAS**, Boston Road Associates, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 4a, by changing from an R6 District to an R7-2 District, changing from a C8-1 District to an R7-2 District, establishing within the proposed R7-2 District a C2-4 District, which in conjunction with the related zoning text amendment action (N 220284 ZRX), would facilitate the development of a new 10-story mixed-use building with approximately 333 affordable residential units, as well as commercial and community facility uses, at 2560 Boston Road in the Allerton section of the Bronx, Community District 11 (ULURP No. C 220283 ZMX) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 31, 2023 its decision dated March 27, 2023 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 220284 ZRX (L.U. No. 185), 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 April 19, 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 Conditional Negative Declaration issued October 21, 2022 (CEQR No. 22DCP184X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts (E-694) and the requirement to enter into a Restrictive Declaration to ensure implementation of measures relating to transportation and construction noise and (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 Conditional 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 220283 ZMX incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 4a:

1. changing from an R6 District to an R7-2 District property bounded by a line 100’ southeasterly of Boston Road, Matthews Avenue, a line 350 feet northerly of Mace Avenue, a line midway between Barnes Avenue and Matthews Avenue, a line 250 feet northerly of Mace Avenue, and Barnes Avenue; and
2. changing from a C8-1 District to an R7-2 District property bounded by Boston Road, Matthews Avenue, a line 100’ southeasterly of Boston Road, and Barnes Avenue; and
3. establishing within the proposed R7-2 District a C2-4 District bounded by Boston Road, Matthews Avenue, a line 350 feet northerly of Mace Avenue, a line midway between Barnes Avenue and Matthews Avenue, a line 250 feet northerly of Mace Avenue, and Barnes Avenue;

Borough of the Bronx, Community District 11, as shown on a diagram (for illustrative purposes only) dated October 24, 2022, and subject to the conditions of CEQR Declaration E-694.

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 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. 185

**Report of the Committee on Land Use in favor of approving Application number N 220284 ZRX (2560 Boston Road Rezoning) submitted by Boston Road Associates, 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 the Bronx, Community District 11, Council District 13.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1006) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Land Use for L.U. No. 184 printed above in these Minutes)

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 633

**Resolution approving the decision of the City Planning Commission on Application No. N 220284 ZRX, for an amendment of the text of the Zoning Resolution (L.U. No. 185).**

By Council Members Salamanca and Riley.

**WHEREAS**, Boston Road Associates, filed an application 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, which in conjunction with the related action would facilitate the development of a new 10-story mixed-use building with approximately 333 affordable residential units, as well as commercial and community facility uses, at 2560 Boston Road in the Allerton section of Bronx, Community District 11 (ULURP No. N 220284 ZRX) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 31, 2023, its decision dated March 27, 2023 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 220283 ZMX (L.U. No. 184), a zoning map amendment to change R6 and C8-1 zoning districts to an R7-2/C2-4 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 April 19, 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 Conditional Negative Declaration issued October 21, 2022 (CEQR No. 22DCP184X), which includes an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials, air quality, and noise impacts

(E-694) and the requirement to enter into a Restrictive Declaration to ensure implementation of measures relating to transportation and construction noise and (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 Conditional 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 220284 ZRX, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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

\* \* \*

**APPENDIX F**

**Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas**

\* \* \*

**THE BRONX**

\* \* \*

**The Bronx Community District 11**



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

Area **2** — 3/13/19 MIH Program Option 1 and Option 2

Area **#** — [date of adoption] MIH Program Option 1 and Option 2

Portion of Community District 11, The Bronx

\* \* \*

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 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. 186

**Report of the Committee on Land Use in favor of approving Application number C 210317 ZMQ (23-10 Queens Plaza South) submitted by AAGS Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b: by changing from an M1-5/R9 District to an M1-6/R9 District, Borough of Queens, Community District 2, Council District 26.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1006) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT**

**QUEENS CB-2 - THREE APPLICATIONS RELATED TO 23-10 QUEENS PLAZA SOUTH**

**C 210317 ZMQ (L.U. No. 186)**

City Planning Commission decision approving an application submitted by AAGS Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b by changing from an M1-5/R9 District to an M1-6/R9 District property bounded by Queens Plaza South, 24<sup>th</sup> Street, 42<sup>nd</sup> Road, and 23<sup>rd</sup> Street, Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 24, 2022, and subject to the conditions of CEQR Declaration E-689.

**N 210318 ZRQ (L.U. No. 187)**

City Planning Commission decision approving an application submitted by AAGS Holdings LLC, pursuant to Section 201 of the New York City Charter, modifying Article XI, Chapter 7 (Special Long Island City Mixed Use District) to add new Area D to the Queens Plaza Subdistrict.

**C 210319 ZSQ (L.U. No. 188)**

City Planning Commission decision approving an application submitted by AAGS Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 117-533 to modify the distance between buildings and the street wall location requirements.

**INTENT**

To approve a zoning map amendment to change a M1-5/R9 zoning district to a M1-6/R9 zoning district; approve a zoning text amendment to establish an "Area D" and bulk controls within the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District (LIC); and approve a special permit pursuant to Zoning Resolution (ZR) Section 117-533 to modify the distance between buildings and the street wall location requirements, which would facilitate the construction of a 22-story enlargement of an existing four-story building

for commercial office space, retail, and community facility uses in the Long Island City neighborhood of Queens, Community District 2.

### **PUBLIC HEARING**

**DATE:** April 19, 2023

**Witnesses in Favor:** Nine

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 2, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. Nos. 186-188.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** May 10, 2023

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Louis  
Riley  
Abreu  
Brooks-Powers  
Bottcher  
Hanks  
Krishnan  
Mealy  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None



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

Res. No. 634

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210317 ZMQ, a Zoning Map amendment (L.U. No. 186).**

By Council Members Salamanca and Riley.

**WHEREAS**, AAGS Holdings LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 9b, by changing from an M1-5/R9 District to an M1-6/R9 District, which in conjunction with the related action would facilitate the construction of a 22-story enlargement of an existing four-story building for commercial office space, retail, and community facility uses in the Long Island City neighborhood of Queens, Community District 2 (ULURP No. C 210317 ZMQ) (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on March 31, 2023 its decision dated March 15, 2022 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 210318 ZRQ (L.U. No. 187), a zoning text amendment to establish an "Area D" and bulk controls within the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District (LIC) and C 210319 ZSQ (L.U. No. 188), a zoning special permit pursuant to Zoning Resolution (ZR) Section 117-533 to modify the distance between buildings and the street wall location requirements;

**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 April 19, 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 October 21, 2022 (CEQR No. 22DCP136Q) (the "Negative Declaration"), which includes an (E) designation for significant adverse impacts related to air quality and noise (E-689).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

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 210317 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 9b by changing from an M1-5/R9 District to an M1-6/R9 District property bounded by Queens Plaza South, 24<sup>th</sup> Street, 42<sup>nd</sup> Road, and 23<sup>rd</sup> Street,

Borough of Queens, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 24, 2022, and subject to the conditions of CEQR Declaration E-689.

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 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. 187

**Report of the Committee on Land Use in favor of approving Application number N 210318 ZRQ (23-10 Queens Plaza South) submitted by AAGS Holdings 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 Article XI, Chapter 7 (Special Long Island City Mixed Use District) to add new Area D to the Queens Plaza Subdistrict, Borough of Queens, Community District 2, Council District 26.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1007) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 186 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 635

**Resolution approving the decision of the City Planning Commission on Application No. N 210318 ZRQ, for an amendment of the text of the Zoning Resolution (L.U. No. 187).**

By Council Members Salamanca and Riley.

**WHEREAS**, AAGS Holdings 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 Article XI, Chapter 7 (Special Long Island City Mixed Use District) to add new Area D to the Queens Plaza Subdistrict, which in conjunction with the related action would facilitate the construction of a 22-story enlargement of an existing four-story building for commercial office space, retail, and community facility uses in the Long Island City neighborhood of Queens, Community District 2 (ULURP No. N 210318 ZRQ) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 31, 2023, its decision dated March 15, 2023 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application C 210317 ZMQ (L.U. No. 186), a zoning map amendment to change a M1-5/R9 zoning district to a M1-6/R9 zoning district; and C 210319 ZSQ (L.U. No.

188), a zoning special permit pursuant to Zoning Resolution (ZR) Section 117-533 to modify the distance between buildings and the street wall location requirements;

**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 April 19, 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 October 21, 2022 (CEQR No. 22DCP136Q) (the “Negative Declaration”), which includes an (E) designation for significant adverse impacts related to air quality and noise (E-689).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment.

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 210318 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

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

\* \* \*

**ARTICLE XI  
SPECIAL PURPOSE DISTRICTS**

**Chapter 7  
Special Long Island City Mixed Use District**

\* \* \*

**117-50  
QUEENS PLAZA SUBDISTRICT**

**117-501  
General provisions**

In Areas A-1, A-2, B<sub>2</sub> ~~and C and D~~ of the Queens Plaza Subdistrict of the #Special Long Island City Mixed Use District#, an M1 District is paired with a #Residence District#, as indicated on Map 1 in Appendix C of this Chapter. For the purposes of this Chapter, such #Residence# and M1 Districts are referred to as the “designated districts.”

\* \* \*

**117-502  
Queens Plaza Subdistrict Plan**

The Queens Plaza Subdistrict Plan partly consists of the following three maps located within Appendix C of this Chapter:

Map 1 (Designated Districts within the Queens Plaza Subdistrict) of the Queens Plaza Subdistrict Plan identifies special areas comprising the Queens Plaza Subdistrict in which an M1 District is paired with a #Residence District# as indicated on the Subdistrict Map. These areas are as follows:

Area	Designated Districts
A-1 A-2	M1-6/R10
B	M1-5/R9
C	M1-5/R7-3
<u>D</u>	<u>M1-6/R9</u>

Map 2 (Ground Floor Use and Frontage) of the Queens Plaza Subdistrict Plan specifies locations where the special ground floor #use# and frontage regulations, as set forth in Section 117-512, apply.

Map 3 (Sidewalk Widening and Street Wall Location) of the Queens Plaza Subdistrict Plan specifies the locations where special #street wall# and mandatory sidewalk widening regulations, as set forth in Section 117-531, apply.

\* \* \*

**117-52  
Queens Plaza Subdistrict Special Bulk Regulations**

**117-521  
General provisions**

All #buildings and other structures# within the Queens Plaza Subdistrict shall comply with the #bulk# regulations of this Section. The regulations of the designated #Residence# and M1 Districts shall apply as set forth below.

In Areas A-1, A-2, B, ~~and C~~ and D of the Queens Plaza Subdistrict, the #bulk# regulations set forth in Article II, Chapter 3, shall apply to all #residential uses# in a #building or other structure# in accordance with the regulations of the designated #Residence District#, and the #bulk# regulations set forth in Article IV, Chapter 3, shall apply to all #manufacturing#, #community facility# and #commercial uses# in a #building or other structure# in accordance with the regulations of the designated M1 District, except as modified in the special #bulk# regulations of Sections 117-522 through 117-533, inclusive.

When two or more #buildings# on a single #zoning lot# are used in any combination for #uses# which, if located in a single #building#, would make it a #mixed use building#, the regulations set forth in this Section shall apply as if such #buildings# were a single #mixed use building#.

**117-522**

**~~Maximum floor area ratio for all uses~~ Floor area regulations**

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA SUBDISTRICT

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0 <u>C, M, CF or R</u>
B	8.0 <u>C, M, CF or R</u>
C	5.0 <u>C, M, CF or R</u>
<u>D</u>	<u>15.0 C or M</u> <u>10.0 CF</u> <u>8.0 R</u>

C = Commercial  
M = Manufacturing  
CF = Community Facility  
R = Residential

\* \* \*

**117-53**

**Height and Setback and Street Wall Location Regulations**

The height and setback regulations of the designated #Residence# and M1 Districts shall not apply, except for permitted obstructions pursuant to Sections 23-62 or 43-42, as applicable. In lieu thereof, all #buildings or other structures# shall comply with the regulations set forth in Sections 117-531 (Street wall location) and 117-532 (Setback regulations for buildings that exceed the maximum base height). Such regulations, however, shall not apply along the #street frontage# of that portion of a #zoning lot# occupied by existing #buildings#, unless the #street walls# of such existing #buildings# are vertically extended by more than 15 feet. The height of all #buildings or other structures# shall be measured from the #base plane#.

**117-531**

**Street wall location**

\* \* \*

(f) For any #building# fronting on Queens Plaza South in Area A-1, ~~or Area B~~ or Area D as shown on Map 1 (Designated Districts within the Queens Plaza Subdistrict) of Appendix C, any #street wall# along Queens Plaza South shall be set back five feet from the #street line#, except as otherwise specified on Map 3.

\* \* \*

**117-532**

**Setback regulations for buildings that exceed the maximum base height**

All portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section shall comply with the following provisions:

(a) At a height not lower than the minimum base height or higher than the maximum base height specified in the table for the applicable area, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street# and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.

Area	Minimum Base Height	Maximum Base Height
A-1	60	---
A-2	60	150
<u>B and D</u>	100	150
C*	60	100

\* for #buildings or other structures# on Davis Street located 75 feet or more from Jackson Avenue, the minimum base height shall be 40 feet

(b) In Area A-1, no setbacks are required above the applicable minimum base height specified in the table in paragraph (a) of this Section. However, if a setback is provided, it shall comply with the provisions of paragraph (a).

(c) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section.

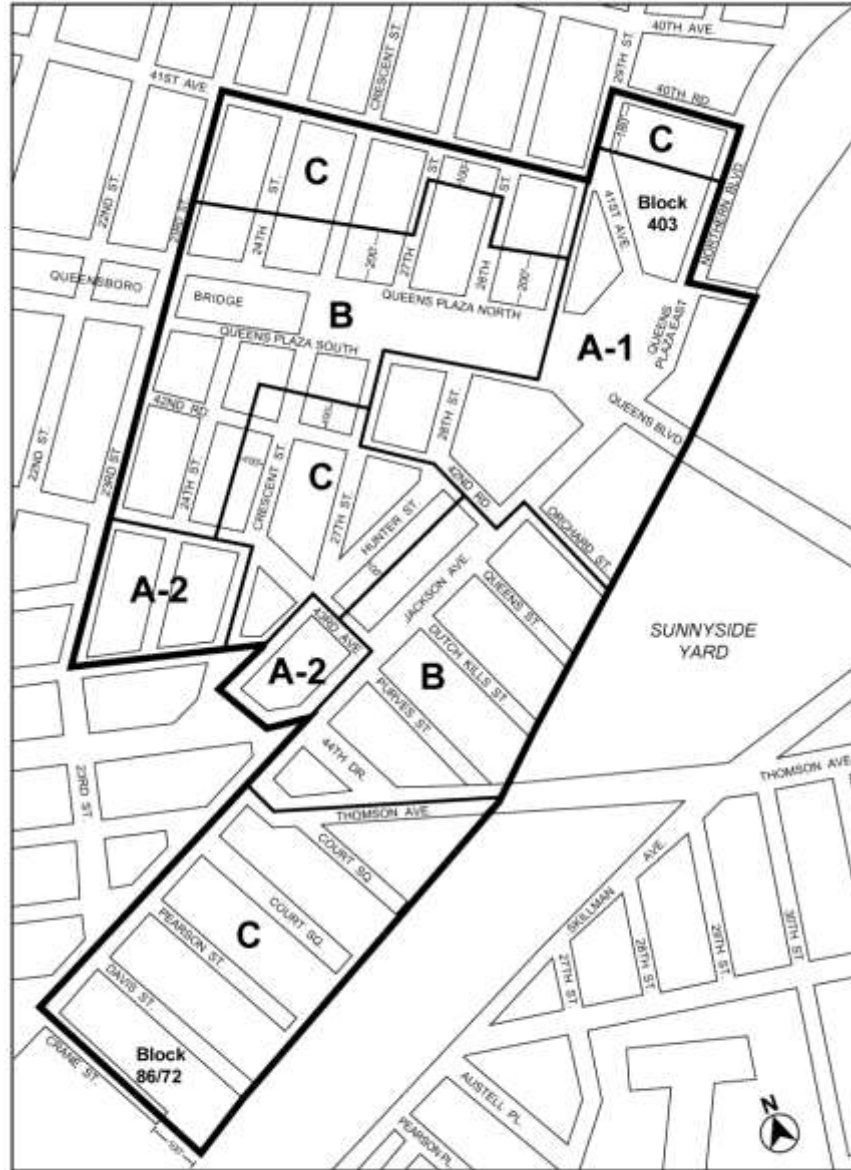
\* \* \*

**Appendix C  
Queens Plaza Subdistrict Plan Maps**

(12/19/01) [date of adoption]

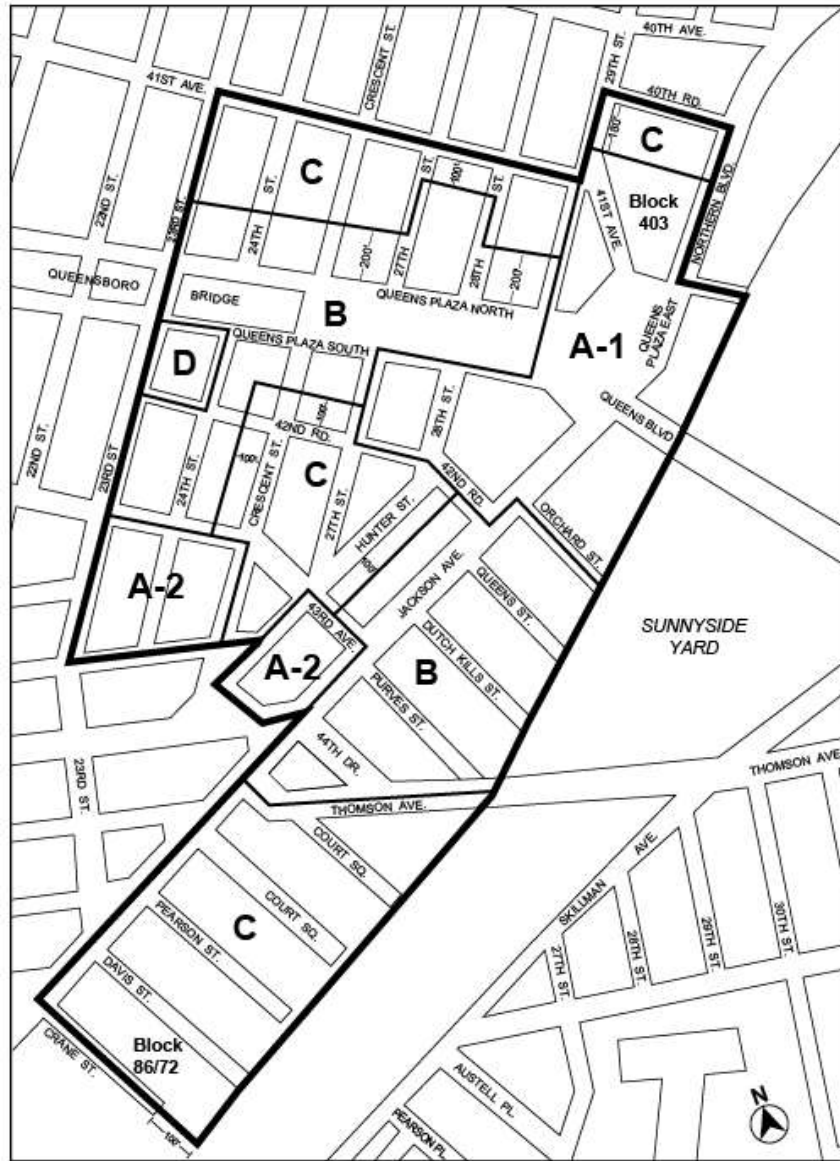
Map 1: Designated Districts within the Queens Plaza Subdistrict

[EXISTING MAP]



- Queens Plaza Subdistrict
- Designated Districts
- AREA A-1, A-2** M1-6/R10
- AREA B** M1-5/R9
- AREA C** M1-5/R7-3

[PROPOSED MAP]



<b>—</b> Queens Plaza Subdistrict	<b>AREA A-1, A-2</b> M1-6/R10
<b>—</b> Designated Districts	<b>AREA B</b> M1-5/R9
	<b>AREA C</b> M1-5/R7-3
	<b>AREA D</b> M1-6/R9

\* \* \*

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 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. 188

**Report of the Committee on Land Use in favor of approving Application number C 210319 ZSQ (23-10 Queens Plaza South) submitted by AAGS Holdings LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to the Section 117-533 of the Zoning Resolution to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), and the street wall location requirements of Section 117-531 (Street wall location), to facilitate a 22-story enlargement of an existing 4-story building on property located at 23-10 Queens Plaza South (Block 425, Lots 1 & 5), in a proposed M1-6/R9 District within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict), Borough of Queens, Community District 2, Council District 26.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1007) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 186 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Res. No. 636

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210319 ZSQ, for the grant of a special permit (L.U. No. 188).**

By Council Members Salamanca and Riley.

**WHEREAS**, AAGS Holdings LLC filed an application pursuant to Section 201 of the New York City Charter for the grant of a special permit pursuant to Section 117-533 of the Zoning Resolution to modify the distance between buildings requirements of Section 23-711 (Standard minimum distance between buildings), and the street wall location requirements of Section 117-531 (Street wall location), to facilitate a 22-story enlargement of an existing 4-story building on property located at 23-10 Queens Plaza South (Block 425, Lots 1 & 5), in an M1-6/R9 District, within the Special Long Island City Mixed Use District (Queens Plaza Subdistrict), Borough of Queens, Community District 2 (ULURP No. C 210319 ZSQ) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on March 31, 2023, its decision dated March 15, 2023 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application C 210317 ZMQ (L.U. No. 186), a zoning map amendment to change a M1-5/R9 zoning district to a M1-6/R9 zoning district; and N 210318 ZRQ (L.U. No. 187), a zoning text amendment to establish an “Area D” and bulk controls within the Queens Plaza Subdistrict of the Special Long Island City Mixed Use District (LIC);

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

the City Charter;

**WHEREAS**, the City Planning Commission has made the findings required pursuant to Section 117-533 of the Zoning Resolution of the City of New York;

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on April 19, 2023;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Negative Declaration issued October 21, 2022 (CEQR No. 22DCP136Q) (the “Negative Declaration”), which includes an (E) designation for significant adverse impacts related to air quality and noise (E-689).

**RESOLVED:**

The Council finds that the action described herein will have no significant impact on the environment as set forth in the Negative Declaration.

Pursuant to Sections 197-d and 200 of the New York City Charter, and on the basis of the Decision and Application, and based on the environmental determination and consideration and findings described in the report, C 210319 ZSQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

1. The property that is the subject of this application (C 210319 ZSQ) shall be developed in size and arrangement substantially in accordance with the dimensions, specifications and zoning computations indicated on the following approved plans, prepared by SLCE Architects LLP, filed with this application and incorporated in this Resolution:

<u>Dwg No.</u>	<u>Title</u>	<u>Last Date Revised</u>
U-002.00	Base Plane / Lot Coverage / Zoning Analysis	09/21/2022
U-003.00	Zoning Lot Site Plan	09/21/2022
U-006.00	Waiver Plan	09/21/2022
U-007.00	Waiver Section	09/21/2022
U-008.00	Waiver Section	09/21/2022
U-009.00	Waiver Section	09/21/2022
U-010.00	Waiver Section	09/21/2022

2. Such development shall conform to all applicable provisions of the Zoning Resolution, except for the modifications specifically granted in this resolution and shown on the plans listed above which have been filed with this application. All zoning computations are subject to verification and approval by the New York City Department of Buildings.
3. Such development shall conform to all applicable laws and regulations relating to its construction, operation and maintenance.
4. Development pursuant to this resolution shall be allowed only after the restrictive declaration attached hereto as Exhibit A to this report, with such administrative changes as are acceptable to Counsel to the Department of City Planning, has been executed and recorded in the Office of the Register, Queens

County. Such restrictive declaration shall be deemed incorporated herein as a condition of this resolution.

5. In the event the property that is the subject of the application is developed as, sold as, or converted to condominium units, a homeowners' association, or cooperative ownership, a copy of this report and resolution and any subsequent modifications shall be provided to the Attorney General of the State of New York at the time of application for any such condominium, homeowners' or cooperative offering plan and, if the Attorney General so directs, shall be incorporated in full in any offering documents relating to the property.
6. All leases, subleases, or other agreements for use or occupancy of space at the subject property shall give actual notice of this special permit to the lessee, sub-lessee or occupant.
7. Upon the failure of any party having any right, title or interest in the property that is the subject of this application, or the failure of any heir, successor, assign, or legal representative of such party, to observe any of the covenants, restrictions, agreements, terms or conditions of this resolution and the restrictive declaration whose provisions shall constitute conditions of the special permit hereby granted, the City Planning Commission may, without the consent of any other party, revoke any portion of or all of said special permit. Such power of revocation shall be in addition to and not limited to any other powers of the City Planning Commission, or of any other agency of government, or any private person or entity. Any such failure as stated above, or any alteration in the development that is the subject of this application that departs from any of the conditions listed above, is grounds for the City Planning Commission or the City Council, as applicable, to disapprove any application for modification, cancellation or amendment of the special permit hereby granted or of the restrictive declaration.
8. Neither the City of New York nor its employees or agents shall have any liability for money damages by reason of the city or such employee's or agent's failure to act in accordance with the provisions of this special permit.

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 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. 189

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220470 ZMK (Paperific Rezoning) submitted by Stamford LLC and Capri Optics, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c: changing from an M2-1 District to an R6B District, changing from an R6 District to a C4-4A District, changing from an M1-2 District to a C4-4A District and changing from an M2-1 District to a C4-4A District, Borough of Brooklyn, Community District 12, Council, District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1007), respectfully

**REPORTS:**

**SUBJECT****BROOKLYN CB-12 - THREE APPLICATIONS RELATED TO PAPERIFIC  
REZONING****C 220470 ZMK (L.U. No. 189)**

City Planning Commission decision approving an application submitted by Stamford LLC and Capri Optics, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22c,

1. changing from an M2-1 District to an R6B District property bounded by a line 90 feet northeasterly of 38<sup>th</sup> Street, a line 220 feet northwesterly of 15<sup>th</sup> Avenue, 38<sup>th</sup> Street, and a line 460 feet northwesterly of 15<sup>th</sup> Avenue;
2. changing from an R6 District to a C4-4A District property bounded by 37<sup>th</sup> Street, 15<sup>th</sup> Avenue, 38<sup>th</sup> Street, and a line 100 feet northwesterly of 15<sup>th</sup> Avenue;
3. changing from an M1-2 District to a C4-4A District property bounded by 37<sup>th</sup> Street, a line 100 feet northwesterly of 15<sup>th</sup> Avenue, 38<sup>th</sup> Street, and a line 200 feet northwesterly of 15<sup>th</sup> Avenue; and
4. changing from an M2-1 District to a C4-4A District property bounded by 37<sup>th</sup> Street, a line 200 feet northwesterly of 15<sup>th</sup> Avenue, 38<sup>th</sup> Street, a line 220 feet northwesterly of 15<sup>th</sup> Avenue, a line 90 feet northeasterly of 38<sup>th</sup> Street, and a line 270 feet northwesterly of 15<sup>th</sup> Avenue;

Borough of Brooklyn, Community District 12, as shown on a diagram (for illustrative purposes only) dated November 7, 2023, and subject to the conditions of City Environmental Quality Review (CEQR) Declaration E-692.

**N 220471 ZRK (L.U. No. 190)**

City Planning Commission decision approving an application submitted by Stamford LLC and Capri Optics, Inc., pursuant to Section 201 of the New York City Charter, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

**C 220472 ZSK (L.U. No. 191)**

City Planning Commission decision approving an application submitted by Stamford LLC and Capri Optics, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Zoning Resolution Section 74-681 to Resolution to allow the development of a 103,512 square-foot commercial building, within or over a railroad or transit right-of-way or yard.

**INTENT**

To approve a map amendment to change M1-2, M2-1, and R6 zoning districts to C4-4A and R6B zoning districts; approve a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; and approve a special permit pursuant to Zoning Resolution (ZR) Section 74-681(a)(2) to allow development over

portions of a railroad or transit right-of-way, which would facilitate the development of a 103,512-square-foot commercial building at 1459 38<sup>th</sup> Street (Block 5348, Lots 49, 54, 15 and 17) in the Borough Park neighborhood of Brooklyn, Community District 12.

### **PUBLIC HEARING**

**DATE:** April 19, 2023

**Witnesses in Favor:** One

**Witnesses Against:** None

### **SUBCOMMITTEE RECOMMENDATION**

**DATE:** May 2, 2023

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission on L.U. Nos. 189 and 191 and approve with modifications the decision of the City Planning Commission on L.U. No. 190.

**In Favor:**

Riley  
Moya  
Louis  
Abreu  
Bottcher  
Hanks  
Schulman  
Carr

**Against:**

None

**Abstain:**

None

### **COMMITTEE ACTION**

**DATE:** May 10, 2023

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca  
Moya  
Louis  
Riley  
Abreu  
Brooks-Powers  
Bottcher  
Hanks  
Krishnan  
Mealy  
Sanchez  
Borelli

**Against:**

None

**Abstain:**

None

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 2023.

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 190

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 220471 ZRK (Paperific Rezoning) submitted by Stamford LLC and Capri Optics, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council, District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1007), respectfully

**REPORTS:**

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

*Accordingly, this Committee recommends its adoption, as modified.*

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 2023.

Approved with Modifications and Referred to the City Planning Commission pursuant to-Section 197-(d) of the New York City Charter.

Report for L.U. No. 191

**Report of the Committee on Land Use in favor of approving, as modified, Application number C 220472 ZSK (Paperific Rezoning) submitted by Stamford LLC and Capri Optics, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-681(a)(2) of the Zoning Resolution to allow a portion of the right of-way or yard where railroad or transit use has been permanently discontinued or terminated to be included in the lot area in connection with a proposed 5-story building on property located at 1463 38th Street (Block 5348, Lots 15, 17, 49 and 54), in a proposed C4-4A District. Borough of Brooklyn, Community District 12, Council District 39.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2023 (Minutes, page 1008), respectfully

**REPORTS:**

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

*Accordingly, this Committee recommends its adoption, as modified.*

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, JOSEPH C. BORELLI; 12-0-0; *Absent*: Carlina Rivera; Committee on Land Use, May 10, 2023.

Approved with Modifications and Referred to the City Planning Commission pursuant to Section 197-(d) of the New York City Charter.

**GENERAL ORDERS CALENDAR**

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

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

- |                                     |   |
|-------------------------------------|---|
| (1) <b>Int 209-A -</b>              | Prohibiting discrimination on the basis of a person's height or weight in employment, housing, and public accommodations.   |
| (2) <b>Int 434-A -</b>              | Expanding the heat sensors program.   |
| (3) <b>Int 583-A -</b>              | Increasing penalties for violations issued by the Department of Housing Preservation and Development and certifying correction of violations in multiple dwellings. |
| (4) <b>Int 589-A -</b>              | Medical care and outcomes for incarcerated pregnant persons in the custody of the department of correction.   |
| (5) <b>Int 644-A -</b>              | Department of Education to provide information on establishing afterschool programs.  |
| (6) <b>Int 725-A -</b>              | Department of Education to create a website for schools to list surplus school supplies to be claimed for use by other schools.                                     |
| (7) <b>Int 806-A -</b>              | Comprehensive jail population review program.   |
| (8) <b>Int 868-A -</b>              | Department of Education to report on the number of District 75 students and the criteria used to determine the location of District 75 schools.                     |
| (9) <b>Int 875-B -</b>              | Technical corrections, clarifications and modifications to provisions of the New York city construction codes.  |
| (10) <b>Preconsidered Res 607 -</b> | New designation and changes in the designation of certain organizations to receive funding in the Expense Budget ( <b>Transparency Resolution</b> ).                |
| (11) <b>Preconsidered Res 625 -</b> | Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture  |



- Franchise (**Authorizing Resolution**).
- (12) **L.U. 184 & Res 632 -** **App. C 220283 ZMX (2560 Boston Road Rezoning)** Borough of the Bronx, Community District 11, Council District 13.
- (13) **L.U. 185 & Res 633 -** **App. N 220284 ZRX (2560 Boston Road Rezoning)** Borough of the Bronx, Community District 11, Council District 13.
- (14) **L.U. 186 & Res 634 -** **App. C 210317 ZMQ (23-10 Queens Plaza South)** Borough of Queens, Community District 2, Council District 26.
- (15) **L.U. 187 & Res 635 -** **App. N 210318 ZRQ (23-10 Queens Plaza South)** Borough of Queens, Community District 2, Council District 26.
- (16) **L.U. 188 & Res 636 -** **App. C 210319 ZSQ (23-10 Queens Plaza South)** Borough of Queens, Community District 2, Council District 26.
- (17) **Preconsidered L.U. 201 & Res 626 -** Norgate Plaza, Brooklyn, Community District No. 3, Council District No. 36.
- (18) **Preconsidered L.U. 202 & Res 627 -** Queenswood, Queens, Community District No. 4, Council District No. 21.
- (19) **Preconsidered L.U. 203 & Res 628 -** Duncan Genns, Brooklyn, Community District No. 4, Council District No. 37.
- (20) **Preconsidered L.U. 204 & Res 629 -** Renwick Apartments, Manhattan, Community District No. 6, Council District No. 2.
- (21) **Preconsidered L.U. 205 & Res 630 -** Risley Dent Towers, Brooklyn, Community District No. 3, Council District No. 36.
- (22) **Preconsidered L.U. 206 & Res 631 -** Grand Street, Manhattan, Community District No. 3, Council District No. 2.

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, Ayala, 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, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **49**.

**The General Order vote recorded for this Stated Meeting was 49-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 209-A**:

**Affirmative** – Abreu, Avilés, Ayala, Barron, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Hudson, Joseph, Kagan, Krishnan, Lee, Louis, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, Yeger, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **44**.

**Negative** – Ariola, Carr, Holden, Paladino, and the Minority Leader (Council Member Borelli) - **5**.

The following was the vote recorded for **Int. No. 434-A**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, 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, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **48**.

**Negative** – Yeger – **1**.

The following was the vote recorded for **Int. No. 583-A**:

**Affirmative** – Abreu, Avilés, Ayala, 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, Moya, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **42**.

**Negative** – Ariola, Carr, Holden, Kagan, Paladino, Yeger, and the Minority Leader (Council Member Borelli) – **7**.

The following was the vote recorded for **Int. No. 806-A**:

**Affirmative** – Abreu, Avilés, Ayala, 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, Narcisse, Nurse, Ossé, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Williams, Won, the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **39**.

**Negative** – Ariola, Carr, Holden, Kagan, Paladino, Yeger, and the Minority Leader (Council Member Borelli) - **7**.

**Abstention** – Moya, Ung, and Velázquez - **3**.

The following was the vote recorded for **Preconsidered L.U. No. 202 & Res. No. 627**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, 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, Moya, Narcisse, Nurse, Ossé, Paladino, Restler, Richardson Jordan, Riley, Rivera, Sanchez, Schulman, Stevens, Ung, Velázquez, Williams, Won, Yeger, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Powers) and the Speaker (Council Member Adams) - **48**.

**Negative** – Barron - **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 209-A, 434-A, 583-A, 589-A, 644-A, 725-A, 806-A, 868-A, and 875-B.*

**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 (b) of the Council:**

Report for voice-vote item Res. No. 129

**Report of the Committee on Education in favor of approving a Resolution calling upon the New York City Department of Education to carry out instruction in bicycle safety in all New York City schools.**

The Committee on Education, to which the annexed resolution was referred on April 28, 2022 (Minutes, page 757), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Education for Int. No. 644-A printed in the Reports of the Standing Committees section of these Minutes)**

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 129:)**

Res. No. 129

**Resolution calling upon the New York City Department of Education to carry out instruction in bicycle safety in all New York City schools.**

By Council Members Bottcher, Joseph, Brooks-Powers, Ossé, Dinowitz, Marte, Abreu, Farías, Hanif, Hudson, Brewer, Sanchez, Stevens, Schulman, Riley, Menin, Narcisse, Ung, Barron, Restler, De La Rosa, Williams, Krishnan, Nurse, Avilés, Brannan, Gutiérrez, Moya, Hanks, Richardson Jordan, Louis, Won, Powers, Gennaro, Cabán, Lee and Paladino.

**Whereas**, Over the past two decades, New York City has seen tremendous growth in cycling, according to the New York City Department of Transportation (NYC DOT); and

**Whereas**, According to the NYC DOT website, approximately 773,000 New Yorkers ride a bike regularly, with estimates that over 530,000 cycling trips are made each day in New York City—more than triple the amount taken 15 years ago; and

**Whereas**, This increase in cycling is a result of NYC DOT's efforts to expand the city's bicycle infrastructure, including both conventional bicycle lanes and protected bicycle lanes; and

**Whereas**, According to DOT's *Cycling in the City* webpage, there have been 1,375 miles of bike lanes and 546 miles of protected bicycle lanes installed in New York City as of 2020, and the Citibike program has grown to 19.5 million bike trips in 2020 alone; and

**Whereas**, Given that cycling is a convenient and affordable way to get around, reduces air pollution, improves public health, and fights global climate change, cycling in New York City should be promoted; and

**Whereas**, In recent years there have been positive changes in cycling safety, due to efforts such as the creation of designated bicycle lanes and the introduction of the City's Vision Zero program in 2014, which was designed to eliminate all traffic deaths and serious injuries on New York City streets by 2024; and

**Whereas**, Despite these efforts, in 2020, the latest year for which data is available, there were 5,175 cyclists injured and 24 killed in crashes with motor vehicles, according to NYC DOT's 2020 *Bicycle Crash Data Report*; and

**Whereas**, City officials must increase efforts to improve cycling safety beyond the infrastructure changes and enforcement efforts currently employed; and

**Whereas**, Education is essential for safety and, along with protected, interconnected cycling infrastructure, providing instruction in bicycle and traffic safety would be helpful in efforts to reduce crashes and other bike safety incidents; and

**Whereas**, New York State Education Law §806 already requires that all students be provided “instruction in highway safety and traffic regulation which shall include bicycle safety, to be maintained and followed in all the schools of the state”; and

**Whereas**, However, neither New York State Education Law, nor Regulations of the Commissioner of Education specify the amount or duration of such instruction; and

**Whereas**, In fact, the DOE already participates in at least one bicycle education pilot program, in partnership with the NYC Department of Transportation and the non-profit Bike New York, to teach middle school students bike safety skills; and

**Whereas**, However, it is clear that most schools are not providing bicycle safety instruction as required; and

**Whereas**, Providing instruction in bicycle and traffic safety in schools, starting at an early age and continuing to reinforce such instruction throughout students’ years in school would be an effective measure to both promote cycling and prevent bicycle accidents and other safety incidents; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the Department of Education to carry out instruction in bicycle safety in all New York City schools.

RITA C. JOSEPH, *Chairperson*; FARAH N. LOUIS, JAMES F. GENNARO, ERIC DINOWITZ, OSWALD FELIZ, CARMEN N. De La ROSA, KAMILLAH HANKS, SHEKAR KRISHNAN, LINDA LEE, JULIE MENIN, MERCEDES NARCISSE, LINCOLN RESTLER, PIERINA ANA SANCHEZ, LYNN C. SCHULMAN, ALTHEA V. STEVENS, 15-0-0; *Absent*: Alexa Avilés, Jennifer Gutiérrez, Shahana K. Hanif, and Sandra Ung; Committee on Education, May 9, 2023.

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.

Report for voice-vote item Res. No. 156-A

**Report of the Committee on Criminal Justice in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S1976A/A1263A), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.**

The Committee on Criminal Justice, to which the annexed amended resolution was referred on May 5, 2022 (Minutes, page 934), respectfully

#### REPORTS:

(For text of report, please see the Report of the Committee on Criminal Justice for Int. No. 589-A printed in the Reports of the Standing Committees section of these Minutes)

*Accordingly, this Committee recommends its adoption, as amended.*

**(The following is the text of Res. No. 156-A:)**

Res. No. 156-A

**Resolution calling on the New York State Legislature to pass, and the Governor to sign the Treatment Not Jail Act (S1976A/A1263A), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.**

By Council Members Rivera, Hudson, Louis, Hanif, Narcisse, Avilés, Williams, Cabán, Ossé, Ayala, Restler, Richardson Jordan, Gutiérrez, Barron, Farías, Sanchez and Powers.

**Whereas**, According to the most recent Preliminary Mayor’s Management Report, 53 percent of those in New York City Department of Correction custody had a mental health diagnosis and 16.5 percent had a serious mental illness diagnosis; and

**Whereas**, According to a 2018 report from the New York City Health and Hospitals Corporation, 45 percent of those in City jails had a substance abuse disorder; and

**Whereas**, While efforts have been made to reduce the number of people in New York City jails with mental health and substance use problems and increase the availability of community mental health resources and access to diversion programs, much more needs to be done; and

**Whereas**, It costs New York City and local governments across the state more to incarcerate individuals with mental health and substance use problems than it does to provide them treatment within their communities for a variety of reasons, including that they cannot use Medicaid dollars for their treatment; and

**Whereas**, Reports indicate that placing these individuals in treatment programs, rather than incarcerating them, reduces recidivism rates; and

**Whereas**, Under current state law, only people with substance use disorders charged with specific drug- and property-related criminal offenses are eligible for judicial diversion; and

**Whereas**, All court-involved people with disabilities and other behavioral health-related problems deserve an opportunity to access and benefit from treatment and support; and

**Whereas**, S1976A, introduced by State Senator Jessica Ramos, and companion bill A1263A, introduced by State Assembly Member Phara Souffrant Forrest, would amend the judicial diversion law to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support; and

**Whereas**, S1976A/A1263A would expand eligibility for treatment by eliminating charge-based eligibility and making people with mental health illness and those with intellectual and physical disabilities eligible for diversion; and

**Whereas**, S1976A/A1263A would shift the presumption from incarceration to community support by ensuring that participation in judicial diversion is not tied to a guilty plea and participants are not incarcerated without due process; and

**Whereas**, Expanding eligibility for judicial diversion would save taxpayer money because diversion programs qualify for Medicaid and federal matching-funds; and 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 the Treatment Not Jail Act (S1976A/A1263A), which would amend Criminal Procedure Law Article 216 of the judicial diversion law in order to expand eligibility for treatment for court-involved individuals and shift the presumption from incarceration to community support.

CARLINA RIVERA, *Chairperson*; SHAUN ABREU, SHAHANA K. HANIF, MERCEDES NARCISSE, LINCOLN RESTLER, LYNN C. SCHULMAN, ALTHEA V. STEVENS; 7-1-0; *Negative*: David M. Carr; Committee on Criminal Justice, May 11, 2023.

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 those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Powers) declared the Resolution to be adopted.

The following 7 Council Members formally noted their intention to vote negative against this item:

Council Members Ariola, Carr, Holden, Kagan, Paladino, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Int. No. 1031

By The Speaker (Council Member Adams) and Council Members Sanchez, Salamanca, Riley, Louis, Ayala, Powers, Abreu, Avilés, Bottcher, Cabán, De La Rosa, Dinowitz, Farías, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Restler, Rivera, Stevens, Ung, Velázquez, Williams, Won and Brewer.

### **A Local Law to amend the New York city charter, in relation to a fair housing plan, and to repeal local law number 133 for the year 2018, in relation to affordable housing plans**

*Be it enacted by the Council as follows:*

Section 1. Local law number 133 for the year 2018 is REPEALED.

§ 2. Section 16 of the New York city charter, as amended by local law number 138 for the year 2013, is amended to read as follows:

§ 16. Report on social indicators, [and] equity, *true cost of living measure and fair housing*. a. *Social indicators*. For purposes of this [section] subdivision, the term "gender" includes actual or perceived sex and [shall] also includes a person's gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth. The mayor shall submit an annual report to the council, borough presidents, and community boards analyzing the social, economic and environmental health of the city, including any disparities among populations including gender, racial groups, income groups and, sexual orientation, where relevant data is available, and proposing strategies for addressing the issues raised in such analysis. The report shall present and analyze data on the social, economic and environmental conditions, and gender, racial, and income disparities, and, disparities relating to sexual orientation, as available, as well as other disparities as may be identified by the mayor within such conditions, which may include, national origin, citizenship status, age, and disability status, where relevant data is available, which are significantly related to the jurisdiction of the agencies responsible for the services specified in section [twenty seven hundred four] 2704, the health and hospitals corporation, and such other agencies as the mayor shall from time to time specify. The report shall include the generally accepted indices of economic security and mobility, poverty, education, child welfare, housing affordability and quality, homelessness, health, physical environment, transportation, criminal justice and policing, civic participation, public employment and such other indices as the mayor shall require by executive order or the council shall require by local law, including where possible generally accepted data or indices regarding gender, racial, and income-based disparities and disparities relating to sexual orientation, as available, within each indexed category of information, in addition to disparities based upon other population characteristics that may be identified by the mayor. Such report shall be submitted no later than [sixty] 60 days before the community boards are required to submit budget priorities pursuant to section [two hundred thirty] 230 and shall contain: (1) the reasonably available statistical data, for the current and previous [five] 5 years, on such conditions in the city and, where possible, in its subdivisions disaggregated by gender, racial group, and income group, and sexual orientation to the extent that such data is available; and a comparison of this data with such relevant national, regional or other standards or averages as the mayor deems appropriate; (2) a narrative discussion of the differences and the disparities in such conditions by gender, racial group and income group, and sexual orientation, as available, and among the subdivisions of the city and of the changes over time in such conditions; and (3) the mayor's short and long term plans, organized by agency or by issue, for responding to the significant problems and disparities evidenced by the data presented in the report.

b. *Equity*. No later than March [thirty-first] 31 of each year, the mayor shall submit an annual report to the council, borough presidents and community boards that shall contain (1) a description of the city's efforts to reduce the rate of poverty in the city as determined by the poverty measure and poverty threshold established by the New York city center for economic opportunity or its successor or by an analogous measure based upon the recommendations of the national academy of sciences; (2) information on the number and percentage of city



residents living below the poverty threshold and the number and percentage of city residents living between [one hundred one] 101 percent and [one hundred fifty] 150 percent of the poverty threshold; (3) poverty data disaggregated by generally accepted indices of family composition, ethnic and racial groups, age ranges, employment status, and educational background, and by borough for the most recent year for which data is available and by neighborhood for the most recent [five] 5 year average for which data is available, along with a comparison of this data with such relevant national, regional or other standards or averages as deemed appropriate; (4) budgetary data, with a description of and outcomes on the programs and resources allocated to reduce the poverty rate in the city and estimates on the poverty reducing effects of major public benefit programs available throughout the city and how such programs serve key subgroups of the city's population including, but not limited to, children under the age of [eighteen] 18, the working poor, young persons age [sixteen] 16 to [twenty-four] 24, families with children, and residents age [sixty-five] 65 or older; and (5) a description of the city's short and long term plans to reduce poverty.

c. True cost of living measure. 1. For purposes of this subdivision, the following terms [shall] have the following meanings:

(a) Public assistance. The term “public assistance” means all forms of public benefits provided by the federal government, state of New York, or city [of New York] including but not limited to: cash assistance, public housing, rental assistance programs, rent increase exemptions, homeowner assistance programs, public health benefits, childcare subsidies, and food assistance programs.

(b) Private or informal assistance. The term “private or informal assistance” means all forms of subsidies or assistance provided by private entities or through informal networks, including, but not limited to, unpaid childcare, food banks, mutual aid, and shared housing arrangements.

(c) True cost of living measure. The term “true cost of living measure” means a citywide measure of the average amount necessary to cover the cost of essential needs at an adequate level, including, but not limited to, housing, childcare, child and dependent expenses, food, transportation, healthcare, clothing and shoes, menstrual products, general hygiene products, cleaning products, household items, telephone service, internet service, and other necessary costs, which could include costs such as tax obligations, without offsetting those costs through public assistance or private or informal assistance.

2. Not later than March 31, 2024, and on or before March [thirty-first] 31 of every year thereafter, the mayor shall produce and submit to the speaker of the council, borough presidents and community boards a report, which may be consolidated with any other report due on [such] *that* date under this charter, containing the true cost of living measure, in accordance with any requirements in this charter, as determined:

(a) [u] *Using generally accepted indices of household size;*

(b) [u] *Using generally accepted indices of family composition, as soon as necessary data is available; and*

(c) [u] *Using any other generally accepted indices, as appropriate.*

*d. Fair housing. 1. Definitions. As used in this subdivision, the following terms have the following meanings: Anti-displacement resources. The term “anti-displacement resources” means initiatives intended to reduce the risk of residential displacement, including but not limited to legal services, education, outreach, and targeted inspection and enforcement by the department of housing preservation and development and the department of buildings.*

*Community district. The term “community district” means each of the 59 areas delineated pursuant to section 2701.*

*Equitable development data tool. The term “equitable development data tool” means the online resource that provides data about housing affordability, displacement and racial equity in the city created and maintained by the department of housing preservation and development and the department of city planning pursuant to local law number 78 for the year 2021.*

*High displacement-risk community districts. The term “high displacement-risk community districts” means community districts, based on their corresponding neighborhood tabulation areas, which have a majority of their areas ranked higher or highest on the displacement risk index, as identified by the equitable development data tool.*

*High-opportunity community districts. The term “high-opportunity community districts” means community districts that have a majority of their areas within the top 2 quintiles of an aggregate index of the quality of life and access to opportunity indicators identified in the equitable development data tool.*

*Low-income affordable housing.* The term “low-income affordable housing” means a residential building with units that are required to be affordable to a household that has an income of less than 60 percent of the area median income adjusted for the size of the household, pursuant to a regulatory agreement, restrictive declaration or other similar instrument with a federal, state or city governmental entity or instrumentality.

*Neighborhood equity investments.* The term “neighborhood equity investments” means capital and programmatic investments to address disparities in access to opportunity and community assets.

*Overcrowding.* The term “overcrowding” means a ratio of occupants per room in excess of 1.5.

*Preservation.* The term “preservation” means physical rehabilitation or financial operating assistance for existing buildings, in exchange for adhering to affordability restrictions for existing and future tenants.

*Rent burden.* The term “rent burden” means the cost of rent and utilities for a household that exceed 30 percent of such household’s income.

*Supportive housing.* The term “supportive housing” means a residential building that provides on-site supportive services to tenants pursuant to a regulatory agreement with a federal, state or city government entity.

*Underserved community districts.* The term “underserved community districts” means the group of community districts that have a majority of their areas within the bottom quintile of an aggregate index of the quality of life and access to opportunity indicators identified in the equitable development data tool.

*Voucher utilization.* The term “voucher utilization” means the percentage of rental housing units rented with the use of a federal, state, or city housing voucher.

2. Plan. No later than January 1, 2025, and every five years thereafter, the department of housing preservation and development and the department of city planning, in coordination with any other relevant city agency, shall submit to the mayor and the speaker of the council and post online a fair housing plan. The plan shall include, but need not be limited to, the following for the five-year period beginning on that date:

(a) An analysis of citywide data relating to fair housing, including but not limited to, fair housing data provided by the federal department of housing and urban development in relation to its rule on affirmatively furthering fair housing, and the categories, data and indicators identified in subdivision c of section 25-117 of the administrative code;

(b) Policy goals and strategies to address the housing disparities identified by the analysis in subparagraph (a) and to affirmatively further fair housing in the city, including but not limited to, combatting discrimination by expanding resources and protections for city residents, facilitating an equitable distribution of market-rate and rent-restricted housing development across the city, preserving affordable housing and preventing displacement of city residents, enabling more effective use of rental assistance benefits, creating more independent and integrated living options for individuals with disabilities, making equitable investments to address discrimination, segregation and poverty, especially in neighborhoods with a history of discrimination, segregation and poverty, and other fair housing issues identified through the required public engagement process;

(c) A citywide assessment of the total number and type of housing units that need to be produced or preserved to achieve affordable access to housing by households of all socio-economic levels, including low-income affordable housing units. The citywide assessment should take into account the particular needs of older adults and residents in need of supportive housing, and the services provided by the city to meet these needs. The citywide assessment shall be based on analysis that shall include, but not be limited to, the following criteria:

(1) Growth of population, jobs, and housing units for the previous 10 years and projected growth for the upcoming 10 years;

(2) Demographic trends in the composition of the city’s population, including but not limited to age and family size;

(3) The total number of housing units available compared to the number of jobs available in the city;

(4) Overcrowding; and

(5) Rent burden;

(d) Citywide housing production targets for the five-year period of the plan, including total housing units, low-income affordable housing units, housing units that can accommodate aging households, and supportive housing units, and a citywide housing preservation target for low-income affordable housing units;

(e) Allocation of the five-year citywide housing targets for production, preservation, low-income affordable housing units, and supportive housing units in subparagraph (d) among all the community districts based on consideration of criteria, at the community district level, that includes, but is not limited to, the following:

(1) *The total number of housing units, low-income affordable housing units, and supportive housing units produced over the previous 10 years;*

(2) *Access to opportunity based on the equitable development data tool;*

(3) *Displacement risk and vulnerability based on the equitable development data tool;*

(4) *Infrastructure capacity, including water and wastewater, schools, and public transit; and*

(5) *Climate change vulnerability as measured by the 100-year floodplain;*

(f) *A strategic equity framework that specifies goals and strategies for:*

(1) *Increasing the production and preservation of low-income affordable housing and voucher utilization in high-opportunity community districts;*

(2) *Increasing the number of low-income affordable housing units preserved and the availability and effectiveness of anti-displacement resources in high displacement-risk community districts;*

(3) *Increasing the amount of neighborhood equity investments in underserved community districts, especially those that have experienced significant housing development; and*

(g) *Any challenges or issues faced by the city in attempting to meet the goals described in this subdivision.*

3. *Public input. The department of housing preservation and development, in coordination with the department of city planning, shall conduct periodic community engagement to solicit feedback and identify the housing needs and goals for the plan required by paragraph 2 of this subdivision. The community engagement must include, but need not be limited to, consultation with stakeholders, advocates, and policy experts, and at least 1 public meeting in each borough at least 6 months before submission of the plan required by paragraph 2 of this subdivision.*

4. *Report. No later than April 1, 2026, and annually thereafter, the department of housing preservation and development, in coordination with the department of city planning, shall submit to the mayor and the speaker of the council a report on the city's progress relating to the goals, strategies and production of housing units citywide and in each community district contained in the plan required by paragraph 2 of this subdivision.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1032

By Council Members Abreu, Lee, Williams, Nurse, Brooks-Powers, Restler, Richardson Jordan, Brewer and Ung.

**A Local Law to amend the administrative code of the city of New York, in relation to removal of abandoned or derelict vehicles**

*Be it enacted by the Council as follows:*

Section 1. Section 16-128 of the administrative code of the city of New York is amended to read as follows:

§ 16-128 Removal of [incumbrances] *encumbrances* from streets. a. 1. The commissioner shall remove, or cause to be removed any [vehicle,] box, barrel, bale of merchandise or other movable property or article or thing whatsoever found upon any street, in accordance with regulations adopted by the [board of estimate] *commissioner*.

2. *The commissioner shall remove, cause to be removed, or refer for removal any abandoned vehicle described in subdivision 1 of section 1224 of the vehicle and traffic law within 72 hours after the department becomes aware of such vehicle. The commissioner shall remove any abandoned vehicle described in subdivision 2 of section 1224 of the vehicle and traffic law within 72 hours after the department becomes aware of such vehicle.*

b. The [board of estimate shall set forth, in such regulations, the procedures to be followed by the commissioner] *commissioner shall set forth regulations* relating to:

1. [the] *The* leasing of yards for storage of property removed under the authority of this section;

2. [notification] *Notification* to the owner of the property removed, if such owner is ascertainable, that the property is being held by the commissioner;

3. [redemption] *Redemption*, by the owner, of the property removed;
4. [reimbursement] *Reimbursement*, by the owner, of the expenses of removal incurred by the commissioner;
5. [the] *The* sale, by the commissioner, of the property held by [him or her] *the commissioner*;
6. [the] *The* keeping of records and accounts, the transmission of such records to the comptroller, and the transmission of funds collected to the commissioner of finance; and
7. [such] *Such* other regulations as the [board of estimate] *commissioner* may deem necessary to carry out the provisions of this section.

[c. Such regulations shall not become effective until adopted by the board of estimate and filed, by the secretary of such board, with the city clerk, pursuant to section eleven hundred five of the charter.]

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

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 1033

By Council Member Ariola.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to consult with the fire department prior to approving open street applications and certain bicycle lane projects and to notify affected firehouses prior to approving open street applications, bicycle lane projects, and major transportation projects.**

*Be it enacted by the Council as follows:*

Section 1. Subdivision j of section 19-107.1 of the administrative code of New York, as added by local law number 55 for the year 2021, is amended to read as follows:

j. Prior to the designation of an open street, the department shall *consult with the fire department and* provide notice to affected council members, community boards [and], community organizations, *and firehouses whose response area includes the proposed open street. The department shall include in such notice a certification of its consultation with the fire department.*

§ 2. Subdivision a of section 19-187 of the administrative code of New York is amended by adding a new paragraph 3 to read as follows:

3. *"Affected firehouse(s)" means the firehouse(s) in whose response area a proposed bicycle lane is to be constructed or removed, in whole or in part.*

§ 3. Paragraph 1 of subdivision b of section 19-187 of the administrative code of New York, as added by local law 61 for the year 2011, is amended to read as follows:

1. Except as provided below, at least ninety days before the construction or the removal of a bicycle lane is to begin, the department shall notify each affected council member, *firehouse*, and community board via electronic mail of the proposed plans for the bicycle lane within the affected community district and shall offer to make a presentation at a public hearing held by such affected community board.

§ 4. Section 19-187 of the administrative code of New York is amended by adding a new subdivision e to read as follows:

*e. The department shall consult with the fire department prior to construction or removal of any bicycle lane that would result in either the removal of a vehicular lane or full time removal of a parking lane. The department shall include a certification of such consultation in the notice required by paragraph 1 of subdivision b of this section. This subdivision does not apply to any construction or removal of a bicycle lane defined as a major transportation project under paragraph 2 of subdivision a of section 19-101.2.*

§ 5. Section 19-101.2 of the administrative code of New York, as amended by chapter 790 of the laws of 2022 and chapter 98 of the laws of 2023, is amended to read as follows:

a. For the purposes of this section, the following terms shall be defined as follows:

1. "Affected council member(s), senator(s), member(s) of assembly and community board(s)" shall mean the council member(s), senator(s), member(s) of assembly and community board(s) in whose districts a proposed major transportation project is to be located, in whole or in part.

2. "Major transportation project" shall mean any project that, after construction will alter four or more consecutive blocks, or 1,000 consecutive feet of street, whichever is less, involving a major realignment of the roadway, including either removal of a vehicular lane(s) or full time removal of a parking lane(s) or addition of vehicular travel lane(s).

3. "*Affected firehouse(s)*" means the firehouse(s) in whose response area a proposed major transportation project is to be located, in whole or in part.

b. If an agency of the city other than the department implements a major transportation project, such agency, in lieu of the department, shall provide the notice required by this section.

c. Prior to the implementation of a major transportation project, the department shall forward notice of such project, including a description of such project, to affected council member(s), senator(s), member(s) of assembly, *firehouse(s)*, and community board(s) by electronic mail.

d. Within ten business days after receipt of such notice: (i) the affected council member(s), senator(s) [and], member(s) of assembly, *and firehouse(s)* may submit recommendations and/or comments on such notice to the department; and (ii) the affected community board(s) may either submit recommendations and/or comments on such notice to the department and/or request a presentation of the major transportation project plan by the department, which shall be made to the community board within thirty days of such community board's request.

e. Each presentation shall include, at a minimum, the project limits, a description, and a justification of such plan, and a map showing the streets affected by such plan and, within three days of such presentation, shall be forwarded to the affected council member(s), senator(s) [and], member(s) of assembly, *and firehouse(s)*.

f. The department shall consider recommendations and/or comments, if any, made under the provisions of subdivision d of this section and/or within seven days of the presentation to the community board, from the affected council member(s), senator(s), member(s) of assembly, *firehouse(s)*, and affected community board(s), and may incorporate changes, where appropriate, into the plan.

g. The department may implement its plan fourteen or more days after it sends an amended plan or notice that it will proceed with its original plan to the affected council member(s), senator(s), member(s) of assembly, *firehouse(s)*, and community board(s).

h. Nothing in this section shall be construed to prohibit the department from providing notice of its major transportation projects on its website and to affected council member(s), senator(s), member(s) of assembly, *firehouse(s)*, and community board(s), and other interested parties by other means in addition to those specified in this section.

i. Nothing in this section shall be construed to require the department to provide notification of major transportation projects requiring immediate implementation to preserve public safety.

j. Prior to the implementation of a major transportation project, the department shall consult with the police department, the fire department, the department of small business services and the mayor's office for people with disabilities. The department shall include a certification of such consultations in the notice required by subdivision c of this section.

§ 6. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 604

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, S.05623/A.05290 in relation to the purchase of claims by corporations or collection agencies and to certain instruments calling for payment of a monetary obligation by a foreign state.**

By Council Members Avilés, Cabán and Richardson Jordan.

**Whereas**, Sovereign debt is the money a nation's government owes to individuals, organizations or other governments; and

**Whereas**, Sovereign debt plays a crucial role in financing governments worldwide by allowing them to make long-term investments and to smooth their consumption through periods of temporary hardship; and

**Whereas**, Many countries have been struggling under the burdens of unsustainable international debts for years; and

**Whereas**, Creditors known as vulture funds buy up defaulted debts at very low prices when a country is in economic distress and aggressively litigate to recoup the debt's full value plus interest, regardless of the debtor's ability to pay; and

**Whereas**, Vulture funds often refuse to renegotiate sovereign debt to level that is more easily managed by the debtor country; and

**Whereas**, In order to pay the vulture funds, countries may be forced to increase taxes, reduce public services, and curtail spending on economic development and poverty-reducing programs; and

**Whereas**, According to Eric LeCompte, a member of the United Nations debt working group, more than half of all sovereign debt contracts are governed by New York State Law, putting New York in a unique position to stop vulture funds from profiteering at the expense of countries in financial distress; and

**Whereas**, Champerty is an English common law doctrine that prohibits the purchase of debt with the intent, and for the purpose, of bringing a lawsuit; and

**Whereas**, Section 489 of the New York Judiciary Law codifies champerty by prohibiting creditors from bringing claims to court if they purchased the claim with the sole aim and express intention of pursuing a legal action; and

**Whereas**, In 2004, the New York State Legislature amended section 489 of the Judiciary Law to effectively eliminate the champerty rule for any debt purchases or assignments having a value of more than \$500,000; and

**Whereas**, S.5623, introduced by State Senator Liz Krueger and pending in the New York State Senate, and companion bill A.5290, introduced by State Assembly Member Jessica González-Rojas and pending in the New York State Assembly, would strengthen champerty by eliminating the safe harbor for transactions over \$500,000; and

**Whereas**, S.5623/A.5290 would require creditors to participate in good faith in a qualified restructuring of debt for foreign states with debts that have been assessed as unsustainable by the International Monetary Fund; now, therefore, be it,

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.5623/A.5290 in relation to the purchase of claims by corporations or collection agencies and to certain instruments calling for payment of a monetary obligation by a foreign state.

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

Res. No. 605

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A5338/S5181, in relation to prohibiting the discharge of any radiological agent into the waters of New York State.**

By Council Members Avilés, Gennaro, Cabán, Restler, Richardson Jordan, Brewer, Hanif, Krishnan, De La Rosa, Ung, Hudson and Louis.

**Whereas**, The Indian Point Nuclear Power Plant, sited on the east bank of the Hudson River, in Buchanan, New York, and located approximately 36 miles north of Midtown Manhattan, permanently ceased power production on April 30, 2021; and

**Whereas**, In 2017, Entergy, Indian Point's owner at the time, entered into a voluntary agreement with the New York State (NYS) Attorney General, NYS Department of Environmental Conservation, NYS Public Service Commission, additional state agencies, and environmental advocacy group Riverkeeper, committing to cease operations by April 2021, rather than continue legal proceedings over the renewal of expired licenses; and

**Whereas**, Holtec International subsidiaries purchased the Indian Point Nuclear Power Plant in May of 2021, after the United States Nuclear Regulatory Commission and the New York State Public Services Commission approved the transfer of Indian Point to Holtec, finding that the organization possessed the technical and financial qualifications to own and decommission Indian Point safely and in accordance with regulatory requirements; and

**Whereas**, The Indian Point facility currently has over one million gallons of radioactive wastewater on site, contained in spent fuel pools, which have been used to cool and store spent fuel assemblies since the 1970s; and

**Whereas**, The longer that spent fuel assemblies sit in water, the higher the levels of radioactivity in the water can become; and

**Whereas**, On March 17, 2022, Holtec International publicly announced its plans to discharge roughly 1.3 million gallons of processed wastewater from Indian Point's spent fuel pools and reactor water storage tanks into the Hudson River; and

**Whereas**, While Holtec states that the wastewater from the spent fuel pools and reactor water storage tanks will be filtered prior to release into the Hudson River, and that such discharges had previously occurred while the facility was in operation, the company acknowledges that its filtration processes cannot remove a radioactive pollutant called tritium from the wastewater; and

**Whereas**, Tritium is a weak source of beta radiation, emitting a low-energy electron that can cause damage to DNA or other important molecules if impacts with them, making it a known carcinogen, exposure to which can lead to miscarriages and birth defects, and it can enter human bodies via ingestion, inhalation, or through skin contact with contaminated water; and

**Whereas**, According to the U.S. Environmental Protection Agency, tritium, once in the body, is generally excreted between one and two months after ingestion, but when tritium becomes incorporated into organic compounds, forming what is known as organic bound tritium, it can persist in the body for longer periods; and

**Whereas**, Some environmental and public health advocates have argued that existing calculations for safe levels of tritium exposure can be inaccurate, as one of the measures is based on a hypothetical subject known as a "Reference Man," defined in 1975 by the International Commission on Radiological Protection as a caucasian male between 20 to 30 years of age, potentially underestimating the increased risk posed to other persons, including pregnant individuals; and

**Whereas**, According to a 2021 review of the potential health effects of tritium exposure published in the Journal of Radiation Research exposure to sources of ionizing radiation like tritium in pregnant individuals can lead to death and malformation of fetuses; and

**Whereas**, Holtec was given access to a 2.4 billion dollar decommissioning trust fund, paid for by New York State tax-payers to cover the cost of decommissioning the Indian Point site, which under an agreement with the NYS Attorney General is subject to certain balance requirements and is meant to be sufficient to complete the decommissioning, with any balance remaining in the decommissioning trust fund thereafter going to Holtec; and

**Whereas**, State Senator Peter Harckham expressed concerns that the structure of the decommissioning trust fund could incentivize Holtec to act with less prudence in order to ensure an eventual profit, with some environmental advocates noting that safer but more costly options exist, including storing the water in special containers on site for the length of tritium's 12 year half-life, at which point the waste would be half as radioactive, or beyond; and

**Whereas**, Assembly Bill A5338, sponsored by Assembly Member Dana Levenberg, and Senate Bill S5181, sponsored by State Senator Harckham, would make it unlawful for any individual or entity to discharge any radiological agent into New York State waterways; and

**Whereas**, The bill would establish a fine of twenty five thousand dollars per day for a first violation, fifty thousand dollars per day for a second violation, and one hundred and fifty thousand dollars per day for all subsequent violations, significantly reducing any profit incentive that may be derived from discharging the wastewater compared to other potentially safer but more costly remediation methods; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, A5338/S5181, in relation to prohibiting the discharge of any radiological agent into the waters of New York State.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

## Preconsidered Res. No. 606

**Resolution calling on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program.**

By Council Members Ayala, Cabán, Restler and Hanif.

**Whereas**, New York City has seen a significant influx of asylum seekers over the last year; and

**Whereas**, Over 53,000 asylum seekers have come to New York City as part of this influx with over 33,400 people still in the city's care in shelters and HERRCs across the five boroughs; and

**Whereas**, After an asylum seeker enters the United States, they have one year from their date of entry to submit an asylum application; and

**Whereas**, After an asylum application is properly filed, an asylum seeker has to wait 150 days before they can submit an I-765 application for employment authorization; and

**Whereas**, Once an I-765 application is submitted, the applicant must wait for approval from the United States Citizenship and Immigration Services (USCIS) before they are able to legally work in the United States; and

**Whereas**, Asylum seekers and immigration advocates in New York City indicate the process to file an initial asylum application has become more complicated and often takes longer than the year currently allotted and delays opportunities to apply for work authorization; and

**Whereas**, In 2017 the I-765 application was one page long and now it is seven pages; and

**Whereas**, Once a work authorization application is submitted, significant processing backlogs at the federal level have resulted in delays receiving approval to work; and

**Whereas**, Although the USCIS has set a new goal to process I-765 applications in three months, reports show processing times average 4.3 months, with some processing times taking up to 15 months; and

**Whereas**, In response to the crisis in Ukraine, the Biden Administration introduced "Uniting for Ukraine," a parole program that streamlined the process for Ukrainians entering the United States; and

**Whereas**, In addition to streamlining entry to the United States, Ukrainians entering under "Uniting for Ukraine" are able to immediately begin working without waiting for their I-765 applications to be approved; and

**Whereas**, Although the newly introduced parole program for Cubans, Haitians, Nicaraguans, and Venezuelans similarly streamlines entry by providing an opportunity for individuals to obtain advance authorization to travel to the United States, individuals entering from these countries must wait for their I-765 applications to be approved before starting work in the United States; and

**Whereas**, Venezuelans who crossed the Mexican or Panamanian borders after October 19, 2022 or Cubans, Nicaraguans, and Haitians who crossed after January 9, 2023 are not eligible for the parole program; and

**Whereas**, With the significant backlog processing employment authorization applications, the current influx of asylum seekers are often unable to access work and income, and support themselves or their families; and

**Whereas**, Without access to work authorization, asylum seekers in New York rely on city services, straining the city's infrastructure, increasing costs, and requiring the city to ask for financial support from the state and federal government; and

**Whereas**, As more asylum seekers come to the United States even under the new Cuban, Haitian, Nicaraguan, and Venezuelan parole program, employment authorization applications will continue to increase and exacerbate the processing backlog; and

**Whereas**, Due to the unpredictability and delays in receiving employment authorization approval, asylum seekers often become victims of employment abuses, like wage theft, when left to seek work without work permits; and

**Whereas**, There is growing bipartisan support to reform immigration processes specifically related to employment authorization applications in order to diminish burdens on local and state governments, reduce the workload of USCIS, and boost the economy by increasing the workforce; and



**Whereas**, Employment authorization regulations for asylum seekers and parolees under the Cuban, Haitian, Nicaraguan, and Venezuelan parole program must be revised in order to address the growing backlog and prepare for future applicants; and

**Whereas**, Legislation must be introduced to update the Cuban, Haitian, Nicaraguan, and Venezuelan parole program, to provide employment authorization similar to “Uniting for Ukraine” so parolees can start working in the United States without waiting for approval; and

**Whereas**, To address the numerous asylum seekers in the United States who are not eligible under the current parole program, executive action must be taken to change administrative rules to grant or extend temporary access to work permits; and

**Whereas**, Employment authorization must be made more accessible to the newly arrived asylum seekers and parolees who are desperate to work; and

**Whereas**, Individuals entering the United States deserve opportunities for employment, and not to be stalled by bureaucratic roadblocks, in order to provide for themselves and their families; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress to pass, and the President to sign, legislation updating the Cuban, Haitian, Nicaraguan, and Venezuelan parole program to allow parolees to work in the United States without waiting for their I-765 applications for employment authorization to be approved, and for the President to take executive action granting or extending temporary access to work permits to asylum seekers currently residing in the United States who are ineligible for the parole program.

Referred to the Committee on Immigration (preconsidered but laid over by the Committee on Immigration).

Preconsidered Res. No. 607

**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 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 2023 and Fiscal 2022 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, aging, and boroughwide 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 2022 Expense Budget by approving new Description/Scope of Services for certain organizations receiving local discretionary funding; now, therefore, be it

**Resolved**, That the City Council approves the new designations and change in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2023 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 funding pursuant to the Boroughwide Needs Initiative in accordance with the Fiscal 2023 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 funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 3; 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 4; and be it further

**Resolved,** That the City Council approves the change in the designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2023 Expense Budget, as set forth in Chart 5; 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 2023 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 aging discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council amends the Purpose of Funds for certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8.

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

Res. No. 608

**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.**

By Council Members Gennaro, Cabán and Ung.

**Whereas,** Flooding caused by extreme weather threatens to damage or destroy thousands of homes in New York City (the City); and

**Whereas,** In 2012, Hurricane Sandy hit the City with a storm surge that flooded 17 percent of the City's landmass, which included more than 300,000 homes and critical infrastructure such as hospitals and the Brooklyn-Battery tunnel; and

**Whereas,** The storm surge was especially devastating in coastal areas, such as the Coney Island peninsula, where the flood waters reached a depth of 11 feet above ground level, and on the South Shore of Staten Island, where they reached a depth of 14 feet; and

**Whereas,** These conditions damaged over 69,000 residential units, killed 44 New Yorkers and cost an estimated \$19 billion in lost economic activity and property damage; and

**Whereas,** To repair the damage from Hurricane Sandy, the City received over \$17 billion in federal relief spending, which included \$9.9 billion from the Federal Emergency Management Agency Public Assistance program and \$4.2 billion from the Community Development Block Grant Disaster Relief (CDBG-DR) program; and

**Whereas,** The City's Build it Back (BIB) Single Family Program, which used CDBG-DR dollars to pay contractors to rebuild single family homes damaged by Hurricane Sandy, had begun assisting only 686 of the roughly 20,000 program applicants by August 2014, nearly two years after the storm struck the City; and

**Whereas,** Some BIB Single Family Program repairs were not completed until 2021, nearly 10 years after Hurricane Sandy occurred; and

**Whereas,** Climate change will likely cause extreme weather like Hurricane Sandy to occur more often and with greater intensity; and

**Whereas,** The New York City Panel on Climate Change has warned that the City will likely experience an increase in chronic tidal flooding and coastal storms over the course of the next century; and

**Whereas,** These trends may increase the frequency with which extreme weather forces New Yorkers living in high-risk flood zones to rebuild their homes; and

**Whereas,** Many New Yorkers struggle to rebuild their homes after damage from extreme weather despite federal assistance; and

**Whereas,** New York State (the State) can mitigate the monetary and human costs of extreme weather by offering to purchase homes at high risk of flooding through voluntary buyout programs, which allow homeowners to resettle in low-risk flood zones and escape the cycle of rebuilding and displacement caused by extreme weather; and

**Whereas,** Voluntary buyout programs also safeguard communities against future storms, as purchased properties are typically transformed into natural, open space storm water management systems; and

**Whereas,** Although the State administered the voluntary New York State Acquisition for Redevelopment buyout program after Hurricane Sandy, the program was limited and offered to purchase homes located in only two neighborhoods in the borough of Staten Island; and

**Whereas,** Homeowners in all five boroughs live at high risk of flood damage and should have the choice to mitigate their risk by selling their property to the State; and

**Whereas,** The State could likely fund a permanent, citywide voluntary buyout program with new state and federal grant and loan programs; and

**Whereas,** In November, 2022, New York State voters approved the Clean Water, Clean Air and Green Jobs Environmental Bond Act, which will raise \$4.2 billion to pay for climate change mitigation and greenhouse gas abatement projects, up to \$250 million of which may be spent on voluntary private property buyouts; and

**Whereas,** The federal Building Resilient Infrastructure and Communities program, which received \$1 billion in funding from the Infrastructure Investment and Jobs Act of 2021 (IIJA), and the federal Safeguarding Tomorrow through Ongoing Risk Mitigation act, which received \$500 million in funding from IIJA, can help states pay for the mitigation of natural hazards through measures such as voluntary buyout programs; now, therefore, be it

**Resolved,** That the Council of the City of New York calls 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.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1034

By Council Members Gutiérrez, Narcisse, Cabán, Restler, Riley and Hanif.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to develop parenting resource materials and the department of health and mental hygiene to distribute such materials to new parents and guardians**

*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 Resource materials for new parents and guardians. a. The department shall develop written materials that identify resources available to new parents and guardians. The department shall update such materials periodically and as necessary to ensure the accuracy and currency of information. The department shall provide such materials to the department of health and mental hygiene for distribution to new parents and guardians pursuant to section 17-168.2. Such materials shall include information regarding:*

- 1. Essential items needed for the care of a child;*
- 2. Child safety;*
- 3. Breast feeding and child nutrition;*

4. Social services programs available to new parents or guardians, including, but not limited to, the supplemental nutrition assistance program; the special supplemental nutrition program for women, infants, and children; cash assistance; rental assistance; food assistance; child care subsidies; and any other federal, state, or local program available to new parents or guardians;

5. Resources available for postpartum care;

6. Support groups for new parents;

7. The child and adolescent vaccine schedule recommended by the federal centers for disease control and prevention;

8. Laws prohibiting discrimination related to pregnancy, childbirth, or related medical conditions; prohibiting discrimination related to caregiver status; reasonable workplace accommodations including lactation accommodations; paid sick and safe leave; temporary schedule changes; temporary disability insurance; the federal family and medical leave act; and the disability benefits law and the paid family leave benefits law of the state of New York; and

9. Any other information that the commissioner determines could promote awareness of resources relevant to new parents or guardians.

b. The department shall develop the materials required by this section in consultation with the New York city commission on human rights, the department of consumer and worker protection, the department of youth and community development, the department of health and mental hygiene, community based organizations with expertise in the workplace rights of pregnant workers, and any other agency or person the commissioner deems appropriate.

§ 2. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-168.2 to read as follows:

§ 17-168.2 Distribution of new parent or guardian resource materials within 30 days of the receipt of the report of any birth. a. Within 30 days after the receipt of the report of any birth, the department shall provide the resource materials described in subdivision a of section 21-151 and contact information for the relevant local, state, and federal elected representatives to the parents or guardian of the child, at the address designated for receipt of the child's certificate of registration of birth pursuant to section 17-168.

b. The department shall make such resource materials available on its website in English and each of the designated citywide languages as defined in section 23-1101 of the administrative code.

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

Referred to the Committee on General Welfare.

Res. No. 609

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.4400/A.4091, to require each institution within the State University of New York and the City University of New York to have at least one vending machine making emergency contraception available for purchase.**

By Council Members Gutiérrez, Rivera, Dinowitz, Cabán, Restler, Richardson Jordan, Brewer, Hanif and Ung (in conjunction with the Brooklyn Borough President).

**Whereas**, The most recent available data by the Centers for Disease Control and Prevention (CDC) reveal that as of 2019, an estimated nearly 14 million or 71.5 percent of women between the ages of 18 and 24 years were at risk for unintended pregnancy in the United States (U.S.); and

**Whereas**, Per CDC, nationally, an estimated almost 10 million or 69.3 percent of women between the ages of 18 and 24 years needed contraceptive services in 2019; and

**Whereas**, Also, per CDC, as of 2019, an estimated 490,700 or 72.3 percent of women between the ages of 18 and 24 years were at risk for unintended pregnancy in New York State; and

**Whereas**, CDC data show that in 2019, an estimated 345,900 or 70.5 percent of women between the ages of 18 and 24 years needed contraceptive services in New York State; and

**Whereas**, 2019 CDC data also demonstrate that more Hispanic and Black, non-Hispanic New Yorkers were at risk for unintended pregnancy, at 89.2 percent and 85.5 percent, respectively, than among White, non-Hispanic New Yorkers, at 77.5 percent; and

**Whereas**, Similarly, per 2019 CDC data, more Black, non-Hispanic and Hispanic New Yorkers needed contraceptive services, at 82.4 percent and 81.3 percent, respectively, than among White, non-Hispanic New Yorkers, at 67.1 percent; and

**Whereas**, Importantly, according to 2019 CDC data, New Yorkers without health insurance coverage had a higher need for contraceptive services than among those with insurance coverage, at 76.4 percent and 73.4 percent, respectively; and

**Whereas**, These demographics mirror those of students at the City University of New York (CUNY) and the State University of New York (SUNY); and

**Whereas**, For example, as of Fall 2019, over 74 percent of students across CUNY colleges were under 25 years of age, and as of Fall 2021, the percentage of students aged 24 years and under ranged across all but two SUNY colleges between 69 percent and 98 percent; and

**Whereas**, According to the Fall 2022 National College Health Assessment by the American College Health Association, 83.5 percent of U.S. college students used at least one method of contraception to prevent pregnancy; and

**Whereas**, One available method of contraception is emergency contraception, which can prevent up to 95 percent of pregnancies when taken within 5 days after intercourse, and which is indicated for such situations as unprotected intercourse, concerns about possible contraceptive failure, incorrect use of contraceptives, and sexual assault; and

**Whereas**, The most recent available CDC data indicate that an estimated 33.5 million or 26.8 percent of U.S. women experienced completed or attempted rape at some point in their lifetime; and

**Whereas**, A study published in 2019 in the Journal of Interpersonal Violence found that 8.4 percent of U.S. women experienced reproductive coercion, including partner condom refusal, during their lifetime; and

**Whereas**, An analysis by the Guttmacher Institute of the most recent available data revealed that in 2015, among U.S. women who used emergency contraception, 41 percent did so out of concern that their regular method would not work, and 50 percent did so after unprotected sex; and

**Whereas**, According to the World Health Organization (WHO) and the Office on Women's Health in the U.S. Department of Health and Human Services (HHS), emergency contraception methods do not harm future fertility, do not terminate or harm already occurred pregnancy, and work primarily by preventing or delaying ovulation; and

**Whereas**, According to the WHO and HHS, the side effects of emergency contraception are uncommon and mild, similar to those of oral contraceptive pills, such as nausea and vomiting, slight irregular vaginal bleeding, and fatigue, which resolve without further treatment; and

**Whereas**, In the U.S., emergency contraception pills first became available by prescription in 1999, and in 2006, the two-dose regimen of levonorgestrel pills was approved by the U.S. Food and Drug Administration (FDA) for over-the-counter (OTC) sales at pharmacies for individuals aged 18 years or older, with the age limit lowered to 17 years in 2009; and

**Whereas**, In 2010, FDA approved ulipristal acetate, a new and more effective form of emergency contraception, under the brand name ella, for prescription-only status; and

**Whereas**, A one-pill regimen of levonorgestrel emergency contraception, under the brand name Plan B One-Step, was approved by FDA for OTC sales for all ages in 2013, with generic versions of this regimen approved for OTC sales in 2014; and

**Whereas**, According to the most recent available CDC data, as of 2019, 24.3 percent of U.S. women of childbearing age used emergency contraception at least once, an increase from 11 percent in 2008 and 23 percent in 2015; and

**Whereas**, The National College Health Assessment by the American College Health Association revealed that as of Fall 2022, 17.3 percent of U.S. college students used emergency contraception at least once within the last 12 months; and

**Whereas,** The American Society for Emergency Contraception reports that as of 2023, among surveyed stores and pharmacies nationwide, 18 percent did not stock emergency contraception at all, and 27 percent imposed outdated age restrictions; and

**Whereas,** Per the American Society for Emergency Contraception, many student health centers on college campuses do not stock emergency contraception, enforce outdated age restrictions, or refuse to provide it, and among those that do make emergency contraception available to students, many have limited hours of operation, especially at night and on weekends when the need might be especially high; and

**Whereas,** A vending machine on a college campus, when placed in an accessible private space in a building with extended hours, can provide a confidential, lower-cost, convenient way for students to access emergency contraception and other sexual health products; and

**Whereas,** The American Society for Emergency Contraception notes that to lower barriers to access, at least 37 college campuses in 16 U.S. states introduced vending machines, which offer emergency contraception, condoms, and other sexual health products, including New York institutions such as Adelphi University, Barnard College, and Columbia University; and

**Whereas,** With the intent of ensuring that every student has access to affordable emergency contraception on the campuses of the State University of New York and the City University of New York to prevent unintended pregnancies and thereby give students a fair chance to achieve academically, State Senator Lea Webb introduced S.4400 in the New York State Senate, and Assembly Member Jessica González-Rojas introduced companion bill A.4091 in the New York State Assembly, which would require each institution within the State University of New York and the City University of New York to have at least one vending machine making emergency contraception available for purchase; 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.4400/A.4091, to require each institution within the State University of New York and the City University of New York to have at least one vending machine making emergency contraception available for purchase.

Referred to the Committee on Health.

Int. No. 1035

By Council Members Hanif, Rivera, Ossé, Bottcher, Narcisse, the Public Advocate (Mr. Williams), Marte, Restler, Richardson Jordan and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring corrections officers to carry and administer opioid antagonists while on duty and to receive related training**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-163 to read as follows:

§ 9-163 Opioid antagonists. a. Definitions. For purposes of this section, the term “opioid antagonist” means a drug approved by the New York state department of health and the federal food and drug administration that, when administered, negates or neutralizes in whole or in part the pharmacological effects of an opioid in the human body.

b. Opioid antagonist training. The department of correction, in consultation with correctional health services, or any other entity designated to provide healthcare or medical services to individuals incarcerated in city correctional facilities, shall provide annual training for all corrections officers on the administration of opioid antagonists to individuals that are incarcerated. Such training shall, at a minimum, include guidance on how to recognize the signs and symptoms of a suspected opioid overdose and the steps that must be taken in response

to a suspected opioid overdose, which shall include, but are not limited to, the administration of an opioid antagonist.

c. Administration of opioid antagonists. All corrections officers trained pursuant to subdivision b of this section shall keep opioid antagonists on their person while on duty and shall administer opioid antagonists to individuals that are incarcerated in accordance with the training provided pursuant to subdivision b of this section. An opioid antagonist administered pursuant to this section shall be considered first aid or emergency treatment for the purposes of liability.

d. Reporting. Beginning no later than January 1, 2023, and no later than January 1 annually thereafter, the department of correction shall post on its website and submit to the speaker of the council, the mayor and the public advocate a report regarding the number of corrections officers trained pursuant to subdivision b of this section and the number of opioid antagonists administered pursuant to subdivision c of this section.

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

Referred to the Committee on Criminal Justice.

Int. No. 1036

By Council Member Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to post shelter information online**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-332 to read as follows:

§ 21-332 *Posting shelter information.* a. *For purposes of this section, the term “shelter” means temporary emergency housing provided to homeless adults, adult families, and families with children by the department or by a provider under contract or similar agreement with the department.*

b. *The department shall post on its website, and update semiannually, an interactive map containing information related to all shelters. The department shall include on such map the following information:*

1. *The address of each shelter;*

2. *The specific populations each shelter serves, including but not limited to single adult males, single adult females, veterans, adult families, and families with children; and*

3. *A photograph of the main entrance of each shelter.*

c. *The department shall exclude from its website information that would otherwise be required to be posted pursuant to subdivision b of this section that is related to shelters that primarily serve especially vulnerable populations due to security concerns involved with revealing the location of such shelters online.*

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

Referred to the Committee on General Welfare.

Int. No. 1037

By Council Members Lee and Ung.

**A Local Law to amend the administrative code of the city of New York, in relation to buildings subject to energy and emissions limits and energy conservation measure requirements**

*Be it enacted by the Council as follows:*

Section 1. Exception 2 of the definition of “COVERED BUILDING” in section 28-320.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

[Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 gross square feet (2322.5 m<sup>2</sup>), as certified by a registered design professional to the department.]

A series of attached, detached or semidetached dwelling units, not more than three stories above grade, which are provided collectively with essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than 20,000 square feet (1858.0608 m<sup>2</sup>) in area under common ownership, and which units together and in their aggregate are arranged or designed to provide three or more apartments.

§ 2. Exception 1 of the definition of “COVERED BUILDING” in section 28-321.1 of the administrative code of the city of New York, as amended by local law number 126 for the year 2021, is amended to read as follows:

[Real property, not more than three stories, consisting of a series of attached, detached or semi-detached dwellings, for which ownership and the responsibility for maintenance of the HVAC systems and hot water heating systems is held by each individual dwelling unit owner, and with no HVAC system or hot water heating system in the series serving more than 25,000 (2322.5 m<sup>2</sup>) gross square feet, as certified by a registered design professional to the department.]

A series of attached, detached or semidetached dwelling units, not more than three stories above grade, which are provided collectively with essential services such as, but not limited to, water supply and house sewers, and which units are located on a site or plot not less than 20,000 square feet (1858.0608 m<sup>2</sup>) in area under common ownership, and which units together and in their aggregate are arranged or designed to provide three or more apartments.

§ 3. This local law takes effect on the same date that local law number 126 for the year 2021 takes effect and is retroactive to, and deemed to have been in full force and effect on, November 15, 2019.

Referred to the Committee on Housing and Buildings.

Res. No. 610

**Resolution calling on the New York State legislature to pass, and the Governor to sign, S.1678A/A.1941, which would require all public school districts, charter schools, and non-public schools to serve breakfast and lunch at no cost to students.**

By Council Members Lee, Cabán, Restler, Richardson Jordan, Brewer, Hanif and Ung.

**Whereas**, The United States Department of Agriculture (USDA) defines food insecurity as the lack of access to nutrition necessary for an active, healthy life; and

**Whereas**, According to scientific studies, children in food-insecure households are more likely to experience developmental issues, to have more chronic health conditions, higher hospitalization rates, poorer mental health, and academic and behavioral problems; and



**Whereas**, Per the USDA, as of 2018, an estimated 11.2 million, or 15.2 percent, of American children resided in food-insecure households; and

**Whereas**, The USDA estimated that as of 2020, nearly 14 million or 10.5 percent of U.S. households were food-insecure; and

**Whereas**, According to the same data, in 2020, the rate of food insecurity among households with children was higher than the national average at 14.8 percent, an increase from 13.6 percent in 2019; and

**Whereas**, As per the same 2020 estimates, Black, non-Hispanic, and Hispanic U.S. households had much higher prevalence of food insecurity, standing at 21.7 percent and 17.2 percent, respectively, and contrasted with the national average of 10.5 percent; and

**Whereas**, In New York State, as of 2020, 596,060, or 14.6 percent, of children were food insecure, but only 85 percent of them were income-eligible for federal nutrition programs; and

**Whereas**, In New York State, as of 2020, the prevalence of food insecurity was much higher among Black and Latino individuals, standing at 19 percent for each and contrasted with 5 percent among White, non-Hispanic individuals; and

**Whereas**, In New York City, as of 2020, the Bronx had the highest rate of all five boroughs of food insecurity among children at 36.3 percent (128,740 children), only 86 percent of whom were income-eligible for federal nutrition programs; and

**Whereas**, In New York City, as of 2020, Brooklyn had the second highest prevalence of food insecurity among children at 26 percent (152,960 children), only 81 percent of whom were income-eligible for federal nutrition programs; and

**Whereas**, A 2019 study of New York City's middle schools providing free lunch and breakfast for all students irrespective of income discovered that universal provision of free meals improved students' weight outcomes, increased school lunch participation, and improved math and English test scores; and

**Whereas**, As of 2022, an estimated 470,000 children in New York State were income-ineligible for free school meals even though they resided in households earning less than a living wage; and

**Whereas**, Only 59 percent of New York schools offered free meals for all students as of 2022; and

**Whereas**, Estimates by Feeding New York State indicate that a statewide universal free school meals program in New York State would improve access to food for about 726,000 students by enabling 1,954 additional schools to provide free school meals to all pupils; and

**Whereas**, According to the same estimates by Feeding New York State, a universal free school meals program would also relieve financial pressure on families by saving an estimated \$140 per child in grocery costs each month; and

**Whereas**, With the intent of reducing child food insecurity, State Senator Michelle Hinchey has introduced S.1678A in the New York State Senate, and Assembly Member Jessica González-Rojas has introduced companion bill A.1941 in the New York State Assembly, which would require all public school districts, charter schools, and non-public schools to serve breakfast and lunch at no cost to students; 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.1678A/A.1941, which would require all public school districts, charter schools, and non-public schools to serve breakfast and lunch at no cost to students.

Referred to the Committee on Education.

Res. No. 611

**Resolution calling upon the United States Congress to pass, and the President to sign, legislation amending the Anti-Drug Abuse Act of 1986 to allow for the operation of legitimate supervised consumption sites around the country.**

By Council Members Lee, Restler, Richardson Jordan and Hanif.

**Whereas**, drug overdoses are a major public health crisis in New York City and across the United States, resulting in 2,668 deaths in New York City and over 106,000 throughout the country in 2021; and

**Whereas**, opioid abuse and overdoses are estimated to cost the American economy more than a trillion dollars every year; and

**Whereas**, public health experts have estimated opioid use disorder costs New York State approximately three percent of its GDP; and

**Whereas**, decades of punitive approaches to drug abuse have not meaningfully reduced the phenomenon or compensated for its harms; and

**Whereas**, the city, state, and federal governments have an abiding interest in reducing the harms caused by drug abuse and its attendant cost to public health and safety; and

**Whereas**, supervised consumption sites provide a model for how to reduce likelihood of overdose and connect chronic drug users to health care, counseling and other services; and

**Whereas**, on November 30, 2021, New York City opened two overdose prevention centers, the first government run supervised consumption sites in the country; and

**Whereas**, these sites allowed staff to mitigate hundreds of potential overdoses; and

**Whereas**, more than half of the patrons of these sites utilized additional services; and

**Whereas**, supervised consumption sites exist in a legal grey area thanks to a portion of the federal Anti-Drug Abuse Act of 1986, known as the “crack house statutes,” which attached felony liability to those who maintain a premises for the sake of using controlled substances; and

**Whereas**, the possibility of criminal prosecution discourages public health authorities and nonprofit providers from operating supervised consumption sites despite promising data on their efficacy at reducing overdose deaths and connecting habitual drug users to services; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, legislation amending the Anti-Drug Abuse Act of 1986 to allow for the operation of legitimate supervised consumption sites around the country

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

Res. No. 612

**Resolution calling on the United States Congress to pass and the President to sign amendments to the Len Bias Law, known as the Anti-Drug Abuse Act of 1986 H.R.5484, to ensure that family members or associate drug users are not criminalized for calling emergency services in a crisis.**

By Council Members Lee and Restler.

**Whereas**, The Len Bias Law provisioned in the Anti-Drug Abuse Act signed by President Ronald Reagan on October 27, 1986, provided a mandatory 20-year minimum and maximum life prison sentence as well as a fine of up to \$2 million for drug distribution cases that resulted in a person’s death or serious injury; and

**Whereas**, Many states passed their own versions of the Len Bias Law to be used when sentencing people convicted of state drug distribution offenses; and

**Whereas**, Some state laws include mandatory sentencing guidelines, while others permit prosecutors to charge someone with reckless homicide for distributing drugs that result in a user's death; and

**Whereas**, Data published by the Centers for Disease Control and Prevention indicate that drug use is increasing with more Americans dying of overdose than in any point in modern history; and

**Whereas**, The Office of National Drug Control Policy started spending more money on treatment and prevention in 2021 than on interdiction and law enforcement; and

**Whereas**, Overdose Prevention Centers (“OPC’s”) operated by OnPoint NYC in New York City has been offering drug users with safe, supervised places to use drugs while also connecting them to services that promote health, including harm reduction, medical attention, mental health therapy, drug treatment, and social supports; and

**Whereas**, People who use illegal drugs frequently worry that by dialing 911 for an overdose, they will be detained and prosecuted; and

**Whereas**, Some states have instituted ‘911 Good Samaritan laws’ that provide legal protections for individuals who call for emergency assistance in the event of a drug overdose; and

**Whereas**, Amending the Len Bias Law, known as the Anti-Drug Abuse Act of 1986 H.R.5484, would empower others, particularly fellow drug users to save the life of a person who has overdosed; and

**Whereas**, Exploring evidence-based solutions such as treatment, rather than incarceration for addiction to address root causes such as harm reduction will improve lives instead of destroying them; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the United States Congress to pass and the President to sign amendments to the Len Bias Law, known as the Anti-Drug Abuse Act of 1986 H.R.5484, to ensure that family members or associate drug users are not criminalized for calling emergency services in a crisis.

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

Res. No. 613

**Resolution calling on the United States Congress to pass and the President to sign, H.R.2400, which would amend title XIX of the Social Security Act to allow States to make medical assistance available to inmates during the 30-day period preceding their release.**

By Council Members Lee, Cabán and Brewer.

**Whereas**, Currently, federal law prohibits federal healthcare coverage for incarcerated individuals, except under very limited circumstances, as they are considered ‘inmates of a public institution’ and barred from receiving Medicaid benefits, even though most detained individuals are Medicaid eligible; and

**Whereas**, While they receive health care while they are incarcerated, without healthcare coverage in place when they are released, many of these individuals struggle to access mental health and substance use treatments upon community reentry; and

**Whereas**, In many states, Medicaid coverage is immediately terminated when someone is sent to a correctional institution, which creates a serious coverage gap extending post-release while they seek to reinstate their benefits, leaving these individuals with no access to health care or addiction treatment during a stressful and dangerous time; and

**Whereas**, According to the New England Journal of Medicine, individuals reentering society are 129 times likelier than the general population to die of a drug overdose during the first two weeks after release; and

**Whereas**, Many of these deaths are preventable with appropriate medical, mental health, and substance use interventions, which usually require health insurance; and

**Whereas**, The federal agency in charge of both Medicare and Medicaid, the Center for Medicare and Medicaid Services, has argued in favor of adding people back to the Medicaid eligibility list "immediately upon release from a correctional facility"; and

**Whereas**, H.R.2400 sponsored by U.S. House Representative Paul Tonko, seeks to expand access to addiction treatment and other health services for Medicaid-eligible individuals by granting states the authority to restart Medicaid services for incarcerated individuals 30 days before their release; and

**Whereas**, H.R.2400 would make it easier for states to coordinate effective addiction treatment and other health services, allowing for a reduced risk of overdose deaths post-release; and

**Whereas**, Incarcerated people and those released from incarceration face poverty, unemployment, and disproportionately high rates of disability, disease, and illness, however, Medicaid is a tool that can be utilized to expand healthcare coverage and reduce the number of preventable deaths after release; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass and the President to sign, H.R.2400, which would amend title XIX of the Social Security Act to allow States to make medical assistance available to inmates during the 30-day period preceding their release.

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

Res. No. 614

**Resolution calling on the United States Congress to pass and the President to sign S.79/H.R.1693 117<sup>th</sup> Congress (2021-2022), known as the Equal Act of 2021.**

By Council Members Lee and Hanif.

**Whereas,** In 1986, Congress passed the Anti-Drug Abuse Act, which established a 100:1 sentencing disparity for crack and powder cocaine, as well as for the first time, mandatory minimum penalties triggered by particular amounts of cocaine; and

**Whereas,** Pursuant to 21 U.S. Code § 841, distribution of just 5 grams of crack carries a minimum 5-year federal prison sentence, while for powder cocaine, distribution of 500 grams, 100 times the amount of crack cocaine, carries the same sentence; and

**Whereas,** Recent studies by the United States Sentencing Commission have concluded that crack-cocaine is not appreciably different from powder-cocaine in either chemical composition or physical reactions in its users; and

**Whereas,** While reports indicate Whites are more likely to report lifetime cocaine use, inner city communities of color have been targeted as a result of national drug enforcement and prosecutorial policies and practices; and

**Whereas,** Advocates strongly believe that crack cocaine mandatory minimum sentences are an attack on the poor because they are more affordable for poor Americans, many of whom are African Americans, than powder cocaine, which is much more expensive and is typically used by wealthier white Americans; and

**Whereas,** Nationwide studies by the U.S. Sentencing Commission have revealed data showing more than 80% of defendants sentenced for crack offenses were African Americans, despite more than 66% of crack users being white and other than non-African Americans; and

**Whereas,** As African Americans have been the target of the vast majority of prosecutions under the Anti-Drug Abuse Act, racial disparities in sentencing have disproportionately led to longer sentences than powder users; and

**Whereas,** In 2010, Congress reduced the crack-to-powder ratio from 100:1 to 18:1 in the Fair Sentencing Act. S.79/H.R.1693, known as the Equal Act of 2021, sponsored by U.S. Senator Cory Booker and U.S. House Representative Hakeem Jeffries, seeks to eliminate the crack-to-powder disparity ratio entirely and guarantees that individuals who were convicted or given a sentence for a federal offense involving cocaine can be resentenced in accordance with the new law; and

**Whereas,** By eliminating the harsh sentencing punishments that currently disproportionately affect African American communities and severely restrict their opportunities, changing these sentencing guidelines would greatly assist African American communities; now, therefore, be it;

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass and the President to sign S.79/H.R.1693 117<sup>th</sup> Congress (2021-2022), known as the Equal Act of 2021.

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

## Res. No. 615

**Resolution calling on New York State to mandate basic training in addiction treatment as a requirement for medical schools that receive state funding.**

By Council Members Lee and Restler.

**Whereas**, According to Centers for Disease Control and Prevention, deaths due to drug overdoses hit an all-time high in 2021, and preliminary data suggests that the numbers from 2022 will be even higher; and

**Whereas**, The Office of the Special Narcotics Prosecutor for the City of New York estimates that there were over 3,000 deaths in New York City due to drug overdoses in the 12 months ending in August 2022; and

**Whereas**, Many overdoses deaths could have been prevented with proper addiction treatment; and

**Whereas**, Addiction is a treatable disease; and

**Whereas**, Addiction is a public health issue and medical professionals play an important role in identifying and treating addiction; and

**Whereas**, Doctors, including primary care physicians, who do not specialize in addiction treatment are often called upon to diagnose and/or treat substance abuse disorders; and

**Whereas**, Medical professionals need to be able to recognize the signs of addiction in order to be able to refer patients to addiction specialists when necessary; and

**Whereas**, There are not enough programs or medical professionals trained in substance abuse to treat all of the individuals that want or need addiction treatment; and

**Whereas**, Not all medical professionals are aware of the medications that are available to treat addiction; and

**Whereas**, If they do not receive training on addiction in medical school many medical professionals will never receive any training on how to diagnose or treat substance abuse disorders; and

**Whereas**, Opioids, and other addictive medications, play an essential role in medical pain management; and

**Whereas**, Medical professionals need to be trained how to prescribe opioids and other controlled substances appropriately in order to prevent addiction; and

**Whereas**, Learning about addiction treatment in medical school will better enable doctors to advocate for addiction treatments for their patients; and

**Whereas**, Teaching about addiction in while they are still students is critical because medical schools is where doctors develop lifelong practice habits; and

**Resolved**, That the Council of the City of New York calls on New York State to mandate basic training in addiction treatment as a requirement for medical schools that receive state funding.

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

## Res. No. 616

**Resolution calling on the Federal Government to mandate basic training in addiction treatment as a requirement for medical schools that receive federal funding.**

By Council Members Lee and Cabán.

**Whereas**, According to Centers for Disease Control and Prevention, deaths due to drug overdoses hit an all-time high in 2021, and preliminary data suggests that the numbers from 2022 will be even higher; and

**Whereas**, The Office of the Special Narcotics Prosecutor for the City of New York estimates that there were over 3,000 deaths in New York City due to drug overdoses in the 12 months ending in August 2022; and

**Whereas**, Many overdoses deaths could have been prevented with proper addiction treatment; and

**Whereas**, Addiction is a treatable disease; and

**Whereas**, Addiction is a public health issue and medical professionals play an important role in identifying and treating addiction; and

**Whereas**, Doctors, including primary care physicians, who do not specialize in addiction treatment are often called upon to diagnose and/or treat substance abuse disorders; and

**Whereas**, Medical professionals need to be able to recognize the signs of addiction in order to be able to refer patients to addiction specialists when necessary; and

**Whereas**, There are not enough programs or medical professionals trained in substance abuse to treat all of the individuals that want or need addiction treatment; and

**Whereas**, Not all medical professionals are aware of the medications that are available to treat addiction; and

**Whereas**, If they do not receive training on addiction in medical school many medical professionals will never receive any training on how to diagnose or treat substance abuse disorders; and

**Whereas**, Opioids, and other addictive medications, play an essential role in medical pain management; and

**Whereas**, Medical professionals need to be trained how to prescribe opioids and other controlled substances appropriately in order to prevent addiction; and

**Whereas**, Learning about addiction treatment in medical school will better enable doctors to advocate for addiction treatments for their patients; and

**Whereas**, Teaching about addiction in while they are still students is critical because medical schools is where doctors develop lifelong practice habits; and

**Resolved**, That the Council of the City of New York calls on the Federal Government to mandate basic training in addiction treatment as a requirement for medical schools that receive federal funding.

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

Res. No. 617

**Resolution calling on United States Attorney General Merrick Garland and the Department of Justice to issue guidance that they will not prosecute overdose prevention centers under section 856 of the Controlled Substances Act, and the Office of National Drug Control Policy to develop a set of standards, policies, and procedures for overdose prevention centers.**

By Council Members Lee, Restler and Lee.

**Whereas**, New York City and the nation are experiencing an opioid crisis involving the misuse of prescription opioid pain relievers as well as heroin and fentanyl; and

**Whereas**, According to the New York City Department of Health and Mental Hygiene (DOHMH), overdose is the leading cause of accidental death in the city, surpassing motor vehicle deaths, homicides, and suicides combined; and

**Whereas**, According to provisional DOHMH data, 2,668 individuals died of a drug overdose in New York City in 2021, an increase of 27 percent since 2020 and 78 percent since 2019 ; and

**Whereas**, Opioid overdose deaths in New York City persist despite the availability of treatment services, collaborative interventions between public health and law enforcement, and increased access to the emergency overdose rescue medicine naloxone, according to DOHMH; and

**Whereas**, Harm reduction encompasses a set of practical strategies aimed at reducing the morbidity and mortality associated with drug use; and

**Whereas**, Overdose prevention centers (OPCs), also known as supervised consumption sites, are professionally supervised facilities where persons who use drugs can consume them under controlled conditions and access services including safe disposal of syringes and injection equipment, vaccination, HIV and hepatitis C testing, linkage to substance use treatment, counseling, and connections to social and medical services; and

**Whereas**, Supervised consumption is a proven harm reduction strategy and approximately 100 OPCs operate in countries including Germany, Spain, and Canada; and

**Whereas**, According to a 2021 report on OPCs published by the National Institutes of Health, “the preponderance of the evidence suggests these sites are able to provide sterile equipment, overdose reversal, and linkage to medical care for addiction, in the virtual absence of significant direct risks like increases in drug use, drug sales, or crime;” and

**Whereas**, In November 2021, New York City opened the first two government-sanctioned OPCs in the United States; and

**Whereas**, According to DOHMH, since opening on November 30, 2021 to the end of 2022, the two supervised consumption sites were used over 52,000 times by 2,227 unique individuals, staff intervened in more than 670 overdoses to prevent potential injury or death, and there were no overdose deaths at the facilities; and

**Whereas**, The success of New York City’s OPCs has spurred other cities and states—including New York State—to consider legislation that would allow for supervised consumption programs; and

**Whereas**, Section 856 of the Controlled Substances Act, known as the “crack house statute,” makes it illegal to own, rent or operate a location for the purpose of using a controlled substance; and

**Whereas**, There is disagreement as to whether the crack house statute applies to OPCs; and

**Whereas**, Despite the evidence that OPCs are an effective harm reduction strategy, many jurisdictions and operators are reluctant to open OPCs due to the possibility of federal enforcement under the Controlled Substances Act; and

**Whereas**, In April 2021, then-Mayor Bill de Blasio, along with the mayors of cities including Philadelphia, San Francisco, and Oakland, sent a letter to Attorney General Merrick Garland requesting clarity from the Biden administration over whether opening OPCs would violate federal law and urging Garland to issue a national policy “deprioritizing enforcement” of the Controlled Substances Act against OPC operators and clients; and

**Whereas**, In a February 2022 statement to the Associated Press, the Department of Justice said it is “evaluating supervised consumption sites, including discussions with state and local regulators about appropriate guardrails for such sites, as part of an overall approach to harm reduction and public safety;” and

**Whereas**, The Office of National Drug Control Policy (ONDCP) leads and coordinates the nation’s drug policy so that it improves the health and lives of the American people; and

**Whereas**, ONDCP’s 2022 National Drug Control Strategy was the first national plan to prioritize harm reduction, focusing on preventing death and illness in drug users while trying to engage them in care and treatment; and

**Whereas**, The Strategy directs federal agencies to take actions that meet people who need treatment where they are and ensure those at highest-risk of an overdose can access evidence-based treatment; now, therefore, be it,

**Resolved**, That the Council of the City of New York calls on Attorney General Merrick Garland and the Department of Justice to issue guidance that they will not prosecute overdose prevention centers under the Controlled Substances Act, and the Office of National Drug Control Policy to develop a set of standards, policies, and procedures for overdose prevention centers.

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

Res. No. 618

**Resolution calling on the MTA and NYCTA to adopt federally-recommended measures to ensure that access-a-ride serves New Yorkers on-time.**

By Council Members Lee, Brooks-Powers, Hudson, Narcisse, Cabán, Richardson Jordan, Brewer, Hanif and Ung.

**Whereas**, since the passage of the Americans with Disabilities Act of 1990, the federal government has mandated the elimination of discrimination against individuals with disabilities in public settings, including in transportation; and

**Whereas**, the ADA mandated that public entities provide individuals with disabilities accessible forms of transportation; and

**Whereas**, Title II of the ADA holds that the failure of a public entity to provide individuals with disabilities a level of transportation services comparable to those enjoyed by the rest of the public amounts to discrimination; and

**Whereas**, the Metropolitan Transportation Authority and the New York City Transit Authority established the Access-A-Ride paratransit program to fulfill in part its obligation to provide accessible transportation options; and

**Whereas**, an investigation by the Department of Justice found in October 2022 that Access-A-Ride consistently fails to provide New Yorkers with disabilities with transportation comparable to that available to non-disabled MTA riders; and

**Whereas**, the investigation found that Access-A-Ride routinely fails to provide timely drop-offs and reasonable travel times, and

**Whereas**, MTA and NYCTA lack performance standards for on-time Access-a-Ride drop-offs, and

**Whereas**, MTA and NYCTA do not collect and maintain data on paratransit drop off times, and

**Whereas**, MTA and NYCTA do not analyze drop-off time performance, and

**Whereas**, MTA and NYCTA do not incentivize contractors to meet timely drop-off standards or impose consequences for failure to meet such standards, and

**Whereas**, MTA and NYCTA do not have a standard to prevent excessively long trips, defined as those that take 15 minutes longer than traveling between the same two points by fixed route transit, and

**Whereas**, MTA and NYCTA do not conduct analyses of comparable trip time for Access-A-Ride, and

**Whereas**, the Department of Justice has said that it may pursue a lawsuit against MTA and NYCTA if the entities do not address the deficiencies mentioned above, now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the MTA and NYCTA to adopt federally-recommended measures to ensure that access-a-ride serves New Yorkers on-time.

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

Int. No. 1038

By Council Member Menin.

**A Local Law to amend the administrative code of the city of New York, in relation to regulating the idling of engines and the use of citizen's complaints to enforce laws enforced by the department of environmental protection**

*Be it enacted by the Council as follows:*

Section 1. Subdivisions (a), (c), (d), and (f) of section 24-163 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, are amended to read as follows:

(a) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than three minutes *in any sixty-minute period*, except as provided in subdivision (f) of this section, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading *device*, unloading *device*, or processing device. When the ambient temperature is in excess of forty degrees Fahrenheit, no person shall cause or permit the engine of a bus [as defined in section one hundred four of the



vehicle and traffic law] to idle while parking, standing, or stopping (as defined above) at any terminal point, whether or not enclosed, along an established route.

(c) For the purpose of this section only [the term "school bus depot" shall mean any garage, lot or other facility where buses that transport children to or from schools are parked over night and the term "multiple use bus terminal point" shall mean a location that is both a terminal point of at least one bus route (other than a school bus route) and a bus stop (other than a school bus stop) on one or more other bus routes] *the following terms shall be defined as follows:*

*"Bus" has the same meaning as defined in section 104 of the vehicle and traffic law.*

*"Embark or disembark" means the active entering or exiting of passengers from a bus while the bus is stopped, standing or parked.*

*"Loading device" means a device used to move goods or people on to a vehicle.*

*"Processing device" has the same meaning as set forth in section 39-01 of title fifteen of the rules of the city of New York.*

*"School bus depot" means any garage, lot or other facility where buses that transport children to or from schools are parked overnight.*

*"Terminal point" means the beginning or end of a bus route.*

*"Truck" has the same meaning as defined in section 158 of the vehicle and traffic law.*

*"Unloading device" means a device used to move goods or people off of a vehicle.*

(d) In any proceeding relating to a violation of the restrictions on idling, it shall not be a defense that: *(1) a sign required by this section was absent at the time of the violation; or (2) one or more summonses, appearance tickets or notices of violation concerning violations of the restrictions on idling had been issued at the same location and on the same day.*

(f) No person shall cause or permit the engine of a motor vehicle, other than a legally authorized emergency motor vehicle, to idle for longer than one minute if such motor vehicle is adjacent, as determined by rule, to any public school under the jurisdiction of the New York city department of education or to any non-public school that provides educational instruction to students in any grade from pre-kindergarten to the twelfth grade level, while parking as defined in section one hundred twenty-nine of the vehicle and traffic law, standing as defined in section one hundred forty-five of the vehicle and traffic law, or stopping as defined in section one hundred forty-seven of the vehicle and traffic law, unless the engine is used to operate a loading *device*, unloading *device*, or processing device, and provided that idling of an engine of a school bus may be permitted [to the extent necessary]: *(1) to the extent necessary for mechanical work; (2) [to maintain an appropriate temperature for passenger comfort] for up to fifteen minutes in a sixty-minute period to provide heating or air-conditioning to passengers on board a bus when the temperature at the location of the bus is less than forty degrees Fahrenheit or at least eighty degrees Fahrenheit, respectively; or (3) to the extent necessary in emergency evacuations where necessary to operate wheelchair lifts. It shall be an affirmative defense that any such school was not easily identifiable as a school by signage or otherwise at the time a violation of this subdivision occurred.*

§ 2. Section 24-178 of the administrative code of the city of New York is amended by adding new subdivisions (f) and (g) to read as follows:

*(f) Notwithstanding the minimum and maximum amounts set forth in the table of civil penalties following subparagraph (i) of paragraph (3) of subdivision (a) of this section, a zero dollar civil penalty shall be imposed on a person for a violation of subdivision (a) or (f) of section 24-163, provided that: (1) no later than the cure deadline, the respondent admits liability for the violation and files a certification with the department specifying that anti-idling technology has been installed on the engine of the motor vehicle that idled in violation of such subdivision; and (2) the commissioner accepts such certification of compliance, and provided further, that such violation may serve as a predicate for the imposition of civil penalties for any subsequent violations of subdivision (a) or (f) of section 24-163. For purposes of this subdivision, "cure deadline" means: (i) prior to the date on the summons for a hearing before the office of administrative trials and hearings, acting pursuant to section 1049-a of the New York city charter, in relation to such violation; and (ii) 90 days from either: (A) the date on the summons issued by the department pursuant to section 24-180; or (B) the date of service of the summons served by a complainant pursuant to subdivision (b) of section 24-182.*

*(g) The department shall promulgate rules relating to the requirements described in subdivision (f) of this section for imposition of a zero dollar civil penalty on a person for violation of subdivision (a) or (f) of section 24-163, including, but not limited to, prescribing the form and manner of the certification, describing the type*

*of anti-idling technology that is required to be installed, and specifying the information and documentation, which may include a physical inspection of the vehicle, that must be provided with such certification.*

§ 3. Section 24-182 of the administrative code of the city of New York, as amended by, and subdivision (f) as added by, local law number 58 for the year 2018, is amended to read as follows:

§ 24-182 Citizen's complaint. (a) Any natural person, other than personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code, may serve upon the department a complaint, in a form prescribed by the department, *as described in rules promulgated by the department pursuant to subdivision (f) of this section*, alleging that a person has violated any provision of this code or order or regulation promulgated by the commissioner [or the board], except with respect to sections 24-143 and 24-163 of this code, but still applicable to buses [as defined in section one hundred four of the vehicle and traffic law] and trucks [as defined in section one hundred fifty eight of the vehicle and traffic law], together with evidence of such violation *as described in rules promulgated by the department pursuant to subdivision (f) of this section*. *The complaint must be served upon the department within thirty days of the date of the observation of the alleged violation of this code or order or regulation*. With respect to section 24-142 of this code, only such person who has been certified as a smoke watcher, by passing a course of smoke observation approved by the department within three years prior to the observation, may serve such complaint.

(b) A person who has served a complaint pursuant to subdivision (a) of this section may serve upon the person allegedly in violation, and file with the office of administrative trials and hearings pursuant to section 1049-a of the charter, a notice of violation in a form prescribed by such office, *provided that: (1) within [forty-five] one hundred eighty days from service of such complaint [if:*

(1) (A) [The] *the* department has failed to serve a notice of violation, pursuant to the rules of the environmental control board within the office of administrative trials and hearings, for the violation alleged in a complaint pursuant to subdivision (a) of this section; [or

(2) The] *and (B) the* department [fails] *has failed* to serve a written notice upon the complainant of its determination that [his or her] *the* complaint is [frivolous or duplicitous] *rejected based on its failure to comply with the requirements set forth in rules promulgated pursuant to paragraph (1) of subdivision (f) of this section; and*

*(2) the date provided in such notice of violation for a hearing before the office of administrative trials and hearings, acting pursuant to section 1049-a of the charter, is no less than one hundred fifty days from the date of service of such notice of violation and an affidavit of service has been provided to the department within ten business days of the date of such service.*

(c) A person commencing a proceeding pursuant to this section shall provide notice to the department at the time of commencement and prosecute such proceeding at his or her own expense. The department may intervene in such a proceeding at any time.

(d) In any proceeding brought by the department after receiving a complaint[,], *served* pursuant to subdivision (a) of this section, the office of administrative trials and hearings *acting* pursuant to section 1049-a of the charter shall award the complainant, out of the proceeds collected, twenty-five percent of such proceeds, for disclosure of information or evidence, not in the possession of the department prior to the receipt of the complaint by the department, which leads to the imposition of the civil penalty.

(e) In any proceeding brought by a complainant pursuant to subdivision (a) of this section, such office shall award, out of the proceeds collected, fifty percent of any civil penalty as fair and reasonable compensation to such person.

(f) [On or before January 1, 2019, the] *The* department shall [publish on the city's website information related to best practices for filing citizen complaints pursuant to this section. Such information shall include but need not be limited to guidance on procedures for serving such complaints and for gathering supporting documentation.] *promulgate rules relating to:*

*(1) the form in which complaints, as authorized by subdivision (a) of this section, must be served and the form in which evidence, as required by such subdivision, must be submitted, to the department to ensure the accuracy and reliability of such complaints, including, but not limited to, prohibiting the submission of false, altered or misleading evidence and evidence collected by persons other than the complainant, and the integrity of proceedings commenced to enforce provisions of this code or order or regulation promulgated by the commissioner or the board; and*

(2) the process the department will utilize to advise a person that a complaint or evidence has been rejected based on its failure to comply with the requirements set forth in rules promulgated pursuant to paragraph (1) of this subdivision.

§ 4. Table VI in subdivision a of section 24-261 of the administrative code of the city of New York is amended to read as follows:

**TABLE VI**

Violation related to section or subdivision and order or regulation thereunder
24-208
24-216
24-220 (b)
24-224
24-232, except that the provisions of this section 24-261 shall apply only to violations by persons operating motor vehicles listed in subdivisions one and two of column I, and subdivisions one and two of column II of Table 1. 24-234 24-236 24-237, except that the provisions of this section 24-261 shall apply only to a violation by a person operating a circulation device with a rated capacity in excess of fifty thousand British thermal units per hour or its equivalent.
24-238
24-240
24-241
24-244 (a), (b)(ii) – (vi)
24-245

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1039

By Council Members Moya, Restler, Cabán, Marte, Holden, Brewer, Hanif, Bottcher and Ung.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting nighttime illumination for certain buildings**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-116.2 to read as follows:

§ 24-116.2 *Limitations on nighttime illumination.* a. *As used in this section, the term “night” means the period of time beginning at sunset and ending at sunrise.*

b. *No exterior or interior of a building whose main use or dominant occupancy is classified in group B or M pursuant to the New York city building code may be illuminated at night, except as follows:*

1. This subdivision shall not apply to a retail or wholesale establishment that sells goods or services to consumers and occupies under 4,000 square feet of retail or wholesale space, excluding storage space, and is not one of a chain of stores.

2. An owner of a building that is a landmark, as such term is defined in section 25-302, and 20 or more stories in height may apply to the landmarks preservation commission for relief from the provisions of this section for such building. If such commission finds that such building is a significant part of the city's skyline, as determined pursuant to rules promulgated by such commission, such commission may, after consultation with the department, waive or vary the provisions of this section for such building.

3. Upon a showing by a building owner that special circumstances indicate a need for night security lighting for such building, the department may waive or vary the provisions of this section for such building to the minimum extent necessary to accommodate such lighting. The department shall, in coordination with the police department and the department of buildings, promulgate rules defining such special circumstances.

4. Where individuals are inside of a building at night, such building's interior or exterior may remain illuminated until such individuals exit such building.

5. This subdivision shall not prohibit illumination of a building's interior or exterior at night where such illumination is required by law, rule or the zoning resolution of the city of New York.

6. Storefront display windows containing temporary seasonal displays may be illuminated until midnight or until the last individual within the building exits, whichever occurs later.

7. Storefront display windows, other than those containing temporary seasonal displays, may be illuminated at night, provided that (i) such illumination does not exceed 50 watts per linear foot of the window perimeter until midnight and does not exceed 25 watts per linear foot of the window perimeter after midnight, (ii) no more than 20 percent of the luminaires providing such illumination are located more than 15 feet from the window, and (iii) each luminaire used for such illumination has a luminous efficacy greater than 30 lumens per watt.

c. An owner or operator of a building found to be in violation of this section shall be subject to a civil penalty of \$1,000 for each violation.

d. The department shall enforce the provisions of this section.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection and chair of the landmarks preservation commission shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 1040

By Council Member Narcisse.

**A Local Law to amend the New York city charter, in relation to reporting on cases transferred from the civilian complaint review board due to a lack of jurisdiction**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 6 of subdivision (c) of section 440 of the New York city charter, as amended by local law number 47 for the year 2021, is amended to read as follows:

6. The board shall issue to the mayor and the city council a semi-annual report which shall describe its activities and summarize its actions. Such report shall include[, for]:

(i) For each investigation initiated pursuant to section 441[, such]:

(1) Such investigation's date of initiation[.];

(2) The investigation's current status and any date of completion or termination[, a];

(3) A description of any investigative findings and recommendations set forth in a written statement of final determination [and a]; and

(4) A description of any written reports from the police commissioner in response to a written statement of final determination[.]; and

(ii) For each instance in which an incident referred to the board is deemed outside the board's jurisdiction, the following information:

- (1) Type of allegation;
- (2) Borough of occurrence;
- (3) Precinct of occurrence;
- (4) Reason the incident is outside the board's jurisdiction;
- (5) Whether the complainant was referred to another agency; and
- (6) The agency to which the complainant was referred, if any.

§ 2. Subdivision (d) of section 440 of the New York city charter is amended by adding new paragraphs 4 and 5 to read as follows:

4. The police department shall issue to the city council an annual report which must contain the following information regarding incidents referred to the police department from the board. The report must include, but need not be limited to the following:

- (i) Type of allegation;
- (ii) The unit within the police department to which the case was referred;
- (iii) The dispositions of the referrals; and
- (iv) The amount of time between the police department receiving the complaint and a final disposition.

5. The police department shall contact the complainant via mail and email to inform the complainant that the police department will be handling their case, provide the reason as to why the case was transferred, and provide a reference number and contact information for follow up inquiries.

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Res. No. 619

**Resolution calling on New York State to collect and publish data on diabetes-related amputations annually, and encourage hospitals to create a strategy to reduce the growing number of diabetes-related amputations.**

By Council Members Narcisse and Hanif.

**Whereas**, According to 2022 statistics from the Centers for Disease Control and Prevention (CDC), in the United States roughly 28.7 million people have been diagnosed with diabetes, and an additional 8.5 million people are undiagnosed; and

**Whereas**, In New York, approximately 1.7 million people have been diagnosed with diabetes, with an additional estimate of 456,000 who are undiagnosed; and

**Whereas**, Over 117,000 people are diagnosed with diabetes every year in New York; and

**Whereas**, For individuals with diabetes, the risk of lower extremity amputations are 20 times higher than in individuals without diabetes, with studies showing that most non-traumatic lower limb amputations are caused by diabetes; and

**Whereas**, Amputations are common for individuals with diabetes due to their high risk of developing foot ulcerations because of inadequate blood supply and damage to the nerves in the feet; and

**Whereas**, Estimates from Health People - Community Preventive Health Institute show that between 2009 and 2021, New York State had 50,000 diabetes-related amputations; and

**Whereas**, Between 2009 and 2017, New York saw an 84% increase of hospitalization rates for diabetes-related amputations, compared to the nationwide increase of 47%; and

**Whereas**, The increase has been even more significant in New York City over the same time period, with Bronx, Queens, and Manhattan each increasing by more than 95%; and

**Whereas**, For diabetic patients, adjusting to life after a lower extremity amputation is not the only post-operation concern; and

**Whereas,** Almost 55% of individuals who had a lower limb amputation caused by diabetes, needed an amputation on the second leg within 2 to 3 years of their first amputation; and

**Whereas,** A publication from the *Journal of Foot and Ankle Research* shows that the five year death rate for diabetic patients after a minor amputation is 29% and 57% after a major amputation; and

**Whereas,** Research shows that regular care and early intervening treatments, through foot screening and designated strategies related to foot care, are effective methods for preventing diabetic-related amputations; and

**Whereas,** Early care for lower limb issues, targeted patient education, or asking people with diabetes on government insurance to attend one wellness visit a year have all yielded in reductions of lower limb amputations; and

**Whereas,** Due to the COVID-19 pandemic, regular care and preventive treatment appointments decreased significantly, negatively affecting the health of diabetic patients and in some regions resulted in an increase of lower extremity amputations; and

**Whereas,** Diabetic patients that require amputations are also subject to overwhelming costs of care, with initial hospital costs between \$30,000 and \$60,000 dollars and additional follow-up costs after the operation; and

**Whereas,** Diabetic patients often have to navigate lost employment following an amputation, or pay for mental health and other services often necessary for amputees, which can result in costs of up to \$200,000 in the first year after an amputation; and

**Whereas,** Diabetes also takes a significant toll on the nation's economy, with diabetes care cost estimates rising to \$327 billion in 2018, with almost 68% of that cost covered by Medicaid, Medicare, and the military; and

**Whereas,** In New York State, Medicaid patients with diabetes average about \$15,336 beyond the average cost for Medicaid patients without diabetes; and

**Whereas,** Although New York State collects data on rates of lower extremity amputations in diabetic patients, the information is not posted consistently; and

**Whereas,** Limited information on the rates makes it difficult to identify whether the numbers are improving or worsening across New York City and to respond accordingly; and

**Whereas,** According to health professionals and diabetes patient advocates, New York State does not have programs or initiatives that advocate care and strategies necessary to reduce lower extremity amputations; and

**Whereas,** Without targeted strategies and encouragement to hospitals to address this growing number, lower extremity amputations will continue to increase; and

**Whereas,** To improve the health and wellbeing of the 1.7 million New Yorkers living with diabetes; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on New York State to collect and publish data on diabetes-related amputations annually, and encourage hospitals to create a strategy to reduce the growing number of diabetes-related amputations.

Referred to the Committee on Hospitals.

Int. No. 1041

By Council Members Nurse, Abreu, Sanchez, Ossé, De La Rosa, Krishnan, Gutiérrez, Stevens, Avilés, Cabán, Marte, Restler, Brewer, Hanif, Richardson Jordan and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to expanding the definition of tenant harassment to include unlawful evictions and expanding the certificate of no harassment program to include unlawful evictions**

*Be it enacted by the Council as follows:*

Section 1. Subparagraph g of paragraph 48 of subdivision a of section 27-2004 of the administrative code of the city of New York, as amended by local law number 15 for the year 2017, is amended and a new subparagraph h is added to read as follows:

g. other repeated acts or omissions of such significance as to substantially interfere with or disturb the comfort, repose, peace or quiet of any person lawfully entitled to occupancy of such dwelling unit and that cause or are intended to cause such person to vacate such dwelling unit or to surrender or waive any rights in relation to such occupancy, including improperly requiring such person to seek, receive or refrain from submitting to medical treatment in violation of subdivision b of section 26-1201[.] ;

*h. any conduct in violation of section 26-521.*

§ 2. Subdivision b of section 27-2093.1 of the administrative code of the city of New York, as amended by local law number 140 for the year 2021, is amended to read as follows:

b. Pilot program list. The department shall compile and publish a pilot program list. The criteria used to select buildings to be included on the pilot program list shall be promulgated by the department in rules and shall be limited to:

(1) Buildings with scores on the building qualification index indicating significant distress as determined by the department;

(2) (i) Buildings where a full vacate order has been issued by the department or the department of buildings, except where such vacate order was issued due to a fire, or (ii) buildings where there has been active participation in the alternative enforcement program which have been discharged from such program;

(3) Buildings where there has been a final determination by New York state homes and community renewal or any court having jurisdiction that one or more acts of harassment were committed at such building within the 60 months prior to the effective date of the local law that added this section or on or after the effective date of the local law that added this section. The department shall establish a method of identifying buildings where there have been adjudications of harassment after the effective date of the local law that added this section, and may request the cooperation of the tenant harassment prevention task force to establish and effectuate such method. The department shall add a building to the pilot program list within 30 days after it is identified in accordance with such method; [and]

(4) Buildings where an administrator has been discharged under article 7-A of the real property actions and proceedings law unless such building is the subject of a loan provided by or through the department or the New York city housing development corporation for the purpose of rehabilitation, as provided in rules of the department[.]; and

*(5) Buildings where an owner has been found by a court or administrative agency to have committed conduct in violation of section 26-521 or section 768 of the real property actions and proceedings law, or been subject to a special proceeding pursuant to subdivision 10 of section 713 of the real property actions and proceedings law regardless of whether a final judgment of possession was awarded against the owner in such action or proceeding.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1042

By Council Members Nurse, Abreu, Sanchez, Ossé, De La Rosa, Krishnan, Gutiérrez, Stevens, Avilés, Cabán, Restler, Richardson Jordan, Hanif and Ayala.

**A Local Law to amend the administrative code of the city of New York, in relation to injunctive relief for lawful occupants of rental units**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 27-2120 of the administrative code of the city of New York, as added by local law number 7 for the year 2008, is amended to read as follows:

b. Any tenant, or person or group of persons lawfully entitled to occupancy may individually or jointly apply to the housing part of the civil court for an order restraining the owner of the property from engaging in harassment. *The housing part of the civil court may not deny an application for relief, including restoration of possession, on the basis that the person applying for such relief is not a tenant so long as such person is lawfully entitled to occupancy, or on the basis that the court deems restoration futile because the person applying for such relief would be subject to a meritorious claim of possession against them in a proceeding under article 7 of the real property actions and proceedings law, as long as no such judgment of possession has actually yet been granted.* Except for an order on consent, such order may be granted upon or subsequent to a determination that a violation of subdivision d of section 27-2005 of this chapter has occurred.

§ 2. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Int. No. 1043

By Council Members Nurse, Abreu, Sanchez, Ossé, De La Rosa, Krishnan, Gutiérrez, Stevens, Avilés, Cabán, Marte, Restler, Richardson Jordan and Hanif.

**A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for unlawful evictions**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 26-523 of the administrative code of the city of New York is amended to read as follows:

b. Such person also be subject to a civil penalty of not less than [one thousand] \$5,000 nor more than [ten thousand dollars] \$20,000 for each violation. Each such violation shall be a separate and distinct offense. In the case of a failure to take all reasonable and necessary action to restore an occupant pursuant to subdivision b of section 26-521 [of this chapter], such person shall be subject to an additional civil penalty of not more than [one hundred dollars] \$1,000 per day from the date on which restoration to occupancy is requested until the date on which restoration occurs, provided, however, that such period shall not exceed [six] 12 months.

§ 2. Article 1 of subchapter 4 of chapter 2 of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2093.2 to read as follows:

§ 27-2093.2 *Unlawful eviction penalties.* a. *The owner of a building where a person was found to intentionally violate or assist in the violation of any of the provisions of section 26-521 shall be prohibited from taking part in any subsidy program, tax abatement program or tax exemption program of the city of New York for a period of 60 months from the date of the unlawful eviction.*

b. *Cure agreement; mandatory set-asides.* 1. *The owner of a building where a person was found to intentionally violate or assist in the violation of any of the provisions of section 26-521 may cure such violations for the purposes of this section and on the records of the department with a written agreement in which the owner commits to engage in or provide for new low income housing as such term is defined in section 27-2093.1 through an entity identified by the department as capable of developing such housing in the same community district as the building in which the unlawful eviction occurred. Such new low income housing shall be within the building in which the unlawful eviction occurred, in a new building at the same site as the building in which the unlawful eviction occurred, or in a building within the same community district, in accordance with rules promulgated by the department, provided that such owner shall construct or provide no less than the greater of: (i) 25 percent of the total residential floor area of such building in which the unlawful eviction occurred, or (ii) 20 percent of the total floor area of any separate building. Lawful occupants who were victims of unlawful eviction in such owner's building shall have priority in the allocation of low income units established pursuant to this agreement if such lawful occupants otherwise qualify for such units.*



2. *The department shall promulgate rules providing for the administration and enforcement of an agreement pursuant to this subdivision, and shall establish criteria for such an agreement to ensure the effective implementation thereof.*

3. *As part of the agreement established by this subdivision, the owner shall attest that no such construction of low income housing pursuant to such agreement shall be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner otherwise may be eligible to apply, or to apply for a hardship waiver from any existing code or zoning resolution requirements. The department shall ensure that floor area of low income housing required by this subdivision is in addition to and not in substitution for floor area of low income housing that may be used by the owner to satisfy an eligibility requirement of any real property tax abatement or exemption program, or of a floor area ratio increase pursuant to section 23-90 of the zoning resolution, for which the owner may apply. The department shall ensure that a city, state or federal subsidy shall not be used for the construction of low income housing required pursuant to this subdivision.*

4. *Any owner entering into an agreement pursuant to this subdivision shall record and index a restrictive declaration with respect to such agreement with the city register or the county clerk.*

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

Referred to the Committee on Housing and Buildings.

Res. No. 620

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation requiring unlawful eviction cases to be heard within five days.**

By Council Members Nurse, Abreu, Sanchez, Ossé, De La Rosa, Krishnan, Gutiérrez, Stevens, Avilés, Cabán, Restler, Richardson Jordan, Hanif and Ayala.

**Whereas**, Evicting tenants without getting an order from housing court is a crime and a property owner could receive a summons or even go to jail for up to a year; and

**Whereas**, According to an article by the City, an online publication, some property owners have been disregarding the law by changing locks and turning off utilities to get tenants to leave their apartment without first going to court; and

**Whereas**, The article mentioned that New York City (“NYC”) tenants filed 2,642 illegal lockout cases in 2020 and 2021 in housing court; and

**Whereas**, Unlawful evictions can increase the risk of homelessness and elevate long-term residential instability; and

**Whereas**, According to the Coalition for the Homeless, a homeless advocacy group, in the past few years homelessness in NYC has reached the highest levels since the Great Depression of the 1930s; and

**Whereas**, The courts should act swiftly in unlawful eviction cases and restore a lawful tenant back to their apartment; and

**Whereas**, Section 110(9) of the NYC Civil Court Act states that such cases shall be “...returnable within five days, or within any other time period in the discretion of the court”; and

**Whereas**, Housing court should not have the discretion to hear unlawful eviction cases on a slower timetable than within five days; and

**Whereas**, Expediting the process to hear these type of cases could help prevent unnecessary displacement and reduce the risk of homelessness; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, legislation requiring unlawful eviction cases to be heard within five days.

Referred to the Committee on Housing and Buildings.

## Res. No. 621

**Resolution designating November 15 annually as Ol' Dirty Bastard Day in the City of New York and honoring his legacy as a founder of the legendary Wu-Tang Clan and as a unique MC.**

By Council Members Ossé, Cabán, Riley and Louis.

**Whereas**, Russell Tyrone Jones was born on November 15, 1968, in Brooklyn and became one of Hip Hop's most unique MCs (master of ceremonies) and influential voices, known to his many fans as Ol' Dirty Bastard or ODB; and

**Whereas**, ODB is known for his half-sung, half-rapped style, with free-associative rhymes that have stood the test of time, or, as *Rolling Stone* magazine put it, "a like-it-raw vibe that disguised lyrical chops, a jazzy flow, and hip-hop's greatest can't-sing voice since Biz Markie"; and

**Whereas**, ODB became one of the founding members of the Wu-Tang Clan, the iconic rap collective primarily from Staten Island, along with his cousins Gary Grice (known to fans as GZA) and Robert Diggs (known to fans as RZA); and

**Whereas**, ODB boasted the loudest personality of the Wu-Tang members and was loved by his fans as a larger-than-life magnetic character, on stage and off; and

**Whereas**, In 1993, Wu-Tang released its landmark *Enter the Wu-Tang (36 Chambers)*, ranked as 8 by *Rolling Stone* on its list of the 200 greatest Hip Hop albums; and

**Whereas**, In writing about Wu-Tang's debut album, *Rolling Stone* spotlighted "the free-form wit" of ODB and noted that the album was "[n]ine guys from New York's outermost boroughs, steeped in Five Percent teachings and old kung-fu movies, crammed into one smoky studio for a lyrical battle royale that would reshape rap for the next decade...and [make] an entire generation of MCs step up their lingo"; and

**Whereas**, In 1995, ODB released his first solo album *Return to the 36 Chambers: The Dirty Version*, produced by RZA and written, in part, by GZA; and

**Whereas**, *Return to the 36 Chambers: The Dirty Version* was ranked as 106 by *Rolling Stone* on its top 200 list and was nominated for a Grammy Award for best rap album; and

**Whereas**, ODB was later also nominated for a Grammy for best rap album for *Wu-Tang Forever* in 1997 and for best rap performance by a duo or group for "Ghetto Supastar" in 1998; and

**Whereas**, ODB's long list of classics from his Wu-Tang days and his solo work includes "Shimmy Shimmy Ya," "Brooklyn Zoo," "Baby C'mon," "Protect Ya Neck," "Hip to the Hoppa," and "Got Your Money"; and

**Whereas**, After years of legal troubles and drug issues, ODB was working on a new album when he died of a drug-related heart attack on November 13, 2004, in Manhattan; and

**Whereas**, At the funeral, RZA eulogized ODB as "a unique soul in the family," whom "people fell in love with immediately" wherever he went; and

**Whereas**, It is appropriate to dedicate a day to commemorate ODB's influence on the generations of MCs that have followed him and his fellow Wu-Tang members; now, therefore, be it

**Resolved**, That the Council of the City of New York designates November 15 annually as Ol' Dirty Bastard Day in the City of New York and honors his legacy as a founder of the legendary Wu-Tang Clan and as a unique MC.

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

## Res. No. 622

**Resolution designating September 10 annually as Big Daddy Kane Day in the City of New York and celebrating his influence on generations of Hip Hop MCs.**

By Council Members Ossé, Cabán, Riley and Louis.

**Whereas**, Antonio Hardy was born on September 10, 1968, in Brooklyn and became one of Hip Hop’s most skilled and influential MCs (master of ceremonies) and lyricists, known to his many fans as Big Daddy Kane or Kane; and

**Whereas**, Kane is celebrated for his baritone vocal brilliance, with its quick flow and impressive rhymes, as well as his fashion trendsetting and command of the stage; and

**Whereas**, Although Kane grew up in Bedford-Stuyvesant, he became a member of the Juice Crew in 1986, a collective of acclaimed rappers hailing mostly from the Queensbridge housing projects in Long Island City, Queens; and

**Whereas**, “The Symphony,” produced by Juice Crew’s renowned Marley Marl and featuring Kane, Kool G Rap, Craig G, and Masta Ace, was released in 1988; and

**Whereas**, *Rolling Stone* magazine ranked “The Symphony” as 48 on its list of the 100 greatest Hip Hop songs and praised it for its “ferocious drum break and a snatch of Otis Redding piano,” resulting in “a truly great late-Eighties posse cut,” with the “smoothest flow” in the song attributed to Kane; and

**Whereas**, In 1988, Kane released his first solo album *Long Live the Kane*, ranked as 42 by *Rolling Stone* on its top 200 Hip Hop albums list, with *Rolling Stone* supporting the popular notion that Kane was “every MC’s favorite MC”; and

**Whereas**, Kane’s hit single from that album, “Ain’t No Half-Steppin’,” was ranked by *Rolling Stone* as 25 on its top 100 Hip Hop songs list, with Kane praised as “the killer wordsmith of hip-hop’s golden age,” with “tightly coiled, extended metaphors” like this one: “Rappers, you better be/Ready to die because you’re petty/You’re just a butter knife, I’m a machete”; and

**Whereas**, Kane’s second album *It’s a Big Daddy Thing*, his personal favorite album, followed just a year later and resulted in his nomination for best rap solo performance for “I Get the Job Done”; and

**Whereas**, At the 33rd Annual Grammy Awards, Kane—along with Ice-T, Kool Moe Dee, and Melle Mel—won a Grammy for best rap performance by a duo or group for “Back On The Block,” a track from Quincy Jones’s 1990 album of the year of the same name; and

**Whereas**, “Show & Prove,” the celebrated posse cut from Kane’s 1994 album *Daddy’s Home*, memorably showcased Kane trading verses with Scoob, Sauce Money, Shyheim, JAY-Z, and Ol’ Dirty Bastard; and

**Whereas**, Kane’s long list of acclaimed songs also includes “Raw,” “Smooth Operator,” “Wrath of Kane,” “Something Funky,” “Young, Gifted and Black,” “Mortal Combat,” “Long Live the Kane,” “Another Victory,” “It’s Hard Being the Kane,” and “Warm It Up Kane”; and

**Whereas**, Kane was honored as the sole guest star for JAY-Z’s eight-show opening of Brooklyn’s Barclays Center in 2012; and

**Whereas**, Kane continues to light up stages decades later, performing his choreography and his songs, including “Set It Off,” the one that he says “gives me energy, gives me drive”; and

**Whereas**, The innovators of Hip Hop, now in its 50th anniversary year, can look back on their many contributions to NYC’s culture and economy; and

**Whereas**, It is appropriate to dedicate a day to honor Kane’s influence as one of those innovators on the generations of MCs that have followed him; now, therefore, be it

**Resolved**, That the Council of the City of New York designates September 10 annually as Big Daddy Kane Day in the City of New York and celebrates his influence on generations of Hip Hop MCs.

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

Res. No. 623

**Resolution designating May 21 annually as Christopher “Biggie Smalls” Wallace Day in the City of New York and recognizing his contributions to the cultural landscape of his home borough of Brooklyn and to Hip Hop worldwide.**

By Council Members Ossé, Cabán, Riley and Louis.

**Whereas**, Christopher George Latore Wallace was born on May 21, 1972, in Brooklyn to Jamaican parents and became one of Hip Hop's greatest stars, known to his many fans as Biggie Smalls ("Biggie") and The Notorious B.I.G.; and

**Whereas**, Biggie was raised in Bedford-Stuyvesant, where landmarks from his life and his music abound, including the subway stop seen in the music video for his acclaimed song "Juicy," which marked his "evolution from street hustler to successful musician," according to *Rolling Stone* magazine; and

**Whereas**, After Biggie started his rap career as a teenager, a recording of his found its way to Sean "Puff Daddy" or "P. Diddy" Combs, who then worked for Uptown Records and signed Biggie to a record deal; and

**Whereas**, Biggie soon followed Combs to his new and now legendary label, Bad Boy Records, in 1992; and

**Whereas**, Biggie's first album, *Ready to Die*, released as The Notorious B.I.G., came out on Bad Boy Records in September 1994 and became phenomenally successful, going gold in two months and eventually quadruple platinum; and

**Whereas**, "Big Poppa," the second of four singles from *Ready to Die* was nominated for a Grammy Award for best rap solo performance in 1996; and

**Whereas**, On August 4, 1994, Biggie married Faith Evans, an R&B singer who was featured on "One More Chance," which was the fourth single from *Ready to Die* and which eventually went platinum; and

**Whereas**, By the end of 1995, Biggie was the best-selling solo male artist on the Hip Hop, pop, and R&B Billboard charts and was named MC of the Year at the Billboard Music Awards; and

**Whereas**, Biggie is credited with reinvigorating the East Coast Hip Hop scene as an artist with Bad Boy Records after the West Coast sound produced by Death Row Records had surged ahead in the early 1990s; and

**Whereas**, In 1993, Biggie travelled to Los Angeles and met rapper Tupac Shakur, who became a mentor to Biggie; and

**Whereas**, Tupac's shooting in a recording studio lobby in New York City (NYC) on November 30, 1994, led to ongoing recriminations between the two rappers over Biggie's alleged role in the attack and other personal issues; and

**Whereas**, Those recriminations continued to surface from East Coast and West Coast rappers when Tupac died at the age of 25 as a result of a shooting in Las Vegas on September 7, 1996; and

**Whereas**, Just months later, on March 9, 1997, Biggie was shot to death at the age of 24 as he left a party in Los Angeles, where he had gone to attend the Soul Train Music Awards and to work toward ending the rivalry and animosity between East Coast and West Coast rappers; and

**Whereas**, Two weeks later, Bad Boy Records posthumously released Biggie's *Life After Death* double album, which went on to receive three Grammy nominations and went diamond in 2000, selling more than 10 million copies; and

**Whereas**, Biggie's well-known baritone and towering presence continued to be an important part of the Hip Hop scene posthumously, with two more albums released in 1999 and 2005; and

**Whereas**, Biggie was known for his ability to tell stories from his own life, including from his drug-dealing days, such that Combs remarked in a *New York Times* story that Biggie was "giving up all his vulnerability"; and

**Whereas**, Biggie's ability to show that vulnerability, with songs like "Suicidal Thoughts" and "Warning," showed his fans and the music world that he was more than just a part of the gangsta rap scene that he was so often known for; and

**Whereas**, Biggie will always be remembered for a long list of great songs, including "Hypnotize," "Mo Money Mo Problems," "Gimme the Loot," "I Got a Story to Tell," "Kick the Door," "Things Done Changed," "Unbelievable," "Everyday Struggle," and "Sky's the Limit"; and

**Whereas**, Biggie, whose musical talents were also respected outside of Hip Hop, was inducted posthumously into the Rock & Roll Hall of Fame in 2020; and

**Whereas**, In an article on the 25th anniversary of Biggie's death, *Rolling Stone* magazine noted that if Biggie "isn't the greatest rapper ever (he is), then he's the most respected" and that his "narrative mastery, linguistic joy, dizzyingly rhythmic flows, emotional depth, and wry wisdom have never been equaled"; and

**Whereas**, Hip Hop, now in its 50th anniversary year, continues to thrive and contribute to NYC's culture and economy; and

**Whereas**, It is fitting to dedicate a day to commemorate Biggie’s remarkable impact on the music world as one of the all-time greats of Hip Hop culture in NYC and beyond; now, therefore, be it

**Resolved**, That the Council of the City of New York designates May 21 annually as Christopher “Biggie Smalls” Wallace Day in the City of New York and recognizes his contributions to the cultural landscape of his home borough of Brooklyn and to Hip Hop worldwide.

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

Res. No. 624

**Resolution designating July 8 annually as Reggie “Combat Jack” Ossé Day in the City of New York and honoring his multifaceted contributions to the Hip Hop industry as a lawyer, executive, editor, and podcaster.**

By Council Members Ossé, Cabán, Riley and Louis.

**Whereas**, Hip Hop lawyer, executive, editor, and podcaster Reginald (Reggie) Joseph Ossé was born on July 8, 1964, in Brooklyn and raised in the Crown Heights neighborhood; and

**Whereas**, After graduating from Cornell University and Georgetown University Law Center, Ossé went to work as a lawyer at Def Jam in the early days of the Hip Hop revolution, before founding his own firm with lawyer Ed Woods; and

**Whereas**, Ossé’s early clients included the founders of Roc-A-Fella Records, Damon Dash and JAY-Z, and other notable Hip Hop artists; and

**Whereas**, After leaving the law profession, Ossé worked as an executive at MTV and became managing editor of *The Source*, one of the world’s longest-running magazines about Hip Hop culture and politics; and

**Whereas**, Ossé’s career took a turn into writing about and, eventually in 2010, broadcasting about Hip Hop, under the name Combat Jack; and

**Whereas**, On *The Combat Jack Show*, Ossé was known for his ability to conduct in-depth and insightful interviews with Hip Hop legends, including his longtime friends and associates, who were not nearly so talkative with other broadcasters, as well as with filmmakers, social activists, and more; and

**Whereas**, *The Combat Jack Show* was described in *XXL*, a well-known Hip Hop magazine, as “effectively the beginning of big-time rap podcasts as we know them today”; and

**Whereas**, The success of Ossé’s show, with a fan base of hundreds of thousands, led to his co-founding with Chris Morrow in 2013 of Loud Speakers Network, which went on to help build the careers of younger Hip Hop broadcasters; and

**Whereas**, According to journalist and critic Juan Vidal, who interviewed Ossé for a book about Hip Hop and fatherhood, Ossé said that family came first for him, noting that “[n]o guest, no event, no conference call, nothing...[b]eing a father comes first”; and

**Whereas**, Vidal wrote in *Esquire* of his final interview in 2016 with Ossé, in which Ossé concluded, “I love being a rap dad...a rap kid who grew up with the backdrop of hip-hop and rap, became a man, and now shares that experience with his children”; and

**Whereas**, Vidal praised Ossé for his “humility, and the energy he put into imparting knowledge to others”; and

**Whereas**, Ossé died on December 20, 2017, after a short and very public struggle with colon cancer; and

**Whereas**, It is appropriate to dedicate a day to commemorate the legacy of those individuals who helped make the Hip Hop industry the cultural, political, and economic success that it is today in New York City and around the world; now, therefore, be it

**Resolved**, That the Council of the City of New York designates July 8 annually as Reggie “Combat Jack” Ossé Day in the City of New York and honors his multifaceted contributions to the Hip Hop industry as a lawyer, executive, editor, and podcaster.

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

Int. No. 1044

By Council Members Restler, Williams, Stevens, Hanif and Marte.

**A Local Law to amend the administrative code of the city of New York, in relation to disqualifying previously expelled council members from receiving public campaign financing**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 1 of section 3-703 of the administrative code of the city of New York is amended by adding a new paragraph (p), to read as follows:

*(p) if a candidate for member of the city council in a primary, special, or general election, must not have been previously expelled from the city council.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Preconsidered Res. No. 625

**Resolution authorizing the Department of Transportation to extend and amend the Amended and Restated Agreement for the Coordinated Street Furniture Franchise.**

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

**WHEREAS**, by Executive Order No. 25, dated August 23, 1995, the Mayor has designated the Department of Transportation (“**DOT**”) as the responsible agency for the granting of franchises for bus stop shelters (“**BSSs**”), self-cleaning automatic public toilets (“**APTs**”), newsstand structures (“**NSs**”), additional public service structures (“**PSSs**”), and any combination thereof; and

**WHEREAS**, pursuant to Section 363 of Chapter 14 of the Charter of the City of New York (“**Charter**”) on August 19, 2003, the City Council of the City of New York (“**City Council**”) adopted Resolution No. 1004, Land Use No. 226-A (“**Resolution No. 1004**”), authorizing DOT, acting on behalf of the City of New York (the “**City**”), to grant a non-exclusive franchise for the occupation and use of the inalienable property of the City for the installation and maintenance of NSs and the installation, operation, and maintenance of BSSs, APTs, and PSSs (as defined in Resolution No. 1004, and which, together with NSs, BSSs and APTs are referred to herein as the “**Coordinated Franchise Structures**”); and

**WHEREAS**, pursuant to Resolution No. 1004, DOT issued a Request For Proposals on March, 26, 2004 (“**Franchise RFP**”) for a franchise to install, operate and maintain the Coordinated Franchise Structures; and

**WHEREAS**, in connection with the Uniform Land Use Review Procedure (“**ULURP**”) review of the Franchise RFP (ULURP no. C 960543 (A) GFY), a negative declaration was issued (CEQR no. 96DOT010Y) finding that such actions will not result in any significant adverse environmental impacts, all in accordance with the New York State Environmental Quality Review Act (“**SEQRA**”), the regulations set forth in Title 6 of the New York Code of Rules and Regulations, Section 617 et seq., the Rules of Procedure for City Environmental

Quality Review (“**CEQR**”) (Chapter 5 of Title 62 and Chapter 6 of Title 43 of the Rules of The City of New York); and

**WHEREAS**, on June 26, 2006, Cemusa, Inc. and the City, acting by and through its DOT, entered into the Franchise Agreement for the Coordinated Street Furniture Franchise for the installation, operation, and maintenance of BSSs, APTs, and PSSs and for the installation and maintenance of NSs (the “**2006 Agreement**”); and

**WHEREAS**, on September 20, 2007, Cemusa, Inc. assigned its interest in the 2006 Agreement to Cemusa NY, LLC, a wholly owned subsidiary thereof; and

**WHEREAS**, at a meeting held on September 30, 2015, the New York City Franchise and Concession Review Committee (the “**FCRC**”), acting in accordance with its customary procedures, voted on and approved a change in control of Cemusa NY, LLC, pursuant to which all shares of Cemusa, Inc. were transferred from CEMUSA-Corporación Europea de Mobiliario Urbano, S.A. to JCDecaux North America, Inc. (the “**2015 Change in Control**”), together with certain other amendments, clarifications and provisions to the 2006 Agreement; and

**WHEREAS**, on October 1, 2015, Cemusa NY, LLC and the City, acting by and through its DOT, entered into an Amended and Restated Agreement for the Coordinated Street Furniture Franchise (the “**2015 Agreement**”); and

**WHEREAS**, on or about December 10, 2015, Cemusa NY, LLC changed its company name to JCDecaux Street Furniture New York, LLC (the “**Franchisee**”); and

**WHEREAS**, on or about December 10, 2015, Cemusa, Inc. changed its company name to JCDecaux Street Furniture, Inc.; and

**WHEREAS**, the Franchisee and the City wish to amend the 2015 Agreement to extend the term of the 2015 Agreement and to incorporate additional rights and responsibilities, including an increase in the overall number of BSSs and APTs that the Franchisee may install, maintain and operate (the “**2023 Increase in Bus Shelters and APTs**”); and

**WHEREAS**, DOT considered the potential environmental impact resulting from the 2023 Increase in Bus Shelters and APTs and determined that it is a Type II action and not subject to further environmental review; and

**WHEREAS**, the City Council has determined that the authorization of the extension of the 2015 Agreement by five years is consistent with Resolution No. 1004 and will be in the public interest by enhancing the health, welfare, convenience, and safety of the public;

**NOW THEREFORE, BE IT RESOLVED,**

**FIRST**, that the City Council hereby authorizes DOT to extend the 2015 Agreement for five (5) years, bringing the total term of the Agreement to twenty-five (25) years. Any extension granted pursuant to this resolution shall be subject to such other approvals as may be required by law, such as the approval of the FCRC and the separate and additional approval of the Mayor, and the registration of the Agreement by the Comptroller.

**SECOND**, DOT will file with the City Council within fifteen (15) days of approval by the Mayor, a copy of the Agreement.

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Int. No. 1045

By Council Member Sanchez.

**A Local Law to amend the New York city charter, in relation to including additional capital projects in the citywide statement of needs**

*Be it enacted by the Council as follows:*

Section 1. Section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended by adding a new subdivision i to read as follows:

*i. The citywide statement of needs shall include an appendix that lists capital projects, as that term is defined in subdivision 1 of section 210.*

*1. Except as provided in paragraph 2 of this subdivision, the appendix shall include any capital project for which the mayor or an agency intends to make or to propose an expenditure or intends to select or propose a site during the ensuing two fiscal years. For each listed capital project, the appendix shall describe:*

*(a) The nature of the project;*

*(b) Except as otherwise provided by law, the proposed location by borough, if possible by community district or group of community districts, and, if any city agency or its agent has begun any negotiation, feasibility examination or other study or significant consideration of a particular property or location for the project, by specific description of such location; and*

*(c) Such other information as the departments of city planning and citywide administrative services deem appropriate.*

*2. The appendix need not include:*

*(a) Any capital project already listed in the citywide statement of needs; or*

*(b) Any project described in paragraph c or subparagraph 4 of paragraph d of subdivision 1 of section 210.*

§ 2. This local law takes effect one year after it becomes law.

Referred to the Committee on Land Use.

Int. No. 1046

By Council Members Ung, Lee, Menin, Cabán and Marte.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring human translation of the 311 app**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 23 of the administrative code of the city of New York is amended by adding a new section 23-311 to read as follows:

§ 23-311 Human translation. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

*App store. The term “app store” means a mobile device platform that allows smartphone users to locate and download mobile device applications.*

*Designated citywide languages. The term “designated citywide languages” has the same meaning as in section 23-1101.*

*b. No later than January 31, 2024, the department of information technology and telecommunications shall ensure that its 311 mobile device platforms are human translated into the designated citywide languages*



*required pursuant to section 23-1101, and that the translated platforms are available for download on its website and in app stores.*

§ 2. Subdivisions a and b of section 23-309 of the administrative code of the city of New York are amended to read as follows:

a. Within 30 days of the effective date of a local law that the commissioner or head of any agency or office determines would provide an individual with the opportunity to make a new request for service from such agency or office, such commissioner or head shall notify the commissioner of information technology and telecommunications and the 311 customer service center of the potential need to add a request for service or complaint type to, or update a request for service or complaint type on, the 311 customer service center, website and mobile device platforms. *All additions or updates pursuant to this subdivision shall be translated in conformity with the requirements of section 23-311 within 30 days of the date on which a request for service or complaint type was added or updated.*

b. No later than February 1, 2024, and every February 1 thereafter, the director of the 311 customer service center shall report to the mayor and speaker of the council all requests for service or complaint types that were added to or updated on the 311 customer service center, website and mobile device platforms during the previous year in accordance with this section. Such report shall be posted on the website of the 311 customer service center and shall include (i) the date when each such request for service or complaint type was added to or updated on the 311 customer service center, website and mobile device platforms; [and] (ii) an explanation of any obstacles experienced by the 311 customer service center or relevant agency in adding such request for service or complaint types to, or updating such request for service or complaint types on, the 311 customer service center, website and mobile device platforms; *and (iii) the date on which the added or updated request for service or complaint type was translated in conformity with the requirements of section 23-311.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Technology.

Int. No. 1047

By Council Members Vernikov 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**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-184.1 to read as follows:

§ 14-184.1 *Public online database for towed vehicles.* a. *The department shall create a centralized online database, accessible through the department's website, to allow vehicle owners to track information on towed vehicles within the city. Such information shall include, but need not be limited to, the make and model of the vehicle, the license plate number, the reason the vehicle was towed, the tow operator, and the location and hours during which the vehicle may be retrieved.*

b. *The department shall create a notification system that allows vehicle owners to opt-in to text or electronic mail alerts notifying the owner that the owner's vehicle information has been entered into the online database.*

c. *The information required pursuant to subdivision a must be published on the online database within 2 hours after any vehicle is towed by the department, any tow operator authorized pursuant to section 20-498 or section 20-524, or any other entity, including but not limited to the sheriff or any city marshal. The information shall be published on the online database by the entity towing the vehicle.*

§ 2. Section 20-528 of the administrative code of the city of New York, as added by local law number 3 for the year 1996, is amended to read as follows:

§ 20-528. Police precinct notification. a. Within two hours subsequent to the towing of any motor vehicle pursuant to any provision of this code, any rules promulgated pursuant thereto or any rules promulgated by the department of transportation pursuant to any other provision of law, the tow truck operator or his or her designee

shall notify the local police precinct either in person or by electronic submission that the vehicle was towed. Such information shall be made available, upon request, to the owner of the vehicle or to any person authorized by the owner to have possession of the vehicle[.], *and shall be entered into the police department online database for towed vehicles pursuant to section 14-184.1.* Such list shall include the make and model of the vehicle, its license plate number, the reason why the vehicle was towed and the location and hours during which the vehicle may be retrieved.

b. The provisions of subdivision a shall not apply where such towing is conducted in the physical presence of or with the consent of a person in charge of the vehicle. [or where, within two hours of such towing, information relating to such towing is entered by or on behalf of a governmental official or agency into the New York statewide police information network.]

§ 3. This local law takes effect 180 days after becoming law.

Referred to the Committee on Public Safety.

Int. No. 1048

By Council Member Won.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the establishment of a document vault to store certain procurement-related documents**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-116.3 to read as follows:

§ 6-116.3 *Document vault for procurement-related documents. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Document vault. The term "document vault" means a secure electronic repository, maintained by the city chief procurement officer or their designee, that preserves and protects procurement-related documents, in their original form or as true and accurate copies, for a period of at least ten years from the date of final payment or termination of the relevant contract.*

*Procurement-related documents. The term "procurement-related documents" means any written or electronic records, files, reports, or other materials created, received, or maintained by any agency in connection with the procurement process, including but not limited to bids, proposals, contracts, specifications, scopes of work, and correspondence related to the procurement of goods, services, or construction. These documents may include substantially similar or identical content, such as standard forms or certifications, that vendors may be required to submit in connection with multiple procurement opportunities, and which may be referenced by contracting agencies to avoid duplication of effort and streamline the procurement process.*

*b. The city chief procurement officer shall establish a document vault to store all procurement-related documents.*

*c. Procurement-related documents shall be made available from the document vault upon request to any agency or contracted entity, as such term is defined in section 22-821, in furtherance of a contract or procurement.*

§ 2. This local law takes effect 120 days after enactment.

Referred to the Committee on Contracts.

L.U. No. 200

By Council Member Brannan:

**Hamilton Heights Cluster, Block 2071, Lot 56; Block 2073, Lot 43; Block 2074, Lots 25 and 30; Block 2077, Lots 12 and 13) Manhattan, Community District No. 9, Council District No. 7.**

Withdrawn

Preconsidered L.U. No. 201

By Council Member Brannan:

**Norgate Plaza, Block 1812, Lot 42, Brooklyn, Community District No. 3, Council District No. 36.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 202

By Council Member Brannan:

**Queenswood, Block 1937, Lot 1, Queens, Community District No. 4, Council District No. 21.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 203

By Council Member Brannan:

**Duncan Genns, Block 3446, Lot 1, Brooklyn, Community District No. 4, Council District No. 37.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 204

By Council Member Brannan:

**Renwick Apartments, Block 934, Lot 15, Manhattan, Community District No. 6, Council District No. 2.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 205

By Council Member Brannan:

**Risley Dent Towers, Block 1684, Lot 1, Brooklyn, Community District No. 3, Council District No. 36.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 206

By Council Member Brannan:

**Grand Street.HUDMF.FY23, Block 376, Lot 58, Manhattan, Community District No. 3, Council District No. 2.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 207

By Council Member Salamanca:

**Application number C 210283 ZMQ (26-50 Brooklyn Queens Expressway West Rezoning) submitted by 2650 BQE LOR LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9c, changing from an M1-1 District to an M1-2 District property bounded by a line 400 feet northerly of 27th Avenue and its easterly and westerly prolongations, Brooklyn Queens Expressway West, 27th Avenue, and Borough Place, Borough of Queens, Community District 1, Council District 22.**

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

Preconsidered L.U. No. 208

By Council Member Salamanca:

**Application number C 230052 ZMQ (61-10 Queens Boulevard Rezoning) submitted by PF Supreme, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 9d, eliminating from within existing R6 and R7-1 Districts a C1-2 District, and establishing within existing R6 and R7-1 Districts a C2-4 District , Borough of Queens, Community District 2, Council District 26.**

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

Preconsidered L.U. No. 209

By Council Member Salamanca:

**Application number C 220267 ZMQ (141-05 109th Avenue Rezoning) submitted by Mal Pal Realty Corp, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 18c, changing from an R3A District to an R6B District and establishing within the proposed R6B District a C2-3 District, Borough of Queens, Community District 12, Council District 28.**

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

Preconsidered L.U. No. 210

By Council Member Salamanca:

**Application number N 220268 ZRQ (141-05 109th Avenue Rezoning) submitted by Mal Pal Realty Corp, pursuant to Section 201 of the New York City Charter for an amendment to 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 12, Council District 28.**

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

NEW YORK CITY COUNCIL**A N N O U N C E M E N T S****NEW YORK CITY COUNCIL  
FISCAL YEAR 2024  
EXECUTIVE BUDGET HEARINGS**

**Unless otherwise noted, all hearings will take place in the  
Council Chambers at City Hall.**

**Friday, May 12 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-11:30	Housing Preservation and Development	Housing & Buildings
12:00-1:00	Department of Buildings	Housing & Buildings
1:30-3:30	Sanitation	Sanitation & Solid Waste Management

**Monday, May 15, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Department for the Aging	Aging
11:45 –1:45	Health & Mental Hygiene	Health jointly with Mental Health, Developmental Disability and Addiction

**Tuesday, May 16, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Health + Hospitals	Hospitals
12:15-1:15	Small Business Services	Small Business

[Subcommittee on Zoning & Franchises](#)

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor .....10:00 a.m.

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Farah N. Louis, Chairperson

**See Land Use Calendar**

Committee Room – 250 Broadway, 14th Floor .....1:30 p.m.

**Wednesday, May 17, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
9:00-12:00	Police	Public Safety
☐ 12:30-1:30	Mayor’s Office of Criminal Justice	Public Safety
☐☐ 1:30-3:00	Fire & EMS	Fire & Emergency Management

[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, 14th Floor .....12:00 p.m.

**Thursday, May 18, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations
11:45-1:15	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations

**Friday May 19, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
9:00-10:30	Metropolitan Transportation Authority	Transportation & Infrastructure
10:30 -12:00	Transportation	Transportation & Infrastructure
12:30-2:00	NYCHA	Public Housing
2:30-4:00	Department of Correction	Criminal Justice

**Monday, May 22, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:30-12:30	Parks and Recreation	Parks and Recreation
12:45-4:45	Education	Education



**Tuesday May 23, 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-1:00	Office of Management & Budget	Finance
1:30-3:30	Comptroller	Finance
3:30-4:30	Department of Finance	Finance
4:30-5:30	Independent Budget Office	Finance

**Wednesday, May 24, 2023**

<b>Time / Chambers/ Hybrid</b>	<b>Agency Testifying</b>	<b>Finance Committee</b>
Begins 10:00*	Public*	Finance

**Thursday, May 25, 2023**

**Stated Council Meeting**

***Council Chambers – City Hall.....Agenda – 1:30 p.m***



**NEW YORK CITY COUNCIL  
FISCAL YEAR 2024  
EXECUTIVE BUDGET HEARINGS**

**Unless otherwise noted, all hearings will take place in the  
Council Chambers at City Hall.**

**Monday, May 8 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
9:30-12:30	Human Resources Administration/DSS and Department of Homeless Services	General Welfare
12:30-2:00	Administration for Children's Services	General Welfare
2:30-3:30	Department of Veteran Services	Committee on Veterans

**Tuesday, May 9 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-11:00	Commission on Human Rights	Civil and Human Rights
11:15-12:15	Equal Employment Practices Commission	Civil and Human Rights
12:30- 1:30	City University of New York	Higher Education

**Wednesday, May 10 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
9:00-11:00	Immigrant Affairs	Immigration
11:30-1:00	Youth and Community Development	Youth Services

**Friday, May 12 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-11:30	Housing Preservation and Development	Housing & Buildings
12:00-1:00	Department of Buildings	Housing & Buildings
1:30-3:30	Sanitation	Sanitation & Solid Waste Management

**Monday, May 15 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 11:30	Department for the Aging	Aging
11:45 – 1:45	Health & Mental Hygiene	Health jointly with Mental Health, Disability and Addiction

**Tuesday, May 16 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00 – 12:00	Health + Hospitals	Hospitals
12:15-1:15	Small Business Services	Small Business

**Wednesday, May 17 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
9:00-12:00	Police	Public Safety
<input type="checkbox"/> 12:30-1:30	Mayor's Office of Criminal Justice	Public Safety
<input type="checkbox"/> 1:30-3:00	Fire & EMS	Fire & Emergency Management

**Thursday, May 18 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-11:30	Libraries	Cultural Affairs, Libraries & International Intergroup Relations
11:45-1:15	Cultural Affairs	Cultural Affairs, Libraries & International Intergroup Relations

**Friday May 19 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
9:00-10:30	Metropolitan Transportation Authority	Transportation & Infrastructure
10:30 -12:00	Transportation	Transportation & Infrastructure
12:30-2:00	NYCHA	Public Housing
2:30-4:00	Department of Correction	Criminal Justice

**Monday, May 22 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:30-12:30	Parks and Recreation	Parks and Recreation
12:45-4:45	Education	Education

**Tuesday May 23 2023**

<b>Time / Chambers</b>	<b>Agency Testifying</b>	<b>Finance Committee jointly with Council Committee</b>
10:00-1:00	Office of Management & Budget	Finance
1:30-3:30	Comptroller	Finance
3:30-4:30	Department of Finance	Finance
4:30-5:30	Independent Budget Office	Finance

**Wednesday, May 24 2023**

<b>Time / Chambers/ Hybrid</b>	<b>Agency Testifying</b>	<b>Finance Committee</b>
Begins 10:00*	Public*	Finance

*\*Members of the public can testify in-person in the Council Chambers or virtually via Zoom Web and/or via Phone by registering at least 24 hours in advance of the hearing at <https://council.nyc.gov/testify/> Written testimony may be submitted up to 72 hours after the hearing has been adjourned.*

**For questions about accessibility or to request additional accommodations at the May 24, 2023 Public Hearing, please contact [swerts@council.nyc.gov](mailto:swerts@council.nyc.gov) or [nbenjamin@council.nyc.gov](mailto:nbenjamin@council.nyc.gov) or (212) 788-6936 at least three (3) business days before the hearing.**

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 on Thursday, May 27, 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 May 11, 2023 on the New York City Council website at <https://council.nyc.gov>.

*Editor's Local Law Note:* Int. No. 273-B, adopted by the Council at the April 27, 2023 Stated Meeting, was signed into law by the Mayor on May 11, 2023 as Local Law No. 53 of 2023.