

## **THE COUNCIL**

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### *Minutes of the Proceedings for the STATED MEETING*

*of*

Thursday, June 6, 2024, 2:09 p.m.

*The Majority Leader (Council Member Farías)  
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 M. Hanks	Lincoln Restler
Diana I. Ayala	Robert F. Holden	Kevin C. Riley
Chris Banks	Crystal Hudson	Carlina Rivera
Joseph C. Borelli	Rita C. Joseph	Yusef Salaam
Erik D. Bottcher	Shekar Krishnan	Rafael Salamanca, Jr
Justin L. Brannan	Linda Lee	Pierina A. Sanchez
Gale A. Brewer	Farah N. Louis	Lynn C. Schulman
Selvena N. Brooks-Powers	Kristy Marmorato	Althea V. Stevens
Tiffany L. Cabán	Christopher Marte	Sandra Ung
David M. Carr	Darlene Mealy	Inna Vernikov
Carmen N. De La Rosa	Julie Menin	Nantasha M. Williams
Eric Dinowitz	Francisco P. Moya	Julie Won
Amanda C. Farías	Mercedes Narcisse	Kalman Yeger
Oswald J. Feliz	Sandy Nurse	Susan Zhuang
James F. Gennaro	Chi A. Ossé	

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

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

*There were 51 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y. Council Members Moya and Sanchez participated remotely throughout the meeting. Council Member Won appeared remotely at the start of the proceedings but later appeared in-person at the meeting in the Chambers.*

### INVOCATION

The Invocation was delivered by Rev. Jason Andre Ridley, Community Worship Center of Seventh Day Adventist located at 145-94 176 Street, Queens, N.Y. 11434.

Shall we pray?

Almighty God,  
we express our gratitude and thankfulness for this day;  
a day where we are able to experience  
life, liberty, love, laughter, and learning;  
a day where we are able  
to make an impact through our positions of leadership.  
So, I pray for this Council Meeting today;  
I pray that you will give our Council Members  
wisdom, guidance, understanding, and discernment  
as they deliberate on the items before them.  
May every decision be righteous in your sight  
for our benefit and for your glory.  
I pray that our leaders  
will each have the heart of a servant,  
and that as of a collective group,  
and separately in their own districts  
that each will do justly, love mercy and walk humbly.  
I pray that as they continue to serve  
the families of New York City  
that their families will be blessed  
and that they will prosper and be in good health.  
And lastly, I pray for the families of New York City,  
from the citizens to the asylum seekers,  
from those who have to those who have not.  
May they each experience peace, protection,  
provision, and prosperity is my prayer,  
Amen.

Council Member Brooks-Powers moved to spread the Invocation in full upon the record.

After the Invocation, the Majority Leader and Acting President Pro Tempore (Council Member Farías) made the following two motions:

**Motion pursuant to Rule 9.60**

The Majority Leader and Acting President Pro Tempore (Council Member Farias) first moved pursuant to Rule 9.60 of the Council Rules, and subsequently granted her own request, to consider Preconsidered SLR Nos. 8 through 14 separately from the General Orders Calendar. She also noted in her motion that these Preconsidered Home Rule Message-related items, Preconsidered SLR Nos. 8 through 14, had been reported out of the Committee on Governmental Operations, State & Federal Legislation as shown on the day's Agenda.

**Motion pursuant to Rule 8.00**

The Majority Leader and Acting President Pro Tempore (Council Member Farias) additionally made a second motion pursuant to Rule 8.00 that the order of priority on the day's Agenda be modified so that the preconsidered Home Rule Message-related items, Preconsidered SLR Nos. 8 through 14, be taken up at that moment in the Meeting. She noted that this motion would be decided without debate.

The Majority Leader and the Acting Speaker Pro Tempore (Council Member Farias) then asked for a **voice-vote in support of her motion pursuant to Rule 8.00:**

Pursuant to Rule 8.00 of the Council, the Majority Leader and Acting President Pro Tempore (Council Member Farías) called for a voice vote. Hearing those in favor, the Majority Leader and Acting President Pro Tempore (Council Member Farías) **declared the motion to be adopted.**

At this point, the Report of the Committee on Governmental Operations, State & Federal Legislation in regard to Preconsidered SLR Nos. 8 through 14 was considered by the Council before the rest of the items on the day's General Orders Calendar.

**Report of the Committee on Governmental Operations, State & Federal Legislation**

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

Report for State Legislation Resolution No. 8

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.2812-A, and Assembly Member Dinowitz, A.5259-A, "AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof".**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

### **REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this Home Rule SLR item, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

#### **I. BACKGROUND**

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 8, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.2812-A, and Assembly Member Dinowitz, A.5259-A, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof.” The State Legislative Resolution passed with 6 votes in the affirmative, 2 votes in the negative, and 0 abstentions.

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

These bills reauthorize the City’s red-light camera system until December 1, 2027, and expand the program to allow the City to implement red-light cameras at up to 600 intersections.

If enacted, these bills would amend sections of the State Vehicle and Traffic Law, the City’s Administrative Code, Local Law 46 for the year 1989, and Chapter 746 of the laws of the State of New York for the year 1988, which created the red-light camera program, to expand the red-light camera program to cover 600 intersections up from the currently authorized 150 intersections. These bills would also extend the expiration date of the operational aspects of the program, such as the provision empowering the City to operate red-light camera systems, from December 1, 2024 to December 1, 2027, while the bureaucratic aspects, such as allowing the parking violations bureau to adjudicate these tickets, would no longer have an expiration date.

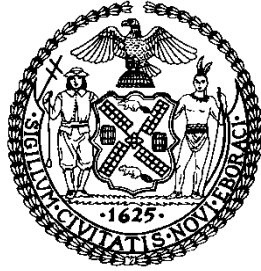
#### **III. FISCAL IMPLICATIONS**

See Council Finance Division fiscal impact statement.

#### **IV. EFFECTIVE DATE**

The portion of these bills that extend the expiration date of the program would take effect immediately, while the portion of these bills that expand the program to cover 600 intersections would take effect sixty days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Preconsidered SLR No. 8:)**



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

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

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PRE-CONSIDERED SLR NO. 8:**

S.2812-A (Gounardes)

A.5259-A (Dinowitz)

**COMMITTEE:** Governmental Operations, State &  
Federal Legislation

**TITLE:** An act to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof.

**SPONSOR(S):** Council Member Restler.

**SUMMARY OF LEGISLATION:** This bill would amend the vehicle and traffic law and the administrative code of the city of New York by increasing, from 150 to 600, the number of intersections where traffic control signal photo-monitoring devices may be installed and operated, and extend certain provisions authorizing photo-monitoring devices until December 1, 2027.

**EFFECTIVE DATE:** This act shall take effect 30 days after it becomes a law; provided, however, that sections four, twelve, fifteen, and sixteen shall expire and be deemed repealed by December 1, 2027.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY27</b>
<b>Revenues</b>	\$19,442,770	\$38,885,540	\$87,492,465
<b>Expenditures</b>	(\$6,715,240)	(\$13,430,480)	(\$30,218,580)
<b>Net</b>	\$12,727,530	\$25,455,060	\$57,273,885

**IMPACT ON REVENUES:** It is estimated that in the first year of implementation the City will collect roughly \$19.4 million. Once this legislation is fully implemented, with the addition of cameras at 450 additional intersections (anticipated in Fiscal 2027), the additional annual revenue collected by the City will grow to \$87.5 million. This takes into account lower issuance based on increased public awareness of the program and camera locations.

**IMPACT ON EXPENDITURES:** It is anticipated that DOT will incur additional costs to implement this legislation including both operating costs and the cost to purchase new cameras as well as new terminals and equipment to operate the cameras. The annual operating costs of this legislation would be approximately \$6.7 million in Fiscal 2025 growing to \$30.2 million by Fiscal 2027. These costs include contracts for the operation of the cameras as well as personal service costs associated with staff to operate the cameras. In addition to the expense costs, it is estimated that there would be capital costs of approximately \$43.0 million for camera installation at full implementation.

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

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

**ESTIMATE PREPARED BY:** Adrian Drepaul, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Jonathan Rosenberg, Managing Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State and Federal Legislation (Committee) as a Pre-considered SLR on June 6, 2024. Upon successful vote by the Committee, the Pre-considered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** June 3, 2024.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.2812-A; A.5259-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN; 6-2-0; *Negative*: David M. Carr and Vickie Paladino; *Absent*: Inna Vernikov; Committee on Governmental Operations, State & Federal Legislation, June 6, 2024.

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

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

Report for State Legislation Resolution No. 9

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.6306-B, and Assembly Member Pheffer Amato, A.7344-B, “AN ACT to amend the retirement and social security law, in relation to providing WTC-related benefits to certain employees who worked at the Verrazano Bridge Toll Facility”.**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

**REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this Home Rule SLR item, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

**I. BACKGROUND**

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 9, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.6306-B, and Assembly Member Pheffer Amato, A.7344-B, “AN ACT to amend the retirement and social security law, in relation to providing WTC-related benefits to certain employees who worked at the Verrazano Bridge Toll Facility.” The State Legislative Resolution passed with 8 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

**II. PROPOSED LEGISLATION**

Employees that participated in the rescue, recovery, or cleanup operations of the World Trade Center on and after 9/11, and can prove disability caused by this work, are currently eligible to receive an accidental disability benefit. When a member passes away, surviving beneficiaries may convert the accidental disability benefit into and accidental death benefit.

This bill would expand the definition of a member who participated in the World Trade Center rescue, recovery, or cleanup to include workers at the Verrazano Bridge Toll Facility.

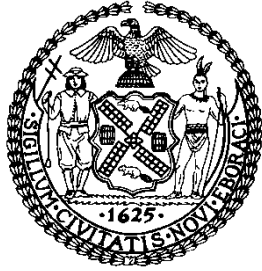
**III. FISCAL IMPLICATIONS**

See Council Finance Division fiscal impact statement.

**IV. EFFECTIVE DATE**

This bill takes effect immediately.

**(The following is the text of the Fiscal Impact Statement for SLR No. 9:)**



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

RICHARD LEE, DIRECTOR

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

**FISCAL IMPACT STATEMENT**

**PRECONSIDERED SLR NO. 9:** S.6306-B (Gounardes)  
A.7344-B (Pheffer Amato)

**COMMITTEE:** Governmental Operations, State &  
Federal Legislation

**TITLE:** AN ACT to amend the retirement and security law, in relation to providing WTC-; benefits to certain employees who worked Verrazano Bridge Toll Facility.

**SPONSOR(S):** Restler.

**SUMMARY OF LEGISLATION:** Employees that participated in the rescue, recovery, or cleanup operations of the World Trade Center on and after 9/11, and can prove disability caused by this work, are currently eligible to receive an accidental disability benefit. When a member passes away, surviving beneficiaries may convert the accidental disability benefit into an accidental death benefit.

This bill would expand the definition of a member who participated in the World Trade Center rescue, recovery, or cleanup to include workers at the Verrazano Bridge Toll Facility.

**EFFECTIVE DATE:** This act shall take effect immediately and shall be deemed to have been in full force and effect on and after September 11, 2001.

**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 there would be no impact on revenues as a result of passing this legislation.

**IMPACT ON EXPENDITURES:** The total cost of this bill cannot be determined at this time. The cost would be split between the State of New York and participating employers of the New York State and Local Police and Firefighter Retirement System. Passing this bill would bear no cost to the City.



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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Fiscal Note 2023-133, Actuary of the New York and Local Retirement System

**ESTIMATE PREPARED BY:** Andrew Wilber, Supervising Economist

**ESTIMATE REVIEWED BY:** Dilara Dimnaku, Chief Economist  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State & Federal Legislation as a Preconsidered SLR on June 6, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 31, 2024.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.6306-B; A.7344-B), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN, DAVID M. CARR, VICKIE PALADINO; 8-0-0 *Absent*: Inna Vernikov; Committee on Governmental Operations, June 6, 2024.

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

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

Report for State Legislation Resolution No. 10

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.7128-B, and Assembly Member Pheffer Amato, A.7681-A, “AN ACT to amend the general municipal law, in relation to allowing certain members of the New York city fire department pension fund to receive a membership date in the New York city fire department pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York city police department cadet program”.**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

**REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this Home Rule SLR item, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

## **I. BACKGROUND**

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 10, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.7128-B, and Assembly Member Pheffer Amato, A.7681-A, “AN ACT to amend the general municipal law, in relation to allowing certain members of the New York city fire department pension fund to receive a membership date in the New York city fire department pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York city police department cadet program.” The State Legislative Resolution passed with 8 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

## **II. PROPOSED LEGISLATION**

Presently, firefighters do not receive service credit toward their retirement for participating in the cadet program. This bill would allow Tier 3 firefighters to purchase prior service credit back to the date they entered the cadet program so long as they make the purchase within five years of the effective date of the legislation.

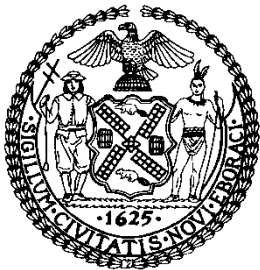
## **III. FISCAL IMPLICATIONS**

See Council Finance Division fiscal impact statement.

## **IV. EFFECTIVE DATE**

This bill takes effect immediately.

**(The following is the text of the Fiscal Impact Statement for SLR No. 10:)**



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

RICHARD LEE, DIRECTOR

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

### **FISCAL IMPACT STATEMENT**

**PRECONSIDERED SLR NO. 10:** S.7128-B (Gounardes)  
A.7681-A (Pheffer Amato)

**COMMITTEE:** Governmental Operations, State &  
Federal Legislation

**TITLE:** AN ACT to amend the general municipal law, in relation to allowing certain members of the New York City fire department pension fund to receive a membership date in the New York City fire department pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York City police department cadet program.

**SPONSOR(S):** Restler.

**SUMMARY OF LEGISLATION:** Presently, firefighters do not receive service credit toward their retirement for participating in the cadet program. This bill would allow Tier 3 firefighters to purchase prior service credit back to the date they entered the cadet program so long as they make the purchase within five years of the effective date of the legislation.

**EFFECTIVE DATE:** This bill would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$53,200	\$53,200	\$53,200
<b>Net</b>	\$53,200	\$53,200	\$53,200

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

**IMPACT ON EXPENDITURES:** It is estimated that passing this bill would cost the City \$53,200 in additional pension contributions in Fiscal 2025 to cover the unfunded accrued liability (UAL) for services already rendered to the City. The actuary’s amortization schedule for the UAL covers a 14-year period, after which the City would no longer need to pay additional pension contributions. In aggregate, the actuary determined that the present value (PV) of the total cost of the bill through 2049 would total \$450,100 to cover the UAL in future periods.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Fiscal Note 2024-49, Chief Actuary New York City Retirement System and Pension Funds

**ESTIMATE PREPARED BY:** Andrew Wilber, Supervising Economist

**ESTIMATE REVIEWED BY:** Dilara Dimnaku, Chief Economist  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State & Federal Legislation as a Preconsidered SLR on June 6, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 31, 2024.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.7128-B; A.7681-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN, DAVID M. CARR, VICKIE PALADINO; 8-0-0; *Absent*: Inna Vernikov; Committee on Governmental Operations, State & Federal Legislation, June 6, 2024.

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

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

#### Report for State Legislation Resolution No. 11

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.7498-A, and Assembly Member Pheffer Amato, A.7572-A, “AN ACT to amend the retirement and social security law, in relation to eligibility for participants in the automotive 25 year/age 50 pension plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement benefit equivalent to the standard service retirement benefit received by Tier IV members with the same age and service”.**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

#### **REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this Home Rule SLR item, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

#### **I. BACKGROUND**

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 11, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.7498-A, and Assembly Member Pheffer Amato, A.7572-A, “AN ACT to amend the retirement and social security law, in relation to eligibility for participants in the automotive 25 year/age 50 pension plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement benefit equivalent to the standard service.” The State Legislative Resolution passed with 8 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

## II. PROPOSED LEGISLATION

Established in 2002, the 25-Year / Age 50 retirement program incentivized early retirement for automotive mechanics and related titles. The program requires its members to make Additional Member Contributions (AMC). The program benefit currently combines 50 percent of a member's Final Average Salary (FAS) for the first 25 years of credited service with an additional 2 percent of the FAS for additional service years beyond 25 years but no more than 30 years.

A number of members of the 25-Year / Age 50 program continued to work beyond 30 years, creating a disadvantage in their retirement benefit relative to comparable members in the Standard Tier 4 program, which provides 1.5 percent of the FAS as part of the retirement benefit for every year after 30 years. Further, the Tier 4 Standard Program does not require its members to contribute AMC. To create parity, this bill would recalculate the retirement benefit for members with 30 or more service years in two age categories. For members 62 years old or older, the benefit would include 60 percent of the FAS, plus an additional 1.5 percent of the FAS for each service year beyond 30 years. Members 55 to 61 years old would receive the same benefits, except that the 1.5 percent of FAS for each service year beyond 30 years would be subject to an early-retirement age reduction factor.

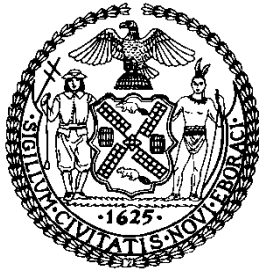
## III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

## IV. EFFECTIVE DATE

This bill takes effect immediately.

**(The following is the text of the Fiscal Impact Statement for SLR No. 11:)**



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

RICHARD LEE, DIRECTOR

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

**FISCAL IMPACT STATEMENT**

**PRECONSIDERED SLR NO. 11:**

S.7498-A (Jackson)

A.7572-A (Pheffer Amato)

**COMMITTEE:** Governmental Operations, State &  
Federal Legislation

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**TITLE:** AN ACT to amend the retirement and social security law, in relation to eligibility for participants in the automotive 25 year/age 50 pension plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement benefit equivalent to the standard service retirement benefit received by Tier IV members with the same age and service

**SPONSOR(S):** Restler.

**SUMMARY OF LEGISLATION:** Established in 2002, the 25-Year / Age 50 retirement program incentivized early retirement for automotive mechanics and related titles. The program requires its members to make Additional Member Contributions (AMC). The program benefit currently combines 50 percent of a member’s Final Average Salary (FAS) for the first 25 years of credited service with an additional 2 percent of the FAS for additional service years beyond 25 years but no more than 30 years.

A number of members of the 25-Year / Age 50 program continued to work beyond 30 years, creating a disadvantage in their retirement benefit relative to comparable members in the Standard Tier 4 program, which provides 1.5 percent of the FAS as part of the retirement benefit for every year after 30 years. Further, the Tier 4 Standard Program does not require its members to contribute AMC. To create parity, this bill would recalculate the retirement benefit for members with 30 or more service years in two age categories. For members 62 years old or older, the benefit would include 60 percent of the FAS, plus an additional 1.5 percent of the FAS for each service year beyond 30 years. Members 55 to 61 years old would receive the same benefits, except that the 1.5 percent of FAS for each service year beyond 30 years would be subject to an early-retirement age reduction factor.

**EFFECTIVE DATE:** This act shall take effect immediately; provided that the amendments to subdivision a of section 603 of the retirement and social security law made by section one of this act shall be subject to the expiration and reversion of such subdivision pursuant to subdivision (b) of section 13 of chapter 683 of the laws of 2003, as amended, when upon such date the provisions of section two of this act shall take effect.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY25</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$1.46M	\$1.46M	\$1.46M
<b>Net</b>	\$1.46M	\$1.46M	\$1.46M

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

**IMPACT ON EXPENDITURES:** It is estimated that passing this bill would cost the City \$1.46 million in additional pension contributions in Fiscal 2025. Of the \$1.46 million, \$1.2 would cover the unfunded accrued liability (UAL) for services already rendered to the City, and \$0.26 million would cover the forward-looking costs associated with the bill, also referred to as the normal cost. The actuary’s amortization schedule for the UAL covers a 10-year period, after which the additional pension contributions would only reflect the normal cost each year. In aggregate, the actuary determined that present value of the total cost of the bill through 2049 would total \$10.8 million, \$8.4 million of which reflects the PV of the UAL and \$2.4 million reflecting the PV for the normal cost.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Fiscal Note 2023-14, Actuary of the New York City Retirement Systems and Pension Funds

**ESTIMATE PREPARED BY:** Andrew Wilber, Supervising Economist

**ESTIMATE REVIEWED BY:** Dilara Dimnaku, Chief Economist  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State & Federal Legislation as a Preconsidered SLR on June 6, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 31, 2024.

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

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.7498-A; A.7572-A), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN, DAVID M. CARR, VICKIE PALADINO; 8-0-0; *Absent*: Inna Vernikov; Committee on Governmental Operations, State & Federal Legislation, June 6, 2024.

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

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

Report for State Legislation Resolution No. 12

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.8649, and Assembly Member Pheffer Amato, A.9399, "AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city fire department employed as fire protection inspectors".**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

**REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation*

*Resolution [SLR] should be recommended for adoption by the Council. By adopting this Home Rule SLR item, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

## **I. BACKGROUND**

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 12, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.8649, and Assembly Member Pheffer Amato, A.9399, “AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city fire department employed as fire protection inspectors.” The State Legislative Resolution passed with 8 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

## **II. PROPOSED LEGISLATION**

Currently, surviving spouses of active and retired FDNY firefighters and emergency medical technicians enrolled in a retirement plan under the NYC Fire Pension Fund receive lifetime COBRA health benefits. However, surviving spouses of active and retired fire protection inspectors with an NYC Fire Pension Fund retirement plan receive COBRA health benefits for just 36 months after the death of the member. This bill would extend the lifetime COBRA health benefits to surviving spouses of active and retired fire protection inspectors.

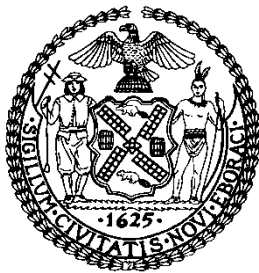
## **III. FISCAL IMPLICATIONS**

See Council Finance Division fiscal impact statement.

## **IV. EFFECTIVE DATE**

This bill takes effect immediately.

**(The following is the text of the Fiscal Impact Statement for SLR No. 12:)**



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

RICHARD LEE, DIRECTOR

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

### **FISCAL IMPACT STATEMENT**

**PRECONSIDERED SLR NO. 12:** S.8649 (Gounardes)  
A.9399 (Pheffer Amato)

**COMMITTEE:** Governmental Operations, State &  
Federal Legislation

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**TITLE:** AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York City fire department employed as fire protection inspectors.

**SPONSOR(S):** Restler.

**SUMMARY OF LEGISLATION:** Currently, surviving spouses of active and retired FDNY firefighters and emergency medical technicians enrolled in a retirement under the NYC Fire Pension Fund receive lifetime COBRA health benefits. However, surviving spouses of active and retired fire protection inspectors with an NYC Fire Pension Fund retirement plan receive COBRA health benefits for just 36 months after the death of the member. This bill would extend the lifetime COBRA health benefits to surviving spouses of active and retired fire protection inspectors.

**EFFECTIVE DATE:** This bill would take effect immediately.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY25	FY Succeeding Effective FY26	Full Fiscal Impact FY25
<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 there would be no impact on revenues as a result of passing this legislation.

**IMPACT ON EXPENDITURES:** In the absence of data on the number of surviving spouses that would receive COBRA health benefits as a result of this bill, the cost cannot be determined. However, on a per person basis, it is expected that it would cost the City roughly 1.5x-2x what a COBRA beneficiary would contribute.

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

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

**ESTIMATE PREPARED BY:** Andrew Wilber, Supervising Economist

**ESTIMATE REVIEWED BY:** Dilara Dimnaku, Chief Economist  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State & Federal Legislation as a Preconsidered SLR on June 6, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 31, 2024.

*Accordingly, this Committee recommends its adoption.*

(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.8649; A.9399), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/> ).

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN, DAVID M. CARR, VICKIE PALADINO; 8-0-0; *Absent*: Inna Vernikov; Committee on Governmental Operations, State & Federal Legislation, June 6, 2024.

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

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

#### Report for State Legislation Resolution No. 13

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8756-A, and Assembly Member Cunningham, A.8902-C, “AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning parking rules; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning parking rules; and providing for the repeal of certain provisions upon expiration thereof”.**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

### REPORTS:

#### I. BACKGROUND

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 13, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8756-A, and Assembly Member Cunningham, A.8902-C, “AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning parking rules; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning parking rules; and providing for the repeal of certain provisions upon expiration thereof.” The State Legislative Resolution passed with 6 votes in the affirmative, 2 votes in the negative, and 0 abstentions.

#### II. PROPOSED LEGISLATION

This bill would authorize the City to establish and operate a program to place a photo device on Department of Sanitation (“DSNY”) street cleaning vehicles that can independently capture or record a vehicle parked in violation of alternate side parking (“ASP”) rules. The image could then be used as evidence in a proceeding before the NYC Parking Violations Bureau to impose monetary liability on the vehicle owner for the parking violation. The bills would limit such penalties to \$50 for each ASP violation, and authorize an additional \$25

fine for failure to promptly respond to a notice of liability. The bills would also require only warnings to be issued in the first 60 days that photo devices are active and in operation.

In addition, these bills would require the City to update ASP signage to provide notice that photo devices are used for ASP enforcement and to place signage on street cleaning vehicles indicating use of photo devices. The City would be required to perform daily tests of photo device functionality before using them for enforcement. Additionally, the bills would require the City to ensure, to the extent practicable, that photos taken do not identify any person or contents inside the vehicle, and to destroy any photo produced upon the latter of either the final resolution of the notice of liability, or one year following the issuance of the notice of liability. Such images would not be open to the public: use of photos would be restricted to ASP enforcement or in response to a court-issued search warrant or subpoena relating to misdemeanor or felony charges. The bills make inadmissible any media captured by the photo devices in a disciplinary proceeding involving a street cleaning vehicle operator's licensing privileges. The bills also provide that a vehicle owner may maintain an indemnification action against the person who operated their vehicle at the time the notice of liability was issued. An owner may also be found not liable if their vehicle was operated without their consent, if their vehicle was stolen and reported as stolen before the notice of liability was issued, or if the photo devices were malfunctioning at the time of the alleged violation.

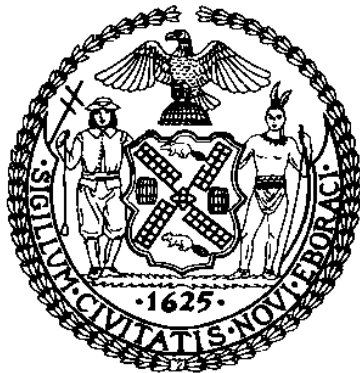
### III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

### IV. EFFECTIVE DATE

This bill takes effect one year after becoming law, and portions of it would expire on July 1, 2029.

**(The following is the text of the Fiscal Impact Statement for SLR No. 13:)**



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

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

**RICHARD LEE, DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PRE-CONSIDERED SLR NO. 13: S.8756-A (Jackson)  
A.8902-A(Cunningham)**

**COMMITTEE: Governmental Operations, State &  
Federal Legislation**

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**TITLE:** An act to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning parking rules; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning parking rules; and providing for the repeal of certain provisions upon expiration thereof.

**SPONSOR(S):** Council Member Restler.

**SUMMARY OF LEGISLATION:** This bill would authorize the city of New York to establish a program imposing monetary liability on the owner of a vehicle for failure to comply with street cleaning parking rules. In addition, the legislation would require that the City, for purposes of the implementation of such program, shall operate street cleaning vehicle photo devices on street cleaning vehicles along all street cleaning routes in the City.

**EFFECTIVE DATE:** This act shall take effect one year after it becomes law.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</b>
<b>Revenues</b>	\$0	\$14,286,525	\$14,286,525
<b>Expenditures</b>	\$0	(\$3,994,388)	(\$3,994,388)
<b>Net</b>	\$0	\$8,658,500	\$8,658,500

**IMPACT ON REVENUES:** It is anticipated that a complete outfitting of the Department of Sanitation’s (DSNY) fleet would likely triple the number of ASP-related summonses each year due to increased surveillance and enforcement. In Calendar Year 2023 DSNY issued 86,585 alternate side parking tickets. As a result, at full implementation of this legislation it is estimated that 259,755 alternate side parking tickets, or a net increase of 173,170 additional tickets will be issued each year. At \$50 per ticket, this would result in total revenue of \$14.3 million or a net increase in revenue per year of \$8.7 million over the calendar year 2023 revenue of \$5.6 million

**IMPACT ON EXPENDITURES:** It is estimated that the enactment of this legislation would require capital expenditure of \$9.5 million for all LPRs to be purchased and installed, and maintenance, on all 450 DSNY mechanical brooms in addition to operational OTPS costs of approximately \$4.0 million annually for the program.

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

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

**ESTIMATE PREPARED BY:** Adrian Drepaul, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
Chima Obichere, Deputy Director  
Jonathan Rosenberg, Managing Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State and Federal Legislation (Committee) as a Pre-considered SLR June 6 2024. Upon successful vote by the Committee, the Pre-considered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** June 3, 2024.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor’s Memorandum-in Support from each house (S.8756-A; A.8902-C), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN; 6-2-0; *Absent*: Inna Vernikov; *Negative*: David M. Carr and Vickie Paladino; Committee on Governmental Operations, State & Federal Legislation, June 6, 2024.

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

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

Report for State Legislation Resolution No. 14

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving a State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.9373, and Assembly Member Pheffer Amato, A.9925, “AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling”.**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed preconsidered State and Federal Legislation was referred on June 6, 2024, respectfully

#### **REPORTS:**

*(The following report refers to pending State legislation which requires a Home Rule Message for passage in the State Senate and State Assembly. This Committee is to decide whether this respective State Legislation Resolution [SLR] should be recommended for adoption by the Council. By adopting this Home Rule SLR item, the Council would be formally requesting that the New York State Legislature act favorably in this matter)*

#### **I. BACKGROUND**

On June 6, 2024, the Committee on Governmental Operations, State and Federal Legislation, chaired by Council Member Lincoln Restler, will hold a vote on Preconsidered SLR 14, State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.9373, and Assembly Member Pheffer Amato, A.9925, “AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling.” The State Legislative Resolution passed with 8 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

## II. PROPOSED LEGISLATION

Currently, the calculation for the Final Average Salary of Tier 6 members in the 55/25 Plan caps the amount of annual overtime at \$19,729, meaning that any annual salary may not include more than this amount of pensionable overtime when used to determine a member's pension benefit.

This bill would eliminate the overtime cap, allowing *all* overtime to be considered in calculating the pension benefit for this group of members. However, the calculation for their FAS would still limit wages earned during any year to 10 percent greater than the average of the previous four years.

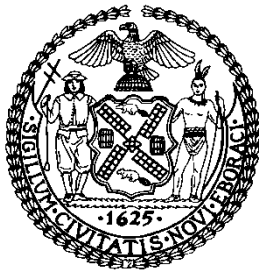
## III. FISCAL IMPLICATIONS

See Council Finance Division fiscal impact statement.

## IV. EFFECTIVE DATE

This bill takes effect immediately.

(The following is the text of the Fiscal Impact Statement for SLR No. 14:)



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

RICHARD LEE, DIRECTOR

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

### FISCAL IMPACT STATEMENT

**PRECONSIDERED SLR NO. 14:** S.9373 (Gouardes)  
A.9925 (Pheffer Amato)

**COMMITTEE:** Governmental Operations, State &  
Federal Legislation

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**TITLE:** AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling.

**SPONSOR(S):** Restler.

**SUMMARY OF LEGISLATION:** Currently, the calculation for the Final Average Salary of Tier 6 members in the 55/25 Plan caps the amount of annual overtime at \$19,729, meaning that any annual salary may not include more than this amount of pensionable overtime when used to determine a member's pension benefit.

This bill would eliminate the overtime cap, allowing all overtime to be considered in calculating the pension benefit for this group of members. However, the calculation for their FAS would still limit wages earned during any year to 10 percent greater than the average of the previous four years.

**EFFECTIVE DATE:** This bill would take immediately.

**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	\$15.1M	\$15.1M
<b>Net</b>	\$0	\$15.1M	\$15.1M

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

**IMPACT ON EXPENDITURES:** It is estimated that passing this bill would cost the City \$15.1 million in additional pension contributions in Fiscal 2025. Of the \$15.1 million, \$7.9 million would cover the unfunded accrued liability (UAL) for services already rendered to the City, and \$7.2 million would cover the forward-looking costs associated with the bill, also referred to as the normal cost. The actuary's amortization schedule for the UAL covers a 16-year period, after which the additional pension contributions would only reflect the normal cost each year. In aggregate, the actuary determined that the present value (PV) of the total cost of the bill through 2049 would total \$166.3 million, \$71.9 million of which reflects the PV of the UAL and \$94.4 million reflecting the PV of the normal cost.

**SOURCE OF FUNDS TO COVER ESTIMATED COSTS:** General Fund

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Fiscal Note 2024-39, Chief Actuary New York City Retirement System and Pension Funds

**ESTIMATE PREPARED BY:** Andrew Wilber, Supervising Economist

**ESTIMATE REVIEWED BY:** Dilara Dimnaku, Chief Economist  
Jonathan Rosenberg, Managing Deputy Director

**LEGISLATIVE HISTORY:** This bill will be considered by the Committee on Governmental Operations, State & Federal Legislation as a Preconsidered SLR on June 6, 2024. Upon successful vote by the Committee, the Preconsidered SLR will be introduced and submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 31, 2024.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered SLR, please see the Introduction and Reading of Bills section printed in these Minutes; for text of the related State bills and the State Sponsor's Memorandum-in Support from each house (S.9373; A.9925), please refer, respectively, to the New York State Senate at <https://www.nysenate.gov/legislation> and New York State Assembly at <http://nyassembly.gov/leg/>).**

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN, DAVID M. CARR, VICKIE PALADINO; 8-0-0; *Absent*: Inna Vernikov; Committee on Governmental Operations, State & Federal Legislation, June 6, 2024.

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

At this point, a separate stand-alone Roll Call vote was then held in regard to the **Home Rule-related Preconsidered SLR Nos. 8 to 14 of 2024:**

**SEPARATE ROLL CALL on Preconsidered SLR Nos. 8 to 14 of 2024**

- |                                       |  |
|---------------------------------------|--|
| (1) <b>Preconsidered SLR No. 8 -</b>  | Increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated (S. 2812-A, A.5259-A) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b>  |
| (2) <b>Preconsidered SLR No. 9 -</b>  | WTC-related benefits to certain employees who worked at the Verrazano Bridge Toll Facility (S.6306-B, A.7344-B) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b>   |
| (3) <b>Preconsidered SLR No. 10 -</b> | New York City Fire Department pension fund to receive a membership date in the New York City Fire Department pension fund (S.7128-B, A. 7681-A) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b>   |
| (4) <b>Preconsidered SLR No. 11 -</b> | Eligibility for participants in the automotive 25 year/age 50 pension plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement (S.7498-A, A.7572-A) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b> |
| (5) <b>Preconsidered SLR No. 12 -</b> | Health insurance coverage for surviving spouses or domestic partners of members of the New York City Fire Department employed as fire protection inspectors (S.8649, A.9399) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b>  |



- |   |   |
|---|---|
| (6) <b>Preconsidered<br/>SLR No. 13 -</b> | Owner liability for failure of an operator to comply with street cleaning parking rules (S.8756-A, A.8902-C) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b> |
| (7) <b>Preconsidered<br/>SLR No. 14 -</b> | Definition of overtime ceiling (S.9373, A.9925) <b>(Home Rule item introduced by the Council requiring two-thirds affirmative vote for passage).</b>  |

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

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Paladino, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Vernikov, Williams, Won, Yeger, Zhuang, the Minority Leader (Council Member Borelli), the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **51**.

**The separate Roll Call vote recorded for Preconsidered SLR Nos. 8 to 14 at this Stated Meeting was 51-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Preconsidered SLR No. 8:**

**Affirmative** – Abreu, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Rivera, Salaam, Salamanca, Sanchez, Schulman, Ung, Williams, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **40**.

**Negative** – Ariola, Carr, Louis, Marmorato, Mealy, Paladino, Riley, Stevens, Vernikov, Yeger, and the Minority Leader (Council Member Borelli) – **11**.

The following was the vote recorded for **Preconsidered SLR No. 13:**

**Affirmative** – Abreu, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Hanks, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marte, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Ung, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **41**.

**Negative** – Ariola, Carr, Marmorato, Mealy, Paladino, Stevens, Vernikov, Williams, Yeger, and the Minority Leader (Council Member Borelli) - **10**.

SLR Nos. 8 to 14 of 2024 were adopted by the Council with the required 2/3 majority necessary for a Home Rule item introduced by a legislative body.

*The Blueback documents verifying the adoption of each Home Rule item (SLR Nos. 8 to 14 of 2024) were certified by the City Clerk and Clerk of the Council (Mr. McSweeney). These respective Blueback certifications were subsequently sent to Albany for filing with the State Assembly and State Senate.*

At this point, the Stated Meeting continued with the Adoption of Minutes section and proceeded forward as shown on the day's Agenda.

#### **ADOPTION OF MINUTES**

Council Member Won and the Majority Leader and Acting President Pro Tempore (Council Member Farías) both moved that the Minutes of the Stated Meeting of May 16, 2024 be adopted as printed.

## REPORT OF THE STANDING COMMITTEES

### Report of the Committee on Civil Service and Labor

Report for Int. No. 743-A

**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring city agencies to offer career counseling to municipal employees to advise them of professional development and promotional opportunities.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on April 11, 2024 (Minutes, page 1623), respectfully

#### REPORTS:

##### I. Introduction

On June 6, 2024, the Committee on Civil Service and Labor, chaired by Council Member Carmen De La Rosa, held a vote on Int. No. 743-A, sponsored by Council Member De La Rosa, in relation to requiring municipal agencies and the Department of Citywide Administrative Services (DCAS) to offer career counseling to employees; Int. No. 767-A, sponsored by Council Member Hudson, in relation to requiring DCAS to distribute a workplace culture survey; Int. No. 809-A, sponsored by Council Member De La Rosa, in relation to requiring the commissioner of DCAS to report on the administration of promotion examinations; and Res. No. 306-B, calling on DCAS to grant additional points to promotional examinees who have completed the agency's Executive Development and Management & Supervision trainings, or to examinees who have earned a degree or certificate from the City University of New York, or a similarly accredited institution. The Committee on Civil Service and Labor, jointly with the Committees on Women and Gender Equity and Civil and Human Rights, held a hearing on the topic of pay disparities in the municipal workforce on April 25, 2024, during which it heard testimony on Int. No. 743, Int. No. 767, Int. No. 809, and Res. No. 306-A. Witnesses who testified at the hearing included representatives from DCAS, CWA 1180, workers' rights advocates, and other interested parties. On June 6, 2024, the Committee on Civil Service and Labor voted to pass Int. No. 743-A, Int. No. 767-A, Int. No. 809-A, and Res. No. 306-B with 8 votes in the affirmative, 0 votes in the negative, and 0 abstentions.

##### II. Legislative Analysis

###### *a. Int. No. 743-A*

Int. No. 743-A would require municipal agencies to offer career counseling services to employees to advise them of career advancement opportunities. Pursuant to this bill, career counseling sessions may include, but need not be limited to, information about: opportunities to apply for managerial or supervisory positions; opportunities available through the promotional exam process; and the availability of department- or agency- provided trainings. This bill would require municipal agencies and DCAS to conduct outreach to eligible employees regarding the availability of career counseling, and to create written materials to provide additional guidance to such employees. This bill would require DCAS to provide training to municipal agency career counselors, and to disseminate relevant information about the promotional process at least twice each calendar year.

Int. No. 743-A would also require municipal agencies to submit a report to DCAS every two years that contains information regarding: the number of employees who sought career counseling; the number of employees who took steps to advance their careers after a career counseling session; and the number of career

counseling sessions each municipal agency conducted. Furthermore, this bill would require the commissioner of DCAS to submit a report to the mayor and the speaker every two years that contains the information that each municipal agency has submitted to DCAS in relation to career counseling sessions, as well as the number of employees who sought and received information about the promotional process and opportunities for higher salaries after receiving career counseling.

***b. Int. No. 767-A***

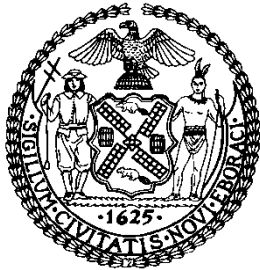
Int. No. 767-A would require DCAS to create and distribute a workplace culture survey that asks municipal employees about their opinions on their agency's workplace culture, management practices, likelihood of seeking promotion or departing from the agency, and other equity-related concerns. Such surveys would be offered every other year, and would be offered on an anonymous and voluntary basis. This bill would require the commissioner of DCAS to submit a report on their findings from survey responses.

Furthermore, this bill would clarify that municipal agencies' annual reports on their efforts to remedy pay disparities and occupational segregation should include information regarding both internal and external outreach conducted by such agencies.

***c. Int. No. 809-A***

Int. No. 809-A would require the commissioner of DCAS to publish a report on DCAS' website every other year regarding the department's determination of promotional exam applicant eligibility. The bill would require the commissioner to report on the factors considered when making determinations to expand or limit eligibility for employees when filling municipal vacancies.

**(The following is the text of the Fiscal Impact Statement for Int. No. 743-A:)**



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 743-A**

**COMMITTEE: Civil Service and Labor**

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**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring city agencies to offer career counseling to municipal employees to advise them of professional development and promotional opportunities.

**SPONSOR(S):** By Council Members De La Rosa, Gennaro, Louis, Schulman, Banks, Farías, Ayala and Cabán.

**SUMMARY OF LEGISLATION:** This bill would require municipal agencies to offer career counseling to eligible municipal employees to advise them of career advancement opportunities and to coordinate with the Department of Citywide Administrative Services (DCAS) to conduct outreach to eligible employees regarding the availability of career counseling services, and to create written materials to provide guidance to eligible employees. In addition, the bill would require DCAS to submit a report regarding municipal employees’ utilization of career counseling services, as well as feedback the agencies and DCAS have received, by September 1, 2025 and September 1 of each odd-numbered year thereafter.

**EFFECTIVE DATE:** This local law takes effect 60 days after the date that a local law for the year 2024 amending the New York city charter and the administrative code of the city of New York, relating to workplace culture surveys, as proposed in introduction number 767-A, takes effect.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY 25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</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 impact on expenditures resulting from the enactment of this legislation, as DCAS would use existing resources to fulfill its requirement.

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

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

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

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
 Chima Obichere, Deputy Director, NYC Council Finance Division  
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division  
 Michael Twomey, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 11, 2024, as Intro. No. 743 and referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation at a hearing held jointly with the Committee on Civil and Human Rights and the Committee on Women and Gender Equity on April 25, 2024, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 743-A, will be considered by the Committee on June 6, 2024. Upon successful vote by the Committee, Proposed Intro. No. 743-A will be submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 30, 2024.

**(For text of Int. Nos. 767-A and 809-A and their Fiscal Impact Statements, please see the Report of the Committee on Civil Service and Labor for Int. Nos. 767-A and 809-A, respectively, printed in these Minutes; for text of Int. No. 743-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 743-A, 767-A, and 809-A.*

**(The following is the text of Int. No. 743-A:)**

Int. No. 743-A

By Council Members De La Rosa, Gennaro, Louis, Schulman, Banks, Farías and Cabán.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring city agencies to offer career counseling to municipal employees to advise them of professional development and promotional opportunities**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs 19 and 20 of subdivision a of section 815 of the New York city charter, paragraph 19 of such subdivision as amended by a local law for the year 2024 amending the New York city charter and the administrative code for the city of New York, relating to workplace culture surveys, as proposed in introduction number 767-A, and paragraph 20 of such subdivision as amended by local law number 59 for the year 1996, are amended and a new paragraph (21) is added to read as follows:

(19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Such plan shall include the following information: an analysis of the agency's compensation data and measures to address pay disparity and occupational segregation, developed both within the agency and as a result of consultation with prospective applicants and external stakeholders, in the most recent fiscal year; diversity and inclusion training; and schedule and workplace accommodations and access to facilities, including access for individuals with disabilities, gender appropriate bathrooms, and lactation rooms. Such plan shall first be submitted to the department of citywide administrative services pursuant to the customary annual plan schedule. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection. In carrying out duties related to this paragraph, the heads of city agencies shall cooperate fully with the department of citywide administrative services' office of diversity and inclusion in accordance with section 814.1; [and]

(20) To provide assistance to minority group members and women interested in being employed by city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs; *and*

(21) *To offer career counseling to employees of the city civil service.*

§ 2. Chapter 1 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-142 to read as follows:

§ 12-142 *Career counseling. a. Definitions. As used in this section, the following terms have the following meanings:*

*Agency. The term "agency" means any agency, the head of which holds office upon appointment of the mayor and those units within the executive office of the mayor designated by the mayor to be covered by the provisions of chapter 16 of the charter. Such term does not include agencies headed by boards, commissions, or other multi-member bodies, whether appointed by the mayor or otherwise, nor elected officials, nor other agencies the heads of which are appointed by officials other than the mayor or by multi-member bodies.*

*Career counseling. The term "career counseling" means remote or in-person consultation with, and provision of information to, an individual regarding opportunities for promotion, training, and education.*

*Department. The term "department" means the department of citywide administrative services.*

*Eligible employee. The term “eligible employee” means a current employee of an agency who has been employed by such agency for at least 12 months after appointment.*

*b. Each agency shall appoint 1 or more career counselors to offer career counseling to eligible employees. Information included in such career counseling may include, but need not be limited to, opportunities to apply for managerial or supervisory positions or positions with higher salaries or opportunities through the promotional exam process, including where such opportunities may be available in other agencies, and the availability of department- or agency-provided trainings.*

*c. Each agency shall conduct outreach to eligible employees at least once annually regarding the availability of career counseling services, including how eligible employees may access such services, and inform such employees that their request for career counseling will remain confidential.*

*d. Eligible employees may request career counseling from their agency through either a remote or in-person format. Such agency shall conduct a career counseling session with the requesting eligible employee within 60 days of such eligible employee’s request. Such agency shall conduct at least 1 follow-up call to each eligible employee who participates in a career counseling session within 30 days of such session.*

*e. Each agency shall report to the department on or before January 15 of each calendar year the name and contact information of each career counselor appointed to such agency.*

*f. The department shall provide training to agency career counselors.*

*g. At least twice each calendar year, the department shall convene a meeting with agency career counselors to disseminate relevant information about the promotional examination process and opportunities through such process for employees to apply for managerial or supervisory positions or positions with higher salaries.*

*h. The department shall, in consultation with relevant agencies, create written materials concerning the promotional examination application process, the process for enrolling in department- or agency-provided trainings, and any other relevant information as determined by the department, to be distributed at career counseling sessions or upon request by an eligible employee.*

*i. The department shall provide information about the promotional process and opportunities for higher salaries to employees who have sought and received career counseling offered by their agencies.*

*j. No later than September 1, 2025, and September 1 of each odd-numbered year thereafter, the head of each agency shall submit to the department a report containing the following information for the preceding 2-year period, if applicable:*

*1. The number of eligible employees who sought career counseling, disaggregated by race and gender;*

*2. The number of eligible employees who, subsequent to their career counseling session: (i) applied to take a promotional examination; (ii) enrolled in an agency-provided training; (iii) enrolled in a department-provided training; (iv) transferred into a title offering higher pay; (v) transferred to a different agency; or (vi) were promoted; and*

*3. The number of career counseling sessions conducted, disaggregated by in-person or remote format.*

*k. No later than December 31, 2025, and December 31 of each odd-numbered year thereafter, the commissioner shall submit to the mayor and the speaker of the council a report containing the following information for the preceding 2-year period, if applicable:*

*1. The number of eligible employees who sought career counseling from their agencies, disaggregated by agency, race, and gender;*

*2. The number of eligible employees who, subsequent to their career counseling session: (i) applied to take a promotional examination; (ii) enrolled in an agency-provided training; (iii) enrolled in a department-provided training; (iv) transferred into a title offering higher pay; (v) transferred to a different agency; or (vi) were promoted;*

*3. The number of career counseling sessions conducted, disaggregated by in-person or remote format; and*

*4. The number of employees who sought and received information about the promotional process and opportunities for higher salaries to employees from the department after having received career counseling offered by their agencies.*

*l. The department shall create electronic surveys for agencies to distribute to employees upon completion of a career counseling session, to be completed on a voluntary basis. Survey questions shall include, but need not be limited to, questions designed to obtain the information required to be reported by subdivision f of this section.*

§ 3. This local law takes effect 60 days after the date that a local law for the year 2024 amending the New York city charter and the administrative code of the city of New York, relating to workplace culture surveys, as proposed in introduction number 767-A, takes effect.

CARMEN N. De Le ROSA, *Chairperson*; FRANCISCO P. MOYA, ERIC DINOWITZ, OSWALD J. FELIZ, TIFFANY CABÁN, ERIK D. BOTTCHER, KAMILLAH M. HANKS, JULIE MENIN; 8-0-0; *Absent*: Yusef Salaam; Committee on Civil Service and Labor, June 6, 2024.

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

Report for Int. No. 767-A

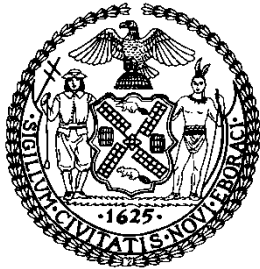
**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to administer workplace culture surveys.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on April 11, 2024 (Minutes, page 1647), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 743-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 767-A:*



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 767-A**

**COMMITTEE: Civil Service and Labor**

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**TITLE:** A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to administer workplace culture surveys.

**SPONSOR(S):** By Council Members Hudson, Louis and Cabán.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Citywide Administrative Services (DCAS) to create a workplace culture survey by July 1, 2025 and coordinate with agencies for the distribution of such survey by September 1, 2025 and by September 1 of each odd-numbered year thereafter, for employees to complete on a voluntary and anonymous basis. The survey would ask employees about their opinions on their workplace culture, management practices, likelihood of departing the agency, and other equity-related concerns. This bill would require the commissioner of DCAS to submit a report on their findings from the survey responses. DCAS must publish a report summarizing the information received in the survey by no later than January 1, 2026 and January 1 of each even-numbered year thereafter. Lastly, this bill would also clarify that agencies’ annual reports on their efforts to remedy pay disparities and occupational segregation should include both internal and external outreach.

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

**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 there would be no impact on revenues resulting from the enactment of this legislation.

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

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

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

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

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
Chima Obichere, Deputy Director, NYC Council Finance Division  
Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division  
Michael Twomey, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 11, 2024, as Intro. No. 767 and referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation at a hearing held jointly with the Committee on Civil and Human Rights and the Committee on Women and Gender

Equity on April 25, 2024, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 767-A, will be considered by the Committee on June 6, 2024. Upon successful vote by the Committee, Proposed Intro. No. 767-A will be submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 30, 2024

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

**(The following is the text of Int. No. 767-A:)**

Int. No. 767-A

By Council Members Hudson, Louis and Cabán.

**A Local Law to amend the New York city charter and the administrative code of the city of New York, in relation to requiring the department of citywide administrative services to administer workplace culture surveys**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 815 of the New York city charter, as amended by local law number 59 for the year 1996, paragraph 19 of such subdivision as amended by local law number 27 for the year 2023, is amended to read as follows:

a. Subject to the civil service law and applicable provisions of this charter, heads of city agencies shall have the following powers and duties essential for the management of their agencies in addition to powers and duties vested in them pursuant to this charter or other applicable law:

- (1) To recruit personnel;
- (2) To participate with the department of citywide administrative services in job analyses for the classification of positions;
- (3) To allocate individual positions to existing civil service titles;
- (4) To allocate individual managerial or executive positions to managerial assignment levels;
- (5) To assist the department of citywide administrative services in the determination of minimum qualifications for classes of positions and to review and evaluate qualifications of candidates for positions in the civil service;
- (6) To assist the commissioner in the planning and preparation of open competitive examinations;
- (7) To schedule and conduct tests other than written tests for promotion to competitive class positions;
- (8) To determine whether to hold an open competitive or promotion examination to fill positions in the civil service subject to disapproval of the commissioner within [thirty] 30 days;
- (9) To plan and administer employee incentive and recognition programs;
- (10) To fill vacant positions within quarterly spending allotments and personnel controls pursuant to section [one hundred six] 106;
- (11) To administer and certify eligible lists for classes of positions unique to the agency;
- (12) To make appointments to competitive positions from eligible lists pursuant to subsection [one] 1 of section [sixty-one] 61 of the state civil service law, which authority shall not be abridged or modified by local law or in any other manner;
- (13) To establish and administer performance evaluation programs to be used during the probationary period and for promotions, assignments, incentives and training;
- (14) To conduct training and development programs to improve the skills, performance and career opportunities of employees;
- (15) To ensure and promote equal opportunity for all persons in appointment, payment of wages, development and advancement;
- (16) To administer employee safety programs;
- (17) To maintain personnel records;

(18) To perform such other personnel management functions as are delegated by the commissioner pursuant to this chapter or that are not otherwise assigned by this chapter;

(19) To establish measures and programs to ensure a fair and effective affirmative employment plan to provide equal employment opportunity for minority group members and women who are employed by, or who seek employment with, the agency and, in accordance with the uniform procedures and standards established by the department of citywide administrative services for this purpose, to adopt and implement an annual plan to accomplish this objective. Such plan shall include the following information: an analysis of the agency's compensation data and measures to address pay disparity and occupational segregation, *developed both within the agency and as a result of consultation with prospective applicants and external stakeholders*, in the most recent fiscal year; diversity and inclusion training; and schedule and workplace accommodations and access to facilities, including access for individuals with disabilities, gender appropriate bathrooms, and lactation rooms. Such plan shall first be submitted to the department of citywide administrative services pursuant to the customary annual plan schedule. Copies of such plans shall be filed with the mayor, council, department of citywide administrative services, equal employment practices commission, and city civil service commission and shall be made available for reasonable public inspection. In carrying out duties related to this paragraph, the heads of city agencies shall cooperate fully with the department of citywide administrative services' office of diversity and inclusion in accordance with section 814.1; and

(20) To provide assistance to minority group members and women interested in being employed by city agencies to ensure that such minority group members and women benefit, to the maximum extent possible, from city employment and educational assistance programs.

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-218 to read as follows:

§ 12-218 Workplace culture surveys. *a. Definitions. As used in this section, the following terms have the following meanings:*

*Commissioner. The term "commissioner" means the commissioner of citywide administrative services.*

*Department. The term "department" means the department of citywide administrative services.*

*Workplace culture. The term "workplace culture" means an agency's workplace environment and atmosphere as perceived by its employees, including but not limited to, shared values and beliefs, employee attitudes, relationships between colleagues, relationships between managers or supervisors and subordinates, job duties, perceptions of equitable pay, and working conditions.*

*b. No later than July 1, 2025, the commissioner shall create a workplace culture survey to be administered online, the responses to which shall be confidential. Such survey shall be designed to elicit information related to workplace culture. Survey instructions shall emphasize that employee responses will remain confidential, not be shared with managers or supervisors for any purpose, including, but not limited to, performance evaluation or employee discipline, and be used only by the department to report a summary analysis without including any information identifying any employee. Such survey shall include, but need not be limited to, questions designed to elicit:*

*1. The employee's views on their agency's workplace culture;*

*2. The employee's views on their agency's management practices;*

*3. Whether the employee has considered pursuing a managerial or supervisory role within their agency;*

*4. The employee's perceived barriers to promotion, if any;*

*5. The employee's views on diversity and equity within their agency;*

*6. Any workplace culture or equity-related concerns that may cause the employee to consider departing from their position or agency; and*

*7. The employee's views on any improvements that could be made to the agency workplace culture.*

*c. No later than September 1, 2025, and September 1 of each odd-numbered year thereafter, the department shall coordinate with agencies to distribute a link to the survey required by subdivision b of this section to all employees, to be completed on a voluntary basis.*

*d. No later than January 1, 2026, and January 1 of each even-numbered year thereafter, the commissioner shall submit to the mayor, the speaker of the council, the head of each agency, and the equal employment practices commission a report summarizing, at a minimum, the information received from the surveys administered pursuant to subdivision c of this section, disaggregated by agency. Such report shall not contain any information identifying any employee.*

§ 3. This local law takes effect immediately.

CARMEN N. De La ROSA, *Chairperson*; FRANCISCO P. MOYA, ERIC DINOWITZ, OSWALD J. FELIZ, TIFFANY CABÁN, ERIK D. BOTTCHER, KAMILLAH M. HANKS, JULIE MENIN; 8-0-0; *Absent*: Yusef Salaam; Committee on Civil Service and Labor, June 6, 2024.

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

Report for Int. No. 809-A

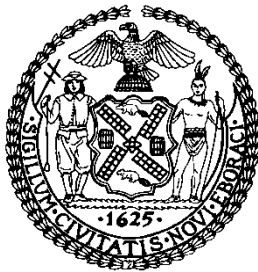
**Report of the Committee on Civil Service and Labor in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of citywide administrative services to report on the administration of promotion examinations.**

The Committee on Civil Service and Labor, to which the annexed proposed amended local law was referred on April 18, 2024 (Minutes, page 1844), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 743-A printed above in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 809-A:*



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

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

RICHARD LEE, FINANCE DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 809-A

COMMITTEE: Civil Service and Labor

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of citywide administrative services to report on the administration of promotion examinations.

**SPONSOR(S):** By Council Members De La Rosa, Brannan, Louis, Brewer, Banks, Farías, Ung and Cabán.

**SUMMARY OF LEGISLATION:** This bill would require the Department of Citywide Administrative Services (DCAS) to publish on its website and submit to the Mayor and the Speaker of the council a biannual report regarding the administration of promotion examinations. The bill would require the commissioner to report on the factors considered when making determinations to fill municipal vacancies from pools of direct line employees or to expand eligibility to collateral line employees or comparable position employees as well as the demographics of such employees. The biannual report would be due no later than January 31, 2026 and by January 31 of each even-numbered thereafter.

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

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

**FISCAL IMPACT STATEMENT:**

	Effective FY24	FY Succeeding Effective FY25	Full Fiscal Impact FY25
<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 impact on expenditures resulting from the enactment of this legislation, as DCAS 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:** Andrew Lane-Lawless, Legislative Financial Analyst, NYC Council Finance Division

**ESTIMATE REVIEWED BY:** Aliya Ali, Unit Head, NYC Council Finance Division  
 Chima Obichere, Deputy Director, NYC Council Finance Division  
 Jonathan Rosenberg, Managing Deputy Director, NYC Council Finance Division  
 Michael Twomey, Assistant Counsel, NYC Council Finance Division

**LEGISLATIVE HISTORY:** The legislation was introduced to the full Council on April 18, 2024, as Intro. No. 809 and referred to the Committee on Civil Service and Labor (Committee). The Committee heard the legislation at a hearing held jointly with the Committee on Civil and Human Rights and the Committee on Women and Gender Equity on April 25, 2024, and the legislation was laid over. The legislation was subsequently amended, and the amended version, Proposed Intro. No. 809-A, will be considered by the Committee on June 6, 2024. Upon successful vote by the Committee, Proposed Intro. No. 809-A will be submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 30, 2024.

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

**(The following is the text of Int. No. 809-A:)**

Int. No. 809-A

By Council Member De La Rosa, Brannan, Louis, Brewer, Banks, Farías and Cabán.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the commissioner of citywide administrative services to report on the administration of promotion examinations**

*Be it enacted by the Council as follows:*

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-217 to read as follows:

§ 12-217 Promotion examinations. *a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Collateral line employee. The term “collateral line employee” means an employee holding a lower grade competitive class title in a related or collateral line of promotion of a vacant position in a competitive class title, as determined by the commissioner.*

*Commissioner. The term “commissioner” means the commissioner of citywide administrative services.*

*Comparable position employee. The term “comparable position employee” means an employee holding a competitive class title that is comparable to a title held by a direct line employee or collateral line employee, as determined by the commissioner.*

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

*Direct line employee. The term “direct line employee” means an employee holding a lower grade competitive class title in direct line of promotion of a vacant position in a competitive class title, as determined by the commissioner.*

*b. The commissioner shall post conspicuously on the department’s webpage dedicated to the city civil service and submit to the mayor and the speaker of the council a report that contains information in relation to the department’s administration of promotion examinations pursuant to sections 51 and 52 of the civil service law. Each such report shall be posted no later than January 31, 2026, and January 31 of each even-numbered year thereafter, and shall contain the information required by this section for the previous 2-year period.*

*c. For each vacancy in a competitive class title that may be filled by promotion and that the city attempts to fill, the following information shall be reported, as far as practicable, pursuant to this section:*

*1. The titles held by:*

*(a) Direct line employees;*

*(b) Collateral line employees; and*

*(c) Comparable position employees;*

*2. The gender and racial or ethnic demographics of such:*

*(a) Direct line employees;*

*(b) Collateral line employees; and*

*(c) Comparable position employees;*

*3. The determination required by subdivision 1 of section 52 of the civil service law that:*

*(a) It was practicable to fill such vacancy from among direct line employees; or*

*(b) It was impracticable or against the public interest to limit eligibility for promotion to such vacancy to direct line employees;*

*4. For each such determination and where applicable, the factors considered upon making such determination including, but not limited to:*

*(a) Whether or not expanding eligibility for promotion to collateral line employees or comparable position employees would promote greater diversity in the career advancement of employees, and if not, why not; and*

*(b) Whether or not the prescription of minimum training and experience qualifications for eligibility for promotion would promote greater diversity in the career advancement of employees, and the minimum training and experience qualifications considered for prescription, and if not, why not;*

*5. For each such vacancy filled by open competitive examination pursuant to section 51 of the civil service law:*

*(a) The appointing officer who submitted a written request to the commissioner to conduct an open competitive examination for filling such vacancy instead of a promotion examination, and the stated reasons for such request;*

*(b) Whether or not any employee submitted a written request to the commissioner for a promotion examination rather than an open competitive examination, and the reasons why such employee believes it to be practicable and in the public interest to fill such vacancy by promotion examination; and*

*(c) The factors upon which the commissioner's determination to conduct an open competitive examination instead of a promotion examination was based.*

§ 2. This local law takes effect immediately.

CARMEN N. De La ROSA, *Chairperson*; FRANCISCO P. MOYA, ERIC DINOWITZ, OSWALD J. FELIZ, TIFFANY CABÁN, ERIK D. BOTTCHEER, KAMILLAH M. HANKS, JULIE MENIN; 8-0-0; *Absent*: Yusef Salaam; Committee on Civil Service and Labor, June 6, 2024.

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

### **Report of the Committee on 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 L.U. No. 86

**Report of the Committee on Finance in favor of a Resolution approving Miramar Court: Block 2623, Lot 4; Block 2623, Lot 1; Block 2623, Lot 60, Bronx, Community District No. 1, Council District No. 17.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 6, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

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

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

June 6, 2024

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

FROM: Michael Twomey, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of June 6, 2024 – Resolution approving tax exemptions for four Land Use items (Council Districts 15, 17, 36)

### 1. Marion Avenue

Marion Avenue consists of one building located in Council Member Feliz’ district. There are 46 residential units – 11 one-bedroom units, 21 two-bedroom units, and 14 three-bedroom units – along with one superintendent unit.

The Article V tax exemption on the property expired on September 24, 2022. In order to maintain affordable housing, HPD is asking the council for an additional period of tax exemption under Article V with retroactivity back to the original expiration. The partial Article V tax exemption would preserve affordable housing for tenants earning 50% of AMI or less.

#### Summary:

- Borough – Bronx
- Block 3026, Lot 5
- Council District – 15
- Council Member – Feliz
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 47 residential
- Type of exemption – Article V, partial, 38 years from date of closing
- Population – Rental
- Sponsors – Truman Management
- Purpose – preservation
- Cost to the city – \$872.2 thousand (net present value)
- Housing Code Violations
  - Class A – 0
  - Class B – 1
  - Class C – 3

Anticipated AMI Targets: 50% for all units

### 2. Miramar Court

Miramar Court consists of three buildings located in Council Member Salamanca’s district. There are 89 residential units – 10 one-bedroom units, 30 two-bedroom units, 34 three-bedroom units, and 15 four-bedroom units – along with one superintendent unit.

The Article V tax exemption on the property expired on August 28, 2021. In order to maintain affordable housing, HPD is asking the council for an additional period of tax exemption under Article V with retroactivity back to the original expiration. The partial Article V tax exemption would preserve affordable housing for tenants earning 50% of AMI or less.

#### Summary:



- Borough – Bronx
- Block 2623, Lots 1, 4, and 60
- Council District – 17
- Council Member – Salamanca
- Council Member approval –Yes
- Number of buildings – 3
- Number of units – 89 residential
- Type of exemption – Article V, partial, 37 years from date of closing
- Population – Rental
- Sponsors – LRF Housing Associates, L.P.
- Purpose – preservation
- Cost to the city – \$2.07 million (net present value)
- Housing Code Violations
  - Class A – 1
  - Class B – 6
  - Class C – 6

Anticipated AMI Targets: 50% for all units

### **3. Fulton Street South**

Fulton Street South (Project) is a seven-story corner property in Council Member Ossé’s district. It features 28 one-bedroom and 36 two-bedroom units, and one two-bedroom superintendent unit, totaling 65 apartments, 64 of which are covered by a project-based Mark up to Market HAP rental assistance contract that expires in 2043.

The Project currently receives an Article V tax exemption that is set to expire on July 1, 2025. The proposed resolution would extend the existing Article V another 40 years, preserving a 50% AMI cap, along with a new 30% unit set-aside for homeless tenants and completing capital work as identified in an Integrated Physical Needs Assessment (IPNA) along with improvements under HPD’s Aging in Place (AIP) initiative. The scope of work includes concrete repairs to the Project’s sidewalk, curb; boiler chimney flue extension; piping repairs in the Project’s boiler room; HCAV unit replacements, and the installation of AIP kitchen packages and bathroom packages

#### **Summary:**

- Borough – Brooklyn
- Block 1861, Lot 20
- Council District – 36
- Council Member – Ossé
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 65 residential
- Type of exemption – Article V, partial, 41 years from date of closing
- Population – Rental
- Sponsors – Metropolitan Realty Group
- Purpose – preservation
- Cost to the city – \$2.21 million (net present value)
- Housing Code Violations
  - Class A – 2
  - Class B – 0

- Class C – 0

Anticipated AMI Targets: 50% for all units

#### **4. West Farms.HUDMF.FY24**

West Farms.HUDMF.FY24 (“Project”) is a cluster of 3 buildings within Council Member Salamanca’s district. The Project consists of 330 current units – 8 studios, 116 one-bedrooms, 199 two-bedrooms, 6 three-bedrooms, and one superintendent unit. 328 units are covered under a Project Based Section 8 subsidy with a twenty-year Mark-Up to Market (MUTM) HAP contract with OCAF rent increases and the option to reset rents to market in every fifth year.

The Project is seeking a partial 40-year Article XI exemption. As part of the exemption, the Project will come under ownership of West Farms Estates HDFC at closing and enter into an HPD regulatory agreement. The immediate construction needs of the Project are sidewalk concrete panel restoration, street curb restoration, area drain repair/maintenance, and backflow preventor installation. The construction costs will be privately financed by the sponsor via the project’s operating income during the construction period deposited into the project’s existing operating account.

#### **Summary:**

- Borough – Bronx
- Block 3006, Lots 53, 67, and 84
- Council District – 17
- Council Member – Salamanca
- Council Member approval –Yes
- Number of buildings – 3
- Number of units – 330 residential
- Type of exemption – Article XI, partial, 40 years
- Population – Rental
- Sponsors – Metropolitan Realty Group
- Purpose – preservation
- Cost to the city – \$9.01 million (net present value)
- Housing Code Violations
  - Class A – 1
  - Class B – 4
  - Class C – 0

Anticipated AMI Targets: 50% for all units

**(For text of the coupled resolutions for L.U. Nos. 87, 88, and 89, please see the Report of the Committee on Finance for L.U. Nos. 87, 88, and 89, respectively, printed in these Minutes; for the coupled resolution for L.U. No. 86, please see below:)**

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

Res. No. 459

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 2623, Lot 4; Block 2623, Lot 1; Block 2623, Lot 60) Bronx, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 86).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 22, 2024 that the Council take the following action regarding a housing project located at (Block 2623, Lot 4; Block 2623, Lot 1; Block 2623, Lot 60) Bronx (“Exemption Area”):

Approve an additional period of tax exemption 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 owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean LRF Housing Associates, L.P.
  - 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) exceeded the total contract rents which are authorized as of the date of the Regulatory Agreement.
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$221,200, 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.
  - e. “Effective Date” shall mean August 28, 2021.
  - 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 Manhattan, City, and State of New York, identified as Block 2623, Lot 4; Block 2623, Lot 10; Block 2623, Lot 60 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 Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date upon which the Exemption Area ceases to be owned by the Owner, (v) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vi) the date of the expiration or termination of the Exemption Area's Section 8 Housing Assistance Payments contract.
  - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - 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. "Redevelopment Agreement" shall mean the Agreement dated September 27, 1979, 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 415, page 1781, in the office of the City Register of the City of New York.
  - l. "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.
  - m. "Restrictive Agreement" shall mean an agreement between HPD and the Owner that is entered into on or after June 15, 2024, 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 forty 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 (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 (i) \$225,261 for the period beginning on the Effective Date and ending on June 30, 2022, (ii) \$268,694 for the period beginning on July 1, 2022, and ending on June 30, 2023, (iii) \$280,745 for the period beginning on July 1, 2023, and ending on June 30, 2024, and (iv) the Contract Rent Differential Tax for each year thereafter until the Expiration Date.
  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 Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the Regulatory 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 a new Section 8 Housing Assistance Payments contract on or before March 31, 2025 or did not receive a new HAP contract effective April 1, 2025, 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 the 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 shall (a) execute and record the Regulatory Agreement, and (b) 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, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS; 14-0-0; *Absent*: Farah N. Louis and Yusef Salaam; *Parental*: Julie Won; Committee on Finance, June 16, 2024.

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

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

Report for L.U. No. 87

**Report of the Committee on Finance in favor of a Resolution approving Marion Avenue: Block 3026, Lot 5, Bronx, Community District No. 5, Council District No. 15.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 6, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 86 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption*

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

Preconsidered Res. No. 460

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 3026, Lot 5) Bronx, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 87).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 23, 2024 that the Council take the following action regarding a housing project located at (Block 3026, Lot 5) Bronx (“Exemption Area”):

Approve an additional period of tax exemption 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 owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Company” shall mean Marion Avenue Redevelopment Associates L.P.
  - 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) exceeded the total contract rents which are authorized as of the date of the Regulatory Agreement
  - d. “Contract Rent Differential Tax” shall mean the sum of (i) \$108,800 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

- e. "Effective Date" shall mean September 24, 2022.
  - 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 Bronx, City, and State of New York, identified as Block 3026, Lot 5 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 Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date of the expiration or termination of the Restrictive Agreement, (v) the date upon which the Exemption Area ceases to be owned by the Owner, (vi) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vii) the date of the expiration or termination of the Exemption Area's Section 8 Housing Assistance Payments contract.
  - i. "HPD" shall mean the Department of Housing Preservation and Development of the City of New York.
  - 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. "Redevelopment Agreement" shall mean the Land Disposition Agreement dated October 11, 1979, 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 444, page 641, in the office of the City Register of the City of New York.
  - l. "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.
  - m. "Restrictive Agreement" shall mean an agreement between HPD and the Owner that is entered into on or after May 15, 2024 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 the period of such Restrictive Agreement.
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 (i) \$100,086 for the period beginning on the Effective Date and ending on June 30, 2023, (ii) \$130,469 for the period beginning on July 1, 2023, and ending on June 30, 2024, and (iii) the Contract Rent Differential Tax for the period beginning on July 1, 2024 until the Expiration Date.
  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

Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of the Restrictive Agreement; (v) 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, (vi) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vii) the owner of the Exemption Area did not apply for a new Section 8 Housing Assistance Payments contract on or before April 30, 2026 or did not receive a new HAP contract effective May 1, 2026, or (viii) 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 the 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 shall (a) execute and record the Regulatory Agreement, and (b) 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, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS; 14-0-0; *Absent*: Farah N. Louis and Yusef Salaam; *Parental*: Julie Won; Committee on Finance, June 16, 2024.

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

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

Report for L.U. No. 88

**Report of the Committee on Finance in favor of approving West Farms.HUDMF.FY24: Block 3006, Lots 53, 67, and 84, Bronx, Community District No. 3, Council District No. 17.**



The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 6, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 86 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

Preconsidered Res. No. 461

**Resolution approving an exemption from real property taxes for property located at (Block 3006, Lots 53, 67, and 84) Bronx, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 88).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 30, 2024 that the Council take the following action regarding a housing project located at (Block 3006, Lots 53, 67, and 84), Bronx (“Exemption Area”):

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

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

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “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 on or after December 31, 2024.
  - c. “Contract Rent Differential Tax” shall mean the sum of (i) \$1,119,300, 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 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.
  - 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 the Bronx, City and State of New York, identified as Block 3006, Lots 53, 67, and 84 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 West Farms Estates 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 West Farms Estates Company, L.P. 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:
    - 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, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS; 14-0-0; *Absent*: Farah N. Louis and Yusef Salaam; *Parental*: Julie Won; Committee on Finance, June 16, 2024.

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

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

Report for L.U. No. 89

**Report of the Committee on Finance in favor of approving Fulton Street South: Block 1861, Lot 20, Brooklyn, Community District No. 3, Council District No. 36.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on June 6, 2024 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Finance for L.U. No. 86 printed above in these Minutes)**

*Accordingly, this Committee recommends its adoption.*

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

## Preconsidered Res. No. 462

**Resolution approving an additional period of exemption from real property taxes for property located at (Block 1861, Lot 20) Brooklyn, pursuant to Section 125(1)(a-3) of the Private Housing Finance Law (Preconsidered L.U. No. 89).**

By Council Member Brannan.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated May 30, 2024 that the Council take the following action regarding a housing project located at (Block 1861, Lot 20) Brooklyn (“Exemption Area”):

Approve an additional period of tax exemption 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 owner of the Project (the “Owner”) for the subject period of the requested exemption was a duly organized housing redevelopment company formed pursuant to Article V of the Private Housing Finance Law;

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

**RESOLVED:**

1. For the purposes hereof, the following terms shall have the following meanings:
  - a) “Company” shall mean Fulton Street South Redevelopment Company, L.P.
  - 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) exceeded the total contract rents which are authorized as of the date of the Regulatory Agreement.
  - d) “Contract Rent Differential Tax” shall mean the sum of (i) \$267,564, 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.
  - e) “Effective Date” shall mean July 1, 2025.
  - 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 1861, Lot 20 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 Redevelopment Agreement, (iii) the date of the expiration or termination of the Regulatory Agreement, (iv) the date of the expiration or termination of the Restrictive Agreement, (v) the date upon which the Exemption Area ceases to be owned by the Owner, (vi) the date upon which the City terminates the partial tax exemption pursuant to the terms of the Regulatory Agreement, or (vii) the date of the expiration or termination of the Exemption Area’s Section 8 Housing Assistance Payments contract.
  - i) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - 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) “Redevelopment Agreement” shall mean the Agreement dated June 19, 1984 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 1545, page 1535, in the office of the City Register of the City of New York.
  - l) “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.
  - m) “Restrictive Agreement” shall mean an agreement between HPD and the Owner that is entered into on or after June 30, 2024 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 forty 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 (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 V of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Redevelopment Agreement, (iii) the Exemption Area is not being operated in accordance with the Regulatory Agreement, (iv) the Exemption Area is not being operated in accordance with the requirements of the Restrictive Agreement; (v) 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, (vi) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, (vii) the owner of the Exemption Area does not apply for a new Section 8 Housing Assistance Payments contract on or before February 1, 2043 or does not receive a new HAP contract effective February 2, 2043, or (viii) 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 shall (a) execute and record the Regulatory Agreement, and (b) 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, SELVENA N. BROOKS-POWERS, DAVID M. CARR, GALE A. BREWER, AMANDA C. FARIAS, KAMILLAH M. HANKS, CRYSTAL HUDSON, CHI A. OSSÉ, PIERINA A. SANCHEZ, ALTHEA V. STEVENS, NANTASHA M. WILLIAMS; 14-0-0; *Absent*: Farah N. Louis and Yusef Salaam; *Parental*: Julie Won; Committee on Finance, June 16, 2024.

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

**Report of the Committee on Governmental Operations, State & Federal Legislation (cont'd)**

Report for Int. No. 908-A

**Report of the Committee on Governmental Operations, State & Federal Legislation in favor of approving as amended, a Local Law to amend the New York city charter, in relation to requiring council advice and consent for certain commissioners.**

The Committee on Governmental Operations, State & Federal Legislation, to which the annexed proposed amended local law was referred on May 23, 2024 (Minutes, page 2179), respectfully

**REPORTS:**

**I.     INTRODUCTION**

On Thursday, June 6, 2024, the Committee on Governmental Operations, chaired by Council Member Lincoln Restler, will hold a vote on Proposed Introduction Number (Int. No.) 908-A, sponsored by The Speaker (Council Member Adams), which would amend the New York City Charter, in relation to requiring council advice and consent for certain commissioners. On May 29, 2024, the Committee held a hearing on a previous version of this bill. Preconsidered Int. 908-A passed with 7 votes in the affirmative, 1 votes in the negative, and 0 abstentions.

**II.    LEGISLATIVE ANALYSIS**

*Int. 908-A - A Local Law to amend the New York city charter, in relation to requiring council advice and consent for certain commissioners*

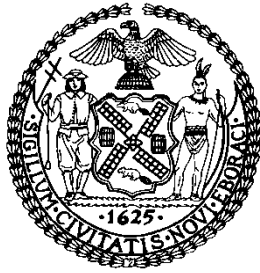
This bill would require the advice and consent of the Council as part of the appointment process for 20 city agency commissioners that are not currently required to go through this process, which are listed in section one of the bill. These are the Commissioners of Buildings, Children's Services, Citywide Administrative Services, Consumer and Worker Protection, Cultural Affairs, Design and Construction, Environmental Protection, Finance, Health and Mental Hygiene, Homeless Services, Housing Preservation and Development, Information Technology and Telecommunications, Parks and Recreation, Sanitation, Small Business Services, Social Services, Transportation, and Youth and Community Development, as well as the Commissioner for the Aging and the Director of City Planning.

Under the bill, within 60 days of the vacancy, the Mayor would be required to submit a name to the Council for consideration. If the candidate was disapproved, the Mayor would have another 60 days to submit a new name. The mayor would be required to make a reasonable effort to fill the role within 120 days, meaning the Mayor would be required to act in good faith to nominate someone who would be approved by the Council and could not leave an acting commissioner in place indefinitely.

Sections two through four amend the sections of the Charter related to specific agencies to conform to the changes that are made in section one of this law.

Sections five through seven contain the enactment language that would submit this bill for a referendum at the first opportunity it could be considered by the electorate, and set the effective date following its approval by such electorate.

**(The following is the text of the Fiscal Impact Statement for Int. No. 908-A:)**



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 908-A**

**COMMITTEE: Governmental Operations, State  
& Federal Legislation**

**TITLE:** A Local Law to amend the New York City charter, in relation to requiring council advice and consent for certain commissioners.

**SPONSOR(S):** The Speaker (Council Member Adams) and Council Members Abreu, Restler, Brewer, Hudson, Brannan, Hanif, Farías, Avilés, Ossé, Nurse, Ayala, Stevens, Brooks-Powers, Gennaro, Salaam, Riley, Mealy, Joseph, Menin, Ung, Narcisse, Krishnan, Won, Gutiérrez, Cabán, De La Rosa, Rivera and Sanchez.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 908-A would require the advice and consent of the Council as part of the appointment process for 20 City agency commissioners that are not currently required to go through this process.

**EFFECTIVE DATE:** This law takes effect immediately after approval by the electors in a referendum vote.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>FY Succeeding Effective FY26</b>	<b>Full Fiscal Impact FY26</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 there would be no impact on revenues resulting from the enactment of this legislation.

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

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

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

**ESTIMATE PREPARED BY:** Ross S. Goldstein, Financial Analyst



**ESTIMATE REVIEWED BY:** Julia K. Haramis, Unit Head  
 Chima Obichere, Deputy Director  
 Jonathan Rosenberg, Managing Deputy Director  
 Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on May 23, 2024, as Int. No. 908 and was referred to the Committee on Governmental Operations, State and Federal Legislation (the Committee). A hearing was held by the Committee on May 29, 2024, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 908-A, will be voted on by the Committee at a hearing on June 6, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 908-A will be submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** May 31, 2024.

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

**(The following is the text of Int. No. 908-A:)**

Int. No. 908-A

By The Speaker (Council Member Adams) and Council Members Abreu, Restler, Brewer, Hudson, Brannan, Hanif, Farías, Avilés, Ossé, Nurse, Ayala, Stevens, Brooks-Powers, Gennaro, Salaam, Riley, Mealy, Joseph, Menin, Ung, Narcisse, Krishnan, Won, Gutiérrez, Cabán, De La Rosa, Rivera, Sanchez, Feliz, Dinowitz and the Public Advocate (Mr. Williams).

**A Local Law to amend the New York city charter, in relation to requiring council advice and consent for certain commissioners**

*Be it enacted by the Council as follows:*

Section 1. Section 31 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

§ 31. Power of advice and consent. [Appointment] *a. Any inconsistent provision of this charter notwithstanding, appointment by the mayor of the [commissioner] commissioners of buildings, children's services, citywide administrative services, consumer and worker protection, cultural affairs, design and construction, environmental protection, finance, health and mental hygiene, homeless services, housing preservation and development, information technology and telecommunications, investigation, parks and recreation, sanitation, small business services, social services, transportation, and youth and community development, the commissioner for the aging, the director of city planning, the corporation counsel, and the members of the art commission, board of health [(other than the chair)], board of standards and appeals, city planning commission [(other than the chair)], civil service commission, landmarks preservation commission, tax commission, taxi and limousine commission and the public members of the environmental control board shall be made with the advice and consent of the council after a public hearing.*

*b. Within 30 days after the first stated meeting of the council after receipt of a nomination, the council shall hold a hearing and act upon such nomination and in the event it does not act within such period, the nomination shall be deemed to be confirmed.*

*c. Within 60 days following the occurrence of a vacancy in the office of any head of department subject to the provisions of subdivision a, the mayor shall submit to the council the name of the mayor's nominee for such office. If the council disapproves a nomination while the office is vacant, the mayor shall submit a new person for nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.*

§ 2. Subdivision a of section 192 of the New York city charter, as amended by local law number 68 for the year 1993, is amended to read as follows:

a. There shall be a city planning commission to consist of the chair and twelve other members. The mayor shall appoint the chair and six other members of the commission, the public advocate shall appoint one member, and each borough president shall appoint one member. Members shall be chosen for their independence, integrity and civic commitment. Appointments of all members[, except for the chair,] shall be subject to the advice and consent of the council. For such appointments by officials other than the mayor, the procedure for obtaining the advice and consent of the council shall be the same as the procedure provided for in section thirty-one for appointments by the mayor. Except as otherwise provided in section one hundred ninety-one, no member shall hold any other city office. Members other than the chair shall be appointed for a term of five years; provided, however, that of the members other than the chair, one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-one; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-two; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-three; one member appointed by the mayor and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-four; and two members appointed by the mayor, the member appointed by the public advocate and one member appointed by a borough president shall serve for terms to expire on the thirtieth day of June, nineteen hundred ninety-five. The borough presidents shall determine by lot the length of the term to be served by the member first appointed by each borough president. The appointing officials shall make their first appointments to the commission on or before the first day of March, nineteen hundred ninety. The commission members so appointed shall assume office on the first day of July, nineteen hundred ninety. Members of the commission shall serve until their successors have been confirmed. Any vacancy occurring other than by expiration of term shall be filled by the official who appointed the member in the same manner as the original appointment. A person so appointed shall serve for the unexpired portion of the term of the member succeeded. Terms shall begin on the next date after the expiration date of the preceding term.

§ 3. Section 391 of the New York city charter, as amended by a vote of the electors on November 5, 2019, is amended to read as follows:

§ 391. Department; corporation counsel[; vacancy].

[a.] There shall be a law department the head of which shall be the corporation counsel.

[b. Within 60 days following the occurrence of a vacancy in the office of the corporation counsel, the mayor shall submit to the council the name of the mayor's nominee for corporation counsel. If the council disapproves a nomination while the office of the corporation counsel is vacant, the mayor shall submit a new nomination to the council within 60 days of council disapproval. Each subsequent council disapproval of a mayoral nomination shall begin a new 60-day period. The mayor shall make all reasonable efforts to ensure that the vacancy is filled through the process described in this subdivision within 120 days of the occurrence of the vacancy.]

§ 4. Subdivision a of section 551 of the New York city charter, as amended by local law number 14 for the year 2022, is amended to read as follows:

a. There shall be a department of health and mental hygiene, the head of which shall be the commissioner of health and mental hygiene who shall be appointed by the mayor *with the advice and consent of the council*. The department shall have and exercise all powers of a local health department set forth in law. Notwithstanding any other provision of this charter to the contrary, the department shall be a social services district for purposes of the administration of health-related public assistance programs to the extent agreed upon by the department, the department of social services and the department of homeless services. Appropriations to the department for mental health, intellectual and developmental disability, and alcoholism services shall be set forth in the expense budget in separate and distinct units of appropriation. In determining the annual amount of city funds to be appropriated by the city for mental health, intellectual and developmental disability, and alcoholism services, the following provision shall apply: in the event that the executive budget proposes a decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section 107, for the units of appropriation for mental health, intellectual and developmental disability, and alcoholism services, the executive budget shall not propose a greater percentage decrease in city funds measured against the budget for the current fiscal year, as modified in accordance with section 107, for the units of appropriation for mental

health, intellectual and developmental disability, and alcoholism services than has been proposed for the units of appropriation for public health services. If, however, in his or her discretion, the mayor determines that it is in the city's best interest to submit an executive budget at variance with the requirements of this provision, the mayor shall include an explanation of the basis for this variation as part of the budget message.

§ 5. Severability. If any provision of this local law is held invalid or ineffective in whole or in part, with respect to the appointment of any commissioner, submission for inclusion or inclusion on a ballot at any election, or in any other manner, such holding shall not affect, impair or invalidate any portion of, or the remainder of, this local law, and all other provisions thereof shall nevertheless be separately and fully effective.

§ 6. This local law shall be submitted for approval by the electors at the next general election not less than 60 days after the adoption of this local law pursuant to section 23 of the municipal home rule law; provided, however, that if this local law is not submitted to the voters at such election pursuant to section 36 of the municipal home rule law, this local law shall be submitted for approval by the electors at a special election held on the first Tuesday following such general election at which such a vote may validly be held pursuant to the provisions of the municipal home rule law and the election law, or at a general election if such a general election at which this local law may be voted on occurs prior to any such valid special election date. The New York city clerk shall take all necessary steps to effectuate the provisions of this section in accordance with law.

§ 7. This local law takes effect immediately upon certification that it has been approved by the electors; provided, however, that any office subject to advice and consent of the council pursuant to the amendments to section 31 of the New York city charter made by section one of this local law that is vacant on such effective date, will be deemed to have become vacant on such effective date.

LINCOLN RESTLER, *Chairperson*; JAMES F. GENNARO, GALE A. BREWER, JENNIFER GUTIÉRREZ, SHAHANA K. HANIF, LYNN C. SCHULMAN, DAVID M. CARR; 7-1-0; *Negative*: Vickie Paladino; *Absent*: Inna Vernikov; Committee on Governmental Operations, June 6, 2024.

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

## Report of the Committee on Immigration

Report for Res. No. 84-A

### **Report of the Committee on Immigration in favor of a Resolution approving, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a workforce survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof.**

The Committee on Immigration, to which the annexed resolution was referred on February 8, 2024 (Minutes, page 293), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On June 6, 2024, the Committee on Immigration, chaired by Council Member Alexa Avilés, held a vote on: Proposed Introduction Number 84-A (Int. 84-A), sponsored by Council Member Carlina Rivera, in relation to a workforce survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof, and Proposed Introduction Number 85-A (Int. 85-A), sponsored by Council Member Carlina Rivera, in relation to a health survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof. Prior versions of these bills were heard on April 16, 2024. Proposed Introduction 84-A was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative. Proposed Introduction 85-A was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative. The Committee on Immigration also held a vote on Proposed Resolution Number 340-B (Res. 340-B), sponsored by Council Member Carlina Rivera, calling on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fees. A prior version of this bill was heard on April 16, 2024. Proposed Resolution Number 340-B was approved by the Committee by a vote of 7 in the affirmative and 0 in the negative.

#### **II. BACKGROUND**

##### **a. ASYLUM and ASYLUM SEEKERS**

People fleeing persecution have the right to seek asylum.<sup>1</sup> The United States (U.S.) codified refugee protection and the procedures for asylum in the Refugee Act of 1980, made part of the Immigration and Nationality Act (INA).<sup>2</sup> Responsibility for the implementation and enforcement of most U.S. immigration law, including asylum and refugee law, is shared between the U.S. Department of Homeland Security (U.S. DHS) and the U.S. Department of Justice's (DOJ) Executive Office for Immigration Review (EOIR).<sup>3</sup> Within U.S. DHS, U.S. Citizenship and Immigration Services (USCIS) adjudicates applicants for immigration benefits; Customs and Border Protection (CBP) inspects and admits noncitizens into the U.S.; and Immigration and Customs Enforcement (ICE) investigates immigration violations, as well as detains and removes individuals who violate immigration law.<sup>4</sup> EOIR conducts removal proceedings and adjudicates appeals of decisions in

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<sup>1</sup> *Pro Bono Asylum Representation Manual: An Overview of Asylum Law & Procedure*, THE ADVOCATES FOR HUMAN RIGHTS (2009). Available at <https://www.theadvocatesforhumanrights.org/res/byid/7538>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

removal proceedings.<sup>5</sup> Individuals who seek asylum may encounter any and all of these agencies during the asylum process. If an individual is applying for asylum affirmatively,<sup>6</sup> their application is adjudicated by USCIS.<sup>7</sup> If an individual is applying for asylum defensively,<sup>8</sup> their asylum application is transferred to the EOIR immigration court upon the filing of a Notice to Appear (NTA).<sup>9</sup>

To qualify for asylum, an applicant must be physically present in the U.S.<sup>10</sup> Asylum may be granted to an applicant who can establish past persecution or a “well-founded fear” of future persecution in their home country on account of race, religion, nationality, membership in a particular social group, or political opinion.<sup>11</sup> Asylum is discretionary; additionally, certain bars apply that could make an applicant ineligible for asylum, such as prior fraudulent asylum claims.<sup>12</sup> Upon a grant of asylum, an asylee has the right to: (1) travel and return to the U.S. with asylum status; (2) remain indefinitely in the U.S.; (3) work; and (4) after one year, apply to adjust their status to lawful permanent resident (LPR).<sup>13</sup> An asylee’s spouse and unmarried children, under the age of 21, can also obtain asylee status with the asylee or follow the asylee to join them in the U.S.<sup>14</sup>

Asylees and individuals who apply for asylum have often experienced unimaginable atrocities. Many have had family members killed in conflict or been separated from their parents or children due to violence or chaos.<sup>15</sup> They may have been arrested, jailed, beaten, raped, tortured, threatened with death, or otherwise persecuted because of their political or religious beliefs, or their race, nationality, or other fundamental aspects of their identity.<sup>16</sup> Currently, more than 920,963 U.S. asylum applications are pending.<sup>17</sup> While current U.S. asylum policies are less restrictive than in the previous federal administration, asylum applicants who come to the U.S. seeking refuge are met with extraordinary barriers at the state and local levels that may put their safety and wellness at grave risk.<sup>18</sup> New York and other sanctuary cities<sup>19</sup> have become targets of efforts by cities and states along the U.S./Mexico border to curb the appetite for granting asylum in the U.S.<sup>20</sup>

## b. TEMPORARY PROTECTED STATUS

Another form of relief that is temporarily available for some asylum seekers is temporary protected status (TPS). TPS is a designation made by the Secretary of Homeland Security to countries suffering from conditions that would prevent their nationals from returning safely, or to countries that could not adequately handle the return of their nationals.<sup>21</sup> Some of the reasons a country may receive TPS may be due to ongoing armed

<sup>5</sup> *Id.*

<sup>6</sup> Applying for asylum affirmatively means a person has come to the U.S. and has not been placed in removal proceedings by U.S. DHS.

<sup>7</sup> *Pro Bono Asylum Representation Manual*, *supra* note 1.

<sup>8</sup> Applying for asylum defensively means a person was arrested by ICE or CBP and placed in removal proceedings.

<sup>9</sup> *Pro Bono Asylum Representation Manual*, *supra* note 1.

<sup>10</sup> *Id.* at 2 n.1 (“Adjudication of refugee status takes place outside U.S. borders and is handled by the U.S. Refugee Program (USRP). Individuals approved as refugees are then resettled to the U.S. and enter the country with refugee status. They do not go through an asylum adjudication in the U.S.”).

<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Fact Sheet: The Basics of U.S. Asylum Law*, HUMAN RIGHTS FIRST. Available at [https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF\\_Fact\\_Sheet-The\\_Basics\\_of\\_US\\_Asylum\\_Law.pdf](https://www.humanrightsfirst.org/wp-content/uploads/pdf/HRF_Fact_Sheet-The_Basics_of_US_Asylum_Law.pdf).

<sup>16</sup> *Id.*

<sup>17</sup> *Number of Service-wide Forms by Quarter, Form Status, and Processing Time*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES. Available at [https://www.uscis.gov/sites/default/files/document/data/quarterly\\_all\\_forms\\_fy2023\\_q3.pdf](https://www.uscis.gov/sites/default/files/document/data/quarterly_all_forms_fy2023_q3.pdf)

<sup>18</sup> *Id.*

<sup>19</sup> See *Immigration Law: Sanctuary Cities*, Franklin County Law Library, available at <https://fclawlib.libguides.com/immigrationlaw/sanctuary> (“There’s no official legal definition for sanctuary city and what it means varies significantly from place to place. Generally speaking, local law enforcement in sanctuary cities or counties don’t ask or report the immigration status of people they come into contact with. A sanctuary jurisdiction typically refuses requests from federal immigration authorities to detain undocumented immigrants apprehended for low-level offenses. A sanctuary city would also refuse to have its local law enforcement “deputized” as federal immigration agents.”)

<sup>20</sup> Dey, Sneha, Gabriel Poblete, and Greg B. Smith, *How Gov. Greg Abbott Texas-Sized a Crisis for NYC Mayor Eric Adams*. THE CITY. (Aug. 12, 2022) Available at <https://www.thecity.nyc/immigration/2022/8/12/23302379/greg-abbott-eric-adams-asylum-crisis>.

<sup>21</sup> *Temporary Protected Status*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES. Available at: <https://www.uscis.gov/humanitarian/temporary-protected-status>

conflicts, environmental disasters, or other extraordinary and temporary conditions.<sup>22</sup> Individuals who are eligible and approved for TPS are not removable from the U.S., may be granted travel authorization, and are immediately eligible to apply for an employment authorization document.<sup>23</sup> Eligibility for TPS also requires that an individual was residing in the U.S. according to specific dates laid out by U.S. DHS. For example, the recent re-designation of TPS for Venezuela indicated that individuals must have been a continuous resident in the United States since July 31, 2023.<sup>24</sup> The current countries with TPS designations are Afghanistan, Burma (Myanmar), Cameroon, El Salvador, Ethiopia, Haiti, Honduras, Nepal, Nicaragua, Syria, Somalia, Sudan, South Sudan, Ukraine, Venezuela, and Yemen.<sup>25</sup> As the name suggests, TPS is a temporary status that can be extended or re-designated by DHS.<sup>26</sup> It does not lead to LPR status but does not prohibit an individual from applying for other nonimmigrant statuses or forms of relief from removal, like asylum.<sup>27</sup>

### c. ASYLUM SEEKERS IN NEW YORK

#### i. *Historic Trends*

Although the complete population of asylum-seeking New Yorkers is difficult to quantify, the Transactional Records Access Clearinghouse (‘TRAC’) at Syracuse University has reported some data collected through Freedom of Information Act requests (‘FOIA’).<sup>28</sup> From October 2000 to April 2024, EOIR has made 155,790 asylum determinations in New York, granting asylum in 108,794 cases.<sup>29</sup> Notably, the majority of asylum seekers in New York since October 2000 have never been detained (76 percent).<sup>30</sup>

New York courts have historically reviewed a disproportionate number of asylum cases, compared to courts across the U.S. In 2019, New York’s EOIR courts decided over 20 percent of all completed defensive asylum cases.<sup>31</sup> While immigration judges—DOJ employees within EOIR—are making more asylum decisions per year, and the number of asylum grantees more than doubled from Fiscal Year 2014 to Fiscal Year 2019,<sup>32</sup> the denial rate has increased exponentially: nationally, two-thirds of applicants were denied in 2019 as compared to half in 2014.<sup>33</sup> Additionally, by compiling case-by-case EOIR court records, TRAC found New York, which has historically had one of the highest acceptance rates in the nation, has also seen a rise in denial rates: 37 percent in Fiscal Year 2019 as compared to 16 percent in fiscal year 2015.<sup>34</sup>

#### ii. *Current Status of Migrants and Asylum Seekers in NYC*

In early June 2022, reports began circulating that the governors of Arizona and Texas were busing asylum seekers to Washington D.C.<sup>35</sup> Shortly thereafter, on July 19, 2022, NYC Mayor Eric Adams expressed concerns

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Temporary Protected Status Designated Country: Venezuela*, U.S. CITIZENSHIP AND IMMIGRATION SERVICES. Available at: <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-venezuela>

<sup>25</sup> *Supra* note 21.

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *About TRAC*, TRAC IMMIGRATION. Available at <http://foiaproject.org/about/about-trac/>.

<sup>29</sup> *Asylum Decisions APP*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/phptools/immigration/asylum/>.

<sup>30</sup> *Asylum Filings APP*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/phptools/immigration/asyfile/>.

<sup>31</sup> *Asylum Decisions Vary Widely Across Judges and Courts – Latest Results*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/590/>.

<sup>32</sup> *Record Number of Asylum Cases in FY 2019*, TRAC IMMIGRATION. Available at <https://trac.syr.edu/immigration/reports/588/>.

<sup>33</sup> Beth Fertig, “Why It’s Harder to Win Asylum, Even in New York,” WNYC (May 15, 2019). Available at <https://www.pri.org/stories/2019-05-15/why-its-harder-win-asylum-even-new-york>; see also Transactional Records Access Clearinghouse, “Asylum Grant Rates Climb Under Biden,” Syracuse University, Nov. 10, 2021, available at <https://trac.syr.edu/immigration/reports/667/>.

<sup>34</sup> *Id.*

<sup>35</sup> Patteson, Callie. *Arizona, Texas sent 79 Buses of Migrants to DC Since mid-April*. NY POST (June 15, 2022). Available at <https://nypost.com/2022/06/15/arizona-texas-sent-79-buses-of-migrants-to-dc-since-april/>.

about the increase in the number of asylum seekers in the City.<sup>36</sup> The Mayor's Office of Immigrant Affairs (MOIA) revealed that, between August 5, 2022, and August 7, 2022, 68 asylum seekers had arrived in NYC onboard a bus from Texas.<sup>37</sup> According to the Adams Administration, by early November, at least 23,800 asylum seekers had arrived in NYC.<sup>38</sup> According to updates from the Adams Administration, as of May 26, 2024, over 199,900 asylum seekers had gone through the system and been offered a place to rest at night since last spring.<sup>39</sup>

*i. TEMPORARY PROTECTED STATUS FOR MIGRANTS IN NEW YORK*

According to recent reports from federal immigration officials, record numbers of Venezuelans have been crossing into the U.S. over the U.S./Mexico border, with almost 50,000 crossing last month.<sup>40</sup> Similarly, reports suggest that Venezuelans constitute the highest percentage of asylum seekers in New York shelters.<sup>41</sup> The recent re-designation of Venezuela for TPS will likely encompass many recent asylum seekers who have come to New York, a designation that makes work authorization more quickly available. These individuals, however, will require application support in order to apply for TPS, work authorization, and fee waivers.

*1. City Services and Programs*

In September 2022, Mayor Adams announced that the City would open Humanitarian Emergency Response and Relief Centers (HERRCs).<sup>42</sup> The first of these Emergency Response Centers would be located at Orchard Beach in the Bronx (this was later moved to Randalls Island) and would provide shelter, food, medical care, casework services, settlement options and direct referrals to alternative emergency supports.<sup>43</sup> Although the Randalls Island HERRC has since been deconstructed, the City currently has HERRCs in operation at hotels and office buildings across Manhattan and Brooklyn. HPD has also been responsible for the relocation of single adults and adult families to other cities in New York State, including Albany and White Plains.<sup>44</sup>

As of May 30, 2024, the Adams Administration reported that there are currently 65,600 are currently in the City's care and the City has opened 216 new sites to meet this need.<sup>45</sup>

Services that were previously conducted at a primary navigation center were redirected to the Arrival Center and the Asylum Application Help Center in June 2023.<sup>46</sup> The Arrival Center is run out of the Roosevelt Hotel, which is a Humanitarian Emergency Response and Relief Center (HERRC) handled by Health and Hospitals (H+H).<sup>47</sup> The Arrival Center functions as a one-stop intake facility. At the Arrival Center newly arrived asylum seekers and migrants are provided immediate medical screenings and healthcare, re-ticketing services, and case

<sup>36</sup> *Mayor Adams Calls for Federal Resources to Assist with Arriving Asylum Seekers*. OFFICE OF THE MAYOR. (July 19, 2022) Available at <https://www1.nyc.gov/office-of-the-mayor/news/520-22/mayor-adams-calls-federal-resources-assist-arriving-asylum-seekers>.

<sup>37</sup> Brown, N., Beech, S., Chang, E. and Elassar, A. *At Least 68 migrants arrived in NYC over the weekend on buses sent by Texas Gov. Abbott*. CNN. (Aug. 8, 2022) Available at <https://www.cnn.com/2022/08/07/us/new-ork-migrants-buses-texas/index.html>.

<sup>38</sup> *Mayor Adams Announces Placement of Humanitarian Emergency Response and Relief Center to Assist Single Adult Men Seeking Asylum, City Will Demobilize Randall's Island Relief Center*. OFFICE OF THE MAYOR. (Nov. 10, 2022). Available at <https://www.nyc.gov/office-of-the-mayor/news/827-22/mayor-adams-placement-humanitarian-emergency-response-relief-center-assist>.

<sup>39</sup> Asylum Seeker Data as of 5/30/2024 from City Legislative Affairs, on file with the NYC Council.

<sup>40</sup> Montoya-Galvez, Camilo. *Record number of Venezuelan migrants crossed U.S.-Mexico border in September, internal data show*. CBS News. (October 4, 2023). Available at: <https://www.cbsnews.com/news/venezuelan-migrants-us-mexico-border-september-numbers/>

<sup>41</sup> Fandos, Nicholas. *Venezuelan Migrants Scored a Big Victory. How Will It Affect New York?*. NY Times. (September 21, 2023). Available at: <https://www.nytimes.com/2023/09/21/nyregion/venezuelans-migrants-work-nyc.html>

<sup>42</sup> Song Beer, Isabel and Dean Moses. *NYC to Provide Humanitarian Emergency Response for Asylum Seekers*. AMNY. (Sept. 22, 2022) Available at <https://www.amny.com/services/adams-humanitarian-response-asylum-seekers/>.

<sup>43</sup> *Id.* Note: this HERRC was subsequently moved to Randall's Island following concerns about flooding in Orchard Beach. See Konig, Joseph. *Mayor defends plan to move asylum seeker camp to Randall's Island*. SPECTRUM NEWS NY1. (Oct. 4, 2022) Available at <https://www.ny1.com/nyc/all-boroughs/politics/2022/10/04/mayor-reverses-course--moves-asylum-seeker-camps-to-randall-s-island>

<sup>44</sup> NYC Mayor's Office. *Deputy Mayor For Health & Human Services Anne Williams-Isom Holds Briefing on Asylum Seeker Crisis*. YOUTUBE. (June 14, 2023) Available at <https://www.youtube.com/watch?v=8DDxk7o3eao..>

<sup>45</sup> Asylum Seeker Data as of 5/30/2024 from City Legislative Affairs, on file with the NYC Council.

<sup>46</sup> Office of the Mayor. *Mayor Adams Announces Asylum Application Help Center*. NYC.GOV. (June 20, 2023). Available at: <https://www.nyc.gov/office-of-the-mayor/news/433-23/mayor-adams-asylum-application-help-center>.

<sup>47</sup> NYC Office of the Mayor, "Mayor Adams Announces Launch of Asylum Seeker Arrival Center, Ninth Humanitarian Emergency Response and Relief Center to Respond to Asylum Seeker Influx," May 13, 2023, available at <https://www.nyc.gov/office-of-the-mayor/news/333-23/mayor-adams-launch-asylum-seeker-arrival-center-ninth-humanitarian-emergency-response>.

management services, such as legal assistance referrals.<sup>48</sup> The Asylum Application Help Center opened in June 2023, under the Office of Asylum Seeker Operations, and provides application assistance Monday to Friday from 9AM to 5PM at the Red Cross center in midtown Manhattan.<sup>49</sup> As of March 5, 2024, the Asylum Application Help Center had filed more than 10,745 TPS applications, 11,630 asylum applications, and 15,339 work authorization applications.<sup>50</sup>

The City has also introduced a program through the Department of Small Business Services (SBS) called American Dream Works. This program seeks to connect new arrivals with work authorization to businesses interested in hiring.<sup>51</sup> These connections are made through Workforce1 Career Centers, which provide services and trainings to help New Yorkers find jobs.<sup>52</sup>

## 2. *Right to Shelter*

On May 23, 2023, Mayor Eric Adams requested permission from Deputy Chief Administrative Judge Deborah Kaplan to relieve the City from the right to shelter established pursuant to the consent decree issued in *Callahan v. Carey*.<sup>53</sup> The decree established the right to shelter for anyone who applies for it.<sup>54</sup> In its request, the City argued that it “lacks the resource and capacity to establish and maintain sufficient shelter sites, staffing, and security to provide safe and appropriate shelter.”<sup>55</sup> On July 19, 2023, Mayor Adams announced that New York City had reached full capacity and shelter stays for single adult asylum seekers would begin to be limited to 60-days in order to make space for families with children.<sup>56</sup> This was later updated to shorten the shelter limits to 30 days for single adult asylum seekers, and include families with children and single asylum seekers ages 18-24 under the 60 day shelter limit directives.<sup>57</sup> In March, the City reach a legal settlement regarding right to shelter, and the newly implemented 30/60 day shelter limit directive.<sup>58</sup> The settlement states that once an adult migrant reaches the end of their 30 days, they cannot extend their shelter stay unless they meet certain criteria or have made “significant efforts” to leave the shelter or New York City.<sup>59</sup> According to the Administration, under these directives, asylum seekers are connected to intensified case management services.<sup>60</sup>

### III. INT. 84-A LEGISLATIVE ANALYSIS

This bill would require a mayoral office or agency to be designated by the mayor, in consultation with MOIA, to develop a survey of newly arrived migrants, including those who have arrived recently and those who seek asylum, to elicit information related to skills, economic opportunities, and workforce development obstacles faced by migrants. The bill would require the designated mayoral office or agency to conduct the survey annually in multiple languages in locations serving migrants. The bill would require the designated mayoral office or

<sup>48</sup> Press Releases, “NYC Health + Hospitals Celebrates One-Year Anniversary of the Arrival Center for Newly Arriving Asylum Seekers,” NYC Health + Hospitals, May 22, 2024, available at <https://www.nychealthandhospitals.org/pressrelease/nyc-health-hospitals-celebrates-one-year-anniversary-of-the-arrival-center-for-newly-arriving-asylum-seekers/>

<sup>49</sup> Office of the Mayor, Mayor Adams Announces Asylum Application Help Center. NYC.GOV. (June 20, 2023). Available at: <https://www.nyc.gov/office-of-the-mayor/news/433-23/mayor-adams-asylum-application-help-center>

<sup>50</sup> NYC Council, Committee on Immigration, Budget and Oversight Hearing on the Preliminary Budget for Fiscal Year 2025, Hearing Transcript at 65, available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6548560&GUID=E5D45BF8-7557-4677-B755-%20CC6A31BD697B&Options=&Search=>

<sup>51</sup> <https://www.nyc.gov/site/sbs/careers/american-dream-works.page>

<sup>52</sup> <https://www.nyc.gov/site/sbs/careers/careers.page>

<sup>53</sup> Mays, Jeffery C. *NYC Asks for Relief from Its Right-To-Shelter Mandate*. NEW YORK TIMES. (May, 23, 2023). Available at <https://www.nytimes.com/2023/05/23/nyregion/right-to-shelter-nyc.html>.

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> NYC Mayor’s Office, *Deputy Mayor For Health & Human Services Anne Williams-Isom Holds Briefing on Asylum Seeker Crisis*. YOUTUBE. (July 19, 2023) Available at <https://www.youtube.com/watch?v=uEYIAQkuFpg>.

<sup>57</sup> Lisa Rozner, “NYC leaders push back on new 30-day shelter limit for some asylum seekers. Migrants say they feel ‘hopeless,’” CBS News, May 29, 2024, available at <https://www.cbsnews.com/newyork/news/nyc-30-day-shelter-limit-asylum-seekers-migrants/>.

<sup>58</sup> Daniel Parra, “City Starts Assessing ‘Extenuating Circumstances’ for Migrants Seeking More Shelter Time,” City Limits, May 17, 2024, available at <https://citylimits.org/2024/05/17/city-starts-assessing-extenuating-circumstances-for-migrants-seeking-more-shelter-time/>.

<sup>59</sup> *Id.*

<sup>60</sup> *Supra* note 52.



agency to submit an annual report to the Council reporting on the survey results and recommending policies and investments to support the economic wellbeing and success of migrants residing in New York City.

#### **IV. INT. NO. 84 AMENDMENTS**

On April 16, 2024, the Committee on Immigration considered Int. 84, among several other bills. The Committees received testimony from MOIA, NYC Health + Hospitals (H+H), immigration advocates, and members of the public.

After the hearing, Int. 84 was amended to grant the mayoral administration flexibility as to which City agency or mayoral office would create and administer the survey, analyze the survey results, and publish the required report. The bill was also amended to change the due dates for the survey development and outreach, data collection, and publication of the report. Additionally, the amended bill updated the terminology of the intended survey respondents to anticipate its application to future forms of migration while maintaining a focus on recent arrivals seeking humanitarian protection from within the United States. Finally, the amended bill changed the effective date to tie the bill more closely to the expiration of the City's and state's state of emergency declarations relating to the arrival of asylum seekers and migrants.

#### **V. INT. 85-A LEGISLATIVE ANALYSIS**

This bill would require an office or agency designated by the mayor, in consultation with MOIA and any other office or agency designated by the mayor, to develop a health survey of migrants, including specifically those who have arrived recently and those who seek asylum, to elicit information related to long-term health needs, chronic conditions, and healthcare access needs of such migrants. The bill would require the designated mayoral office or agency to conduct the survey annually in multiple languages in locations serving migrants. The bill would require the designated mayoral office or agency to submit an annual report to the Council reporting on the survey results and recommending ways to identify and anticipate health needs of migrants residing in New York City.

#### **VI. INT. NO. 85 AMENDMENTS**

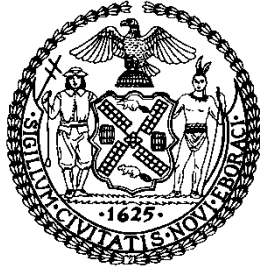
On April 16, 2024, the Committee on Immigration considered Int. 85, among several other bills. The Committees received testimony from MOIA, H+H, immigration advocates, and members of the public.

After the hearing, Int. 85 was amended to grant the mayoral administration flexibility as to which City agency or mayoral office would create and administer the survey, analyze the survey results, and publish the required report. The bill was also amended to change the due dates for the survey development and outreach, data collection, and publication of the report. Additionally, the amended bill updated the terminology of the intended survey respondents to anticipate its application to future forms of migration while maintaining a focus on recent arrivals seeking humanitarian protection from within the United States. Finally, the amended bill changed the effective date to tie the bill more closely to the expiration of the City's and state's state of emergency declarations relating to the arrival of asylum seekers and migrants.

#### **VII. RES. 340-B LEGISLATIVE ANALYSIS**

This bill calls on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and the subsequent employment authorization applications. The bill also calls on Congress and the President to cover the funding lost by the eliminated filing fees with additional funding to USCIS. The USCIS is primarily funded by fees charged to individuals or entities applying for or petitioning for immigration benefits, and individuals that are applying for humanitarian benefits and subsequent work authorization are often fleeing disasters or oppression and filing fees will likely complicate or delay access to relief and work authorization.

(The following is the text of the Fiscal Impact Statement for Int. No. 84--A:)



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 84-A**

**COMMITTEE: Immigration**

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to a workforce survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof.

**SPONSOR(S):** Rivera, Avilés, Louis, Gutiérrez, Hudson, Schulman, Sanchez, Gennaro, Cabán, Salaam, Banks, Ayala, Hanif, Won, Nurse and Krishnan.

**SUMMARY OF LEGISLATION:** This bill would require a mayoral office or agency to be designated by the Mayor, in consultation with the Mayor’s Office of Immigrant Affairs, to develop a survey of newly arrived migrants, including those who have arrived recently and those who seek asylum, to elicit information related to skills, economic opportunities, and workforce development obstacles faced by migrants. The bill would require the designated mayoral office or agency to conduct the survey annually in multiple languages in locations serving migrants. In addition, the bill would require the designated mayoral office or agency to submit an annual report to the Council reporting on the survey results and recommending policies and investments to support the economic wellbeing and success of migrants residing in New York City.

**EFFECTIVE DATE:** This local law would take effect 30 days after it becomes law and expires and is deemed repealed on the later of (1) December 30, 2029; (2) the expiration of the state of emergency relating to the arrival of asylum seekers declared pursuant to emergency executive order number 224, dated October 7, 2022, as subsequently amended and extended; or (3) the expiration of the state disaster emergency relating to the arrival of asylum seekers and migrants declared by the governor in executive order number 28, dated May 9, 2023, as subsequently amended and extended.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>Succeeding FY26</b>	<b>Full Fiscal Impact FY26</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 impact on expenditures resulting from the enactment of this legislation, as the agency responsible for carrying out its requirements will utilize existing resources to fulfill its requirements.

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

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

**ESTIMATE PREPARED BY:** Nia Hyatt, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Florentine Kabore, Unit Head  
Chima Obichere, Deputy Director  
Eisha Wright, Deputy Director  
Jonathan Rosenberg, Managing Deputy Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council on February 8, 2024, as Intro. No. 84 and was referred to the Committee on Immigration (the Committee). The legislation was considered by the Committee at a joint hearing held with the Committee on Hospitals on April 16<sup>th</sup>, 2024, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 84-A will be considered by the Committee on June 6<sup>th</sup>, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 84-A will be submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** 6/5/2024.

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

**(The following is the text of Int. No. 84-A:)**

Int. No. 84-A

By Council Members Rivera, Avilés, Louis, Gutiérrez, Hudson, Schulman, Sanchez, Gennaro, Cabán, Salaam, Banks, Ayala, Hanif, Won, Nurse, Krishnan and Riley.

**A Local Law to amend the administrative code of the city of New York, in relation to a workforce survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-122 to read as follows:

*§ 3-122 a. Definitions. As used in this chapter, the following terms have the following meanings:*

*Designated citywide languages. The term “designated citywide languages” has the same meaning as set forth in section 23-1101 of the administrative code of the city of New York.*

*Temporary languages. The term “temporary languages” has the same meaning as set forth in section 23-1105 of the administrative code of the city of New York.*

*b. Anonymous survey of migrants. No later than October 31, 2024, a mayoral office or agency to be designated by the mayor shall, in coordination with the mayor’s office of immigrant affairs, develop a workforce development survey of migrants, including specifically those who have arrived recently and those who seek asylum. The survey shall be anonymous and shall elicit information related to, but not limited to, skills, economic opportunities, and workforce development obstacles faced by migrants.*

*c. No later than November 1, 2024, and annually thereafter, the office or agency designated by the mayor under subdivision b of this section shall provide to case managers and onsite staff such survey so they may provide it to migrants seeking assistance in City-operated locations including, but not limited to, humanitarian emergency response and relief centers, emergency shelters, respite centers, and asylum seeker resource navigation centers. Such survey shall be offered in English, the designated citywide languages, and temporary languages. The results of the survey shall be provided to the commissioner of the office or agency designated by the mayor upon completion no later than May 31, 2025.*

*d. No later than September 30, 2025, and annually thereafter, the commissioner of the office or agency designated by the mayor under subdivision b of this section shall submit to the mayor and the speaker of the council and shall post conspicuously on its website a report regarding, but not limited to, skills, economic opportunities, and workforce development obstacles faced by the migrants surveyed pursuant to subdivision c of this section. The report shall set forth the aggregated information captured in the results of the survey described in subdivision b of this section, recommend policies and investments to support the economic wellbeing and success of migrants, including specifically those who have arrived recently and those who seek asylum, and include a data dictionary.*

§ 2. This local law takes effect 30 days after it becomes law, and expires and is deemed repealed on the later of: (1) December 30, 2029; (2) the expiration of the state of emergency relating to the arrival of asylum seekers declared pursuant to emergency executive order number 224, dated October 7, 2022, as subsequently amended and extended; or (3) the expiration of the state disaster emergency relating to the arrival of asylum seekers and migrants declared by the governor in executive order number 28, dated May 9, 2023, as subsequently amended and extended.

ALEXA AVILÉS, *Chairperson*; ERIK D. BOTTCHEER, GALE A. BREWER, CARMEN N. De La ROSA, SHAHANA K. HANIF, RITA C. JOSEPH, SHEKAR KRISHNAN; 7-0-0; Committee on Immigration, June 6, 2024.

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

Report for Int. No. 85-A

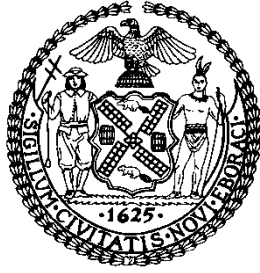
**Report of the Committee on Immigration in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a health survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof.**

The Committee on Immigration, to which the annexed proposed amended local law was referred on February 8, 2024 (Minutes, page 293), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on Immigration for Int. No. 84-A printed above in these Minutes)**

*The following is the text of the Fiscal Impact Statement for Int. No. 85-A:*



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

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

**RICHARD LEE, FINANCE DIRECTOR**

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO. NO: 85-A**

**COMMITTEE: Immigration**

**TITLE:** A Local Law to amend the administrative code of the City of New York, in relation to a health survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof.

**SPONSOR(S):** Rivera, Avilés, Gutiérrez, Schulman, Sanchez, Louis, Gennaro, Cabán, Salaam, Hudson, Banks, Ayala, Hanif, Won, Nurse and Krishnan.

**SUMMARY OF LEGISLATION:** This bill would require an office or agency designated by the Mayor, in consultation with the Mayor’s Office of Immigrant Affairs and any other office or agency designated by the Mayor, to develop a health survey of migrants, including specifically those who have arrived recently and those who seek asylum, to elicit information related to long-term health needs, chronic conditions, and healthcare access needs of such migrants. The bill would require the designated mayoral office or agency to conduct the survey annually in multiple languages in locations serving migrants. In addition, the bill would require the designated mayoral office or agency to submit an annual report to the Council reporting on the survey results and recommending ways to identify and anticipate health needs of migrants residing in New York City.

**EFFECTIVE DATE:** This local law would take effect 30 days after it becomes a law and expires and is deemed repealed on the later of: (1) December 30, 2029; (2) the expiration of the state of emergency relating to the arrival of asylum seekers declared pursuant to emergency executive order number 224, dated October 7, 2022, as subsequently amended and extended; or (3) the expiration of the state disaster emergency relating to the arrival of asylum seekers and migrants declared by the governor in executive order number 28, dated May 9, 2023, as subsequently amended and extended.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY25</b>	<b>Succeeding FY26</b>	<b>Full Fiscal Impact FY26</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 impact on expenditures resulting from the enactment of this legislation, as the agency or office responsible for carrying out its requirements will utilize existing resources to fulfill its requirements.

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

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

**ESTIMATE PREPARED BY:** Nia Hyatt, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Florentine Kabore, Unit Head  
Chima Obichere, Deputy Director  
Eisha Wright, Deputy Director  
Jonathan Rosenberg, Managing Deputy Director  
Michael Twomey, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the full Council on February 8, 2024, as Intro. No. 85 and was referred to the Committee on Immigration (the Committee). The legislation was considered by the Committee at a joint hearing held with the Committee on Hospitals on April 16, 2024, and the bill was laid over. The legislation has been amended and the amended version, Proposed Intro. No. 85-A will be considered by the Committee on June 6, 2024. Upon a successful vote by the Committee, Proposed Intro. No. 85-A will be submitted to the full Council for a vote on June 6, 2024.

**DATE PREPARED:** 6/5/24.

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

**(The following is the text of Int. No. 85-A:)**

Int. No. 85-A

By Council Members Rivera, Avilés, Gutiérrez, Schulman, Sanchez, Louis, Gennaro, Cabán, Salaam, Hudson, Banks, Ayala, Hanif, Won, Nurse and Krishnan

**A Local Law to amend the administrative code of the city of New York, in relation to a health survey of migrants, including recent arrivals and asylum seekers, and to repeal such amendments upon the expiration thereof**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 1 of title 3 of the administrative code of the city of New York is amended by adding a new section 3-123 to read as follows:

*§ 3-123 a. Anonymous survey of migrants. No later than October 31, 2024, a mayoral office or agency to be designated by the mayor, in coordination with the mayor's office of immigrant affairs and any other mayoral office or agency designated by the mayor, shall develop a health survey of migrants, including specifically those who have arrived recently and those who seek asylum. The survey shall be anonymous and shall elicit information related to, but not limited to, long-term health needs, chronic conditions, and healthcare access needs of such migrants.*

*b. No later than November 1, 2024, and annually thereafter, the office or agency designated by the mayor under subdivision a of this section shall provide to case managers and onsite staff such survey so they may provide it to migrants seeking assistance in City-operated locations including, but not limited to, humanitarian emergency response and relief centers, emergency shelters, respite centers, and asylum seeker resource*

*navigation centers. Such survey shall be offered in English, the designated citywide languages, and temporary languages. The results of the survey shall be provided to the commissioner of the office or agency designated by the mayor upon completion no later than May 31, 2025.*

*c. No later than September 30, 2025, and annually thereafter, the commissioner of the office or agency designated by the mayor under subdivision a of this section shall submit to the mayor and the speaker of the council and shall post conspicuously on the department's website a report regarding but not limited to long-term health needs, chronic conditions, and healthcare access needs of the migrants surveyed pursuant to subdivision b of this section. The report shall set forth the aggregated information captured in the results of the survey described in subdivision a of this section, recommend ways to identify and anticipate health needs of migrants, including specifically those who have arrived recently and those who seek asylum, and include a data dictionary.*

§ 2. This local law takes effect 30 days after it becomes law, and expires and is deemed repealed on the later of: (1) December 30, 2029; (2) the expiration of the state of emergency relating to the arrival of asylum seekers declared pursuant to emergency executive order number 224, dated October 7, 2022, as subsequently amended and extended; or (3) the expiration of the state disaster emergency relating to the arrival of asylum seekers and migrants declared by the governor in executive order number 28, dated May 9, 2023, as subsequently amended and extended.

ALEXA AVILÉS, *Chairperson*; ERIK D. BOTTCHEER, GALE A. BREWER, CARMEN N. De La ROSA, SHAHANA K. HANIF, RITA C. JOSEPH, SHEKAR KRISHNAN; 7-0-0; Committee on Immigration, June 6, 2024.

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

## **GENERAL ORDERS CALENDAR**

Report for L.U. No. 55 & Res. No. 663

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240010 ZRY (Zoning for Economic Opportunity) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to support economic growth and resiliency by providing businesses with additional zoning flexibility to locate and expand, Citywide.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1725) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 23, 2024 (Minutes, p. 2156), respectfully

### **REPORTS:**

#### **SUBJECT**

**CITYWIDE – TWO APPLICATIONS RELATED TO CITY OF YES FOR ECONOMIC OPPORTUNITY (ZONING FOR ECONOMIC OPPORTUNITY)**

#### **N 240010 ZRY (L.U. No. 55)**

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to support economic growth and resiliency in New York City.

#### **N 240011 ZRY (L.U. No. 56)**

City Planning Commission decision approving an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, adding new Manufacturing (M) district options to the City's Zoning Resolution.

#### **INTENT**

To approve Citywide zoning text amendments to the Zoning Resolution that would update provisions to support economic growth and resiliency in New York City, and to add new Manufacturing (M) zoning district options with various densities, updated bulk regulations to enable loft-like building typologies, and right-sized parking and loading regulations.

#### **PUBLIC HEARING**

**DATE:** April 8, 2024

**Witnesses in Favor:** Thirty-three

**Witnesses Against:** Forty-three



**SUBCOMMITTEE RECOMMENDATION****DATE:** May 22, 2024

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on L.U. Nos. 55 and 56.

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

**COMMITTEE ACTION****DATE:** May 22, 2024

The Committee recommends that the Council approve the attached resolutions.

<b>In Favor:</b>	<b>Against:</b>	<b>Abstain:</b>
Salamanca	Hanks	None
Moya	Borelli	
Riley		
Brooks-Powers		
Abreu		
Farias		
Hudson		
Sanchez		

**FILING OF MODIFICATIONS WITH THE CITY PLANNING COMMISSIONS**

The City Planning Commission filed a letter dated \_\_\_\_\_, 2024, with the Council on \_\_\_\_\_, 2024, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 463

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 240010 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 55).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of City Planning filed an application pursuant to Section 201 of the New York City Charter, for a Citywide amendment of the text of the Zoning Resolution of the City of New York, modifying multiple sections to support economic growth and resiliency in New York City, which

in conjunction with the related action would provide businesses with additional flexibility to grow and thrive in New York City, Citywide (ULURP No. N 240010 ZRY) (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on April 3, 2024, its decision dated March 6, 2024 (the “Decision”), on the Application;

**WHEREAS**, the Application is related to application N 240011 ZRY (L.U. No. 56), an amendment to the Zoning Resolution to add new Manufacturing (M) zoning district options with various densities, updated bulk regulations to enable loft-like building typologies, and right-sized parking and loading regulations;

**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 8, 2024;

**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 on October 30, 2023 (CEQR No. 24DCP004Y) (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 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 240010 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications: see attachment to this Resolution for the full zoning text amendment, as modified by the Council, which is incorporated herein and made a part hereof.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-2-0; *Negative*: Kamillah M. Hanks and Joseph C. Borelli; *Parental*: Carlina Rivera; Committee on Land Use, May 22, 2024.

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

Report for L.U. No. 56 & Res. No. 464

**Report of the Committee on Land Use in favor of approving, as modified, Application number N 240011 ZRY (Zoning for Economic Opportunity – Manufacturing Districts) submitted by New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying multiple Sections to add new Manufacturing District options, Citywide.**

The Committee on Land Use, to which the annexed Land Use item was referred on April 11, 2024 (Minutes, page 1725) and which same Land Use item was coupled with the resolution shown below and referred to the City Planning Commission on May 23, 2024 Minutes, page 2157), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 55 & Res. No. 463 printed above in the General Orders Calendars section of these Minutes)**

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

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

Res. No. 464

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 240011 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 56).**

By Council Members Salamanca and Riley.

**WHEREAS**, New York City Department of City Planning 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, adding new Manufacturing (M) zoning district options to the Zoning Resolution, which in conjunction with the related action would remove impediments to business location and growth within M districts by providing a wider range of available densities than the current M districts allow, updated bulk regulations to enable more loft-like physical typologies, and right-sizing parking and loading regulations (ULURP No. N 240011 ZRY), (the “Application”);

**WHEREAS**, the City Planning Commission filed with the Council on April 3, 2024, its decision dated March 6, 2024 (the “Decision”) on the Application;

**WHEREAS**, the Application is related to application N 240010 ZRY (L.U. No. 55), a Citywide zoning text amendment to the Zoning Resolution that would update provisions to support economic growth and resiliency in New York City;

**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 8, 2024;

**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 on October 30, 2023 (CEQR No. 24DCP004Y) (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 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 240011 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission, with the following modifications: see attachment to this Resolution for the full zoning text amendment, as modified by the Council, which is incorporated herein and made a part hereof.

RAFAEL SALAMANCA, Jr., *Chairperson*; FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, SELVENA N. BROOKS-POWERS, SHAUN ABREU, AMANDA C. FARÍAS, CRYSTAL HUDSON, PIERINA A. SANCHEZ; 8-2-0; *Negative*: Kamillah M. Hanks and Joseph C. Borelli; *Parental*: Carlina Rivera; Committee on Land Use, May 22, 2024.

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

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

- |  |  |
|--|--|
| (8) <b>Int. No. 84-A -</b>   | Workforce survey of migrants and to repeal such amendments upon the expiration thereof.  |
| (9) <b>Int. No. 85-A -</b>   | Health survey of migrants and to repeal such amendments upon the expiration thereof.   |
| (10) <b>Int. No. 743-A -</b>                                       | City agencies to offer career counseling to municipal employees to advise them of professional development and promotional opportunities.  |
| (11) <b>Int. No. 767-A -</b>                                       | Department of Citywide Administrative Services to administer workplace culture surveys.  |
| (12) <b>Int. No. 809-A -</b>                                       | Commissioner of Citywide Administrative Services to report on the administration of promotion examinations.  |
| (13) <b>Int. No. 908-A -</b>                                       | Council advice and consent for certain commissioners.  |
| (14) <b>L.U. No. 55 &amp;<br/>Res. No. 463 -</b>                   | <b>App. N 240010 ZRY (City of Yes: Zoning for Economic Opportunity)</b> modifying multiple Sections to support economic growth and resiliency by providing businesses with additional zoning flexibility to locate and expand, Citywide. |
| (15) <b>L.U. No. 56 &amp;<br/>Res. No. 464 -</b>                   | <b>App. N 240011 ZRY (City of Yes: Zoning for Economic Opportunity – Manufacturing Districts)</b> modifying multiple Sections to add new Manufacturing District options, Citywide.   |
| (16) <b>Preconsidered<br/>L.U. No. 86 &amp;<br/>Res. No. 459 -</b> | Miramar Court, Bronx, Community District No. 1, Council District No. 17.   |
| (17) <b>Preconsidered<br/>L.U. No. 87 &amp;<br/>Res. No. 460 -</b> | Marion Avenue, Bronx, Community District No. 5, Council District No. 15.   |

- |  |   |
|--|---|
| (18) <b>Preconsidered</b><br><b>L.U. No. 88 &amp;</b><br><b>Res. No. 461 -</b> | West Farms.HUDMF.FY24, Bronx,<br>Community District No. 3, Council<br>District No. 17.  |
| (19) <b>Preconsidered</b><br><b>L.U. No. 89 &amp;</b><br><b>Res. No. 462 -</b> | Fulton Street South, Brooklyn,<br>Community District No. 3, Council<br>District No. 36. |

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

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

*Present, Not Voting:* Vernikov.

**The General Order vote recorded for this Stated Meeting was 50-0-0 as shown above (with Council Member Vernikov considered Present, Not Voting) with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 908-A**:

**Affirmative** – Abreu, Ariola, Avilés, Ayala, Banks, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, Carr, De La Rosa, Dinowitz, Feliz, Gennaro, Gutiérrez, Hanif, Holden, Hudson, Joseph, Krishnan, Lee, Louis, Marmorato, Marte, Mealy, Menin, Moya, Narcisse, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, Zhuang, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **46**.

**Negative** – Hanks, Paladino, Yeger, and the Minority Leader (Council Member Borelli) - **4**.

*Present, Not Voting:* Vernikov.

The following was the vote recorded for **L.U. No. 55 & Res. No. 463 (City of Yes: Zoning for Economic Opportunity)**:

**Affirmative** – Abreu, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Marte, Menin, Moya, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **34**.

**Negative** – Ariola, Banks, Carr, Dinowitz, Hanks, Holden, Lee, Louis, Marmorato, Mealy, Narcisse, Nurse, Paladino, Yeger, Zhuang, and the Minority Leader (Council Member Borelli) - **16**.

*Present, Not Voting:* Vernikov.

The following was the vote recorded for **L.U. No. 56 & Res. No. 464 (City of Yes: Zoning for Economic Opportunity – Manufacturing Districts)**:

**Affirmative** – Abreu, Avilés, Ayala, Bottcher, Brannan, Brewer, Brooks-Powers, Cabán, De La Rosa, Feliz, Gennaro, Gutiérrez, Hanif, Hudson, Joseph, Krishnan, Marte, Menin, Moya, Nurse, Ossé, Powers, Restler, Riley, Rivera, Salaam, Salamanca, Sanchez, Schulman, Stevens, Ung, Williams, Won, the Majority Leader (Council Member Farías) and the Speaker (Council Member Adams) - **35**.

**Negative** – Ariola, Banks, Carr, Dinowitz, Hanks, Holden, Lee, Louis, Marmorato, Mealy, Narcisse, Paladino, Yeger, Zhuang, and the Minority Leader (Council Member Borelli) - **15**.

*Present, Not Voting:* Vernikov.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 84-A, 85-A, 743-A, 767-A, 809-A, and 908-A.*

## RESOLUTIONS

*presented for voice-vote*

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

Report for voice-vote item Res. No. 79-B

**Report of the Committee on Transportation and Infrastructure in favor of approving, as amended, a Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.315/A.1416, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.**

The Committee on Transportation and Infrastructure, to which the annexed amended resolution was referred on February 28, 2024 (Minutes, page 510), respectfully

### REPORTS:

#### INTRODUCTION

On June 6, 2024, the Committee on Transportation and Infrastructure, chaired by Majority Whip Selvena N. Brooks-Powers, conducted a vote on Resolution No. 79-B. Res. No. 79-B, sponsored by Majority Leader Amanda Farías, calls on the New York State Legislature to pass, and the New York State Governor to sign, S.315/A.1416, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program. A prior version of this resolution was previously heard, in a prior session as Res. 441-2022, by the Committee on February 14, 2023. Those that testified at that hearing included representatives from the New York City (NYC or the City) Department of Transportation (DOT), representatives from the NYC Police Department, transportation and street safety advocates, and other interested stakeholders.

On June 6, 2024, the Committee on Transportation and Infrastructure passed Res. No. 79-B by a vote of six in the affirmative, one in the negative, with zero abstentions.

#### BACKGROUND

##### Vision Zero

In 2014, the administration of then-Mayor Bill de Blasio instituted Vision Zero, a citywide initiative with the goal of reducing and eventually eliminating traffic fatalities.<sup>1</sup> The initiative is built on the premise that deaths and serious traffic injuries are not inevitable “accidents,” but preventable events that can be reduced through engineering, enforcement and education.<sup>2</sup> Strategies involved in implementing Vision Zero in the City have included: expanding enforcement against dangerous moving violations, such as speeding and failing to yield to pedestrians; implementing new street designs and configurations; conducting broad public outreach and communication around street safety; and advancing legislation to increase penalties for dangerous drivers.<sup>3</sup> The City Council has supported these efforts through numerous laws, including: the streets master plan legislation, which requires DOT to issue and implement a transportation master plan every five years, with included benchmarks prioritizing the safety of all street users, the use of mass transit, the reduction of vehicle emissions, and accessibility within transit systems;<sup>4</sup> the street design checklist legislation, which allows the City to better plan street space;<sup>5</sup> the truck side guard legislation, which accelerated deadlines for side guard implementation in the City fleet and for trade waste hauling vehicles by a year, and requires that a side guard be equipped on any

<sup>1</sup> NYC, “Vision Zero,” available at: <https://www1.nyc.gov/content/visionzero/pages/>.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> See Local Law 195 of 2019.

<sup>5</sup> See Local Law 121 of 2019.



large vehicle used to fulfill a contract with the City of at least \$2 million, beginning with contracts registered on or after 2023;<sup>6</sup> and the citywide speed limit legislation, lowering New York City's default speed limit to twenty-five miles per hour.<sup>7</sup>

### **Traffic Violence in New York City**

Traffic fatalities in NYC have fallen significantly over recent decades, from 701 in 1990, to 381 in 2000, to an all-time low of 202 in 2018.<sup>8</sup> The year 2020 marked the first year on record with fewer than 100 pedestrian deaths.<sup>9</sup> Comparing the five-year averages from before Vision Zero was instituted in 2014 with the same numbers in 2020, total fatalities were 10% lower and pedestrian fatalities were 37% lower.<sup>10</sup>

While the long-term results of these traffic violence reduction efforts have shown up in the data, as seen in the reduction in fatalities from 1990 to now, the Vision Zero initiative remains the target of criticism by advocates, who have raised concerns about the rapid increase in deaths occurring on City streets in recent years despite Vision Zero efforts. In 2019, 220 people died in traffic violence in the City.<sup>11</sup> That number increased in 2020 to 242 traffic fatalities,<sup>12</sup> making that year, at the time, the deadliest one on record since Mayor de Blasio introduced Vision Zero, and the second straight year of increased road fatalities.<sup>13</sup> Notably, for a nearly two month period during the novel coronavirus (COVID-19) pandemic in 2020 there were zero pedestrian fatalities in the City, largely attributed to the reduction in vehicle miles travelled in the City at the time.<sup>14</sup> However, there were subsequent increases in overnight motorist and motorcyclist deaths, and a nationwide increase in speeding that began when streets emptied due to the pandemic and subsequent lockdowns.<sup>15</sup>

In 2021, these trends continued, with 275 people killed due to traffic violence in the City, representing about a 33% increase from 2018.<sup>16</sup> There were a reported 93 hit-and-runs with critical injuries in 2021, twice as many as there had been in 2018.<sup>17</sup> Furthermore, the share of pedestrian fatalities caused by drivers of SUVs during Mayor de Blasio's second term, which concluded in 2021, was up 42% compared to his first term.<sup>18</sup>

In 2022, the number of traffic fatalities in the City was 263.<sup>19</sup> DOT Commissioner Ydanis Rodriguez announced that in 2022 the City experienced an overall decline of about 6% in traffic fatalities from 2021, and the first decline in annual fatalities since 2019.<sup>20</sup> 2022 was also one of the years with the fewest annual pedestrian deaths recorded in New York City,<sup>21</sup> however, there was also a concerning trend; 2022 marked the deadliest year since 2014 for child fatalities, with 16 children killed in traffic collisions.<sup>22</sup>

For 2023, there were 265 total traffic fatalities, which is still trending up, as compared to 2022.<sup>23</sup>

<sup>6</sup> See Local Law 108 of 2021.

<sup>7</sup> See Local Law 54 of 2014.

<sup>8</sup> NYC, "Vision Zero," available at: <https://www1.nyc.gov/content/visionzero/pages/>.

<sup>9</sup> NYC, "Vision Zero," *Vision Zero-Year 7 Report* (April 2021), available at:

<https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-7-report.pdf>.

<sup>10</sup> *Id.*

<sup>11</sup> NYC, "Vision Zero View," available at: <https://vzv.nyc/>.

<sup>12</sup> *Id.*

<sup>13</sup> Christina Goldbaum, "Why Emptier Streets Meant an Especially Deadly Year for Traffic Deaths," *New York Times* (Jan. 1, 2021), available at <https://www.nytimes.com/2021/01/01/nyregion/nyc-traffic-deaths.html>.

<sup>14</sup> Jake Offenhartz, "Vision Zero Sputters as NYC Traffic Deaths Reach Highest Level of De Blasio Era," *Gothamist* (Oct. 23, 2020), available at <https://gothamist.com/news/vision-zero-sputters-nyc-traffic-deaths-reach-highest-level-de-blasio-era>.

<sup>15</sup> *Id.*

<sup>16</sup> NYC, "Vision Zero View," available at: <https://vzv.nyc/>.

<sup>17</sup> Transportation Alternatives, Press Release, "Last year was the deadliest under Vision Zero. Here's how Mayor Adams can save lives in 2022," January 26, 2022, available at: <https://www.transalt.org/writing/last-year-was-the-deadliest-under-vision-zero-heres-how-mayor-adams-can-save-lives-in-2022>.

<sup>18</sup> *Id.*

<sup>19</sup> NYC, "Vision Zero View," available at: <https://vzv.nyc/>.

<sup>20</sup> NYC DOT, Press Release, "Vision Zero: NYC Traffic Fatalities Dropped in 2022 For First Time in Three Years, Pedestrian Deaths Near Record Lows," January 6, 2023, available at: <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>.

<sup>21</sup> *Id.*

<sup>22</sup> Ben Brachfield, "2022 was deadliest year for children on city streets in Vision Zero era: report," *AMNY* (Jan. 23, 2023), available at: <https://www.amny.com/transit/record-children-killed-traffic-collisions-2022-nyc-streets/>.

<sup>23</sup> NYC, "Vision Zero View," available at: <https://vzv.nyc/>.

## **Mayor Adams' Agenda for Street Safety**

### *2022 Traffic Fatalities*

As noted, in 2022, the number of traffic fatalities in the City declined for the first time in three years.<sup>24</sup> DOT states that a cause of the overall decline in total fatalities was due to its special focus on pedestrian safety at intersections, where a majority of pedestrian fatalities and injuries occur.<sup>25</sup> For that year, the administration of Mayor Eric Adams had completed more than 1,400 intersection improvements and expanded the school zone speed camera enforcement program to 24-hours a day, seven days a week.<sup>26</sup> Since the launch of the expanded program on August 1, 2022, DOT has noted positive effects, including a reduction in speeding violations, with month-over-month declines.<sup>27</sup>

### *Mayor Adams' 2023 State of the City Address*

Mayor Adams, in his 2023 State of the City address, called for a campaign to end traffic violence.<sup>28</sup> In his address, the Mayor called for:

- holding dangerous and reckless drivers accountable for their actions before they harm others;
- working with the State to advance new legislation called “Removing Offenders and Aggressive Drivers from our Street” (aka ROADS), which would increase penalties for serious crashes, running red lights, and impaired driving, while also revoking licenses of repeat offenders;
- expanding protected bike lanes;
- cracking down on illegal placards and placard abuse;
- ensuring swift and serious consequences for those who drive with a suspended or revoked license; and
- deploying more NYC Police Department tow trucks on streets in an effort to ticket and tow abandoned or illegally parked cars that block traffic and visibility, while enabling more effective use of delivery zones, bus lanes, and bike lanes for others.<sup>29</sup>

## **Open Streets Program**

NYC’s Open Streets program, created in the Spring of 2020 during the COVID-19 pandemic and then made permanent by the City Council in 2021, is a program to implement more open spaces for NYC.<sup>30</sup> The program transforms streets into public space open to all, allowing for a range of activities that promote economic development, support schools, facilitate pedestrian and bike mobility, and provide new ways for New Yorkers to enjoy cultural programming and build their community.<sup>31</sup> DOT manages and oversees the Open Streets program and works with community-based organizations, educational institutions, business groups, and others to implement the program.<sup>32</sup> Under the program, there are three types of Open Streets: Limited Local Access, which allows local vehicle access with drivers being advised to drive 5 miles per hour, while the street is designated for pedestrians and cyclist use and enjoyment for specific hours and days of each week; Full Closure, where a street is temporarily closed to vehicles to promote activities that support local business, communities and schools; and Full Closure: Schools, which are streets that are temporarily closed to vehicles to support

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<sup>24</sup> NYC DOT, Press Release, “Vision Zero: NYC Traffic Fatalities Dropped in 2022 For First Time in Three Years, Pedestrian Deaths Near Record Lows,” January 6, 2023, available at: <https://www.nyc.gov/html/dot/html/pr2023/vision-zero-fatalities-dropped-2022.shtml>.

<sup>25</sup> *Id.*

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> NYC Office of the Mayor, Transcript “Mayor Adams Outlines ‘Working People’s Agenda’ for NYC in Second State of the City Address,” January 26, 2023, available at: <https://www.nyc.gov/office-of-the-mayor/news/064-23/transcript-mayor-adams-outlines-working-people-s-agenda-nyc-second-state-the-city>.

<sup>29</sup> *Id.*

<sup>30</sup> NYC DOT, “Pedestrians: Open Streets,” available at: <https://www.nyc.gov/html/dot/html/pedestrians/openstreets.shtml>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

schools for drop-off and pick-up operations, recess, and outdoor learning.<sup>33</sup> In October of 2022, DOT released the “Streets for Recovery: The Economic Benefits of the NYC Open Streets Program” report, which found that Open Streets corridors significantly outperformed nearby same-borough corridor restaurants and bars on sales growth, staying in business during the pandemic, and faster growth in the number of new restaurants and bars that opened.<sup>34</sup> With the positive impacts seen in the Open Streets program, the number of locations have increased. In 2023, there were more than 200 Open Streets locations, which spanned more than 25 miles and 400 City blocks, which was a more than 40% increase in the number of sites compared to 2022.<sup>35</sup>

### **Analysis of Res. No. 79-B**

Res. No. 79-B, sponsored by Council Member Amanda Farías, would call on the New York State (NYS) Legislature to pass, and the NYS Governor to sign, S.315/A.1416, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program. S.315S.315, introduced by NYS Senator Julia Salazar, and A.1416, introduced by NYS Assemblymember Harvey Epstein, relate to authorizing a five mile per hour speed limit for Open Streets in NYC, and would work towards ensuring that Open Streets are safer, particularly for pedestrians and cyclists.

### **UPDATE**

On June 6, 2024, the Committee on Transportation and Infrastructure passed Res. No. 79-B by a vote of six in the affirmative, one in the negative, with zero abstentions.

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

### **(The following is the text of Res. No. 79-B:)**

Res. No. 79-B

**Resolution calling on the New York State Legislature to pass, and the New York State Governor to sign, S.315/A.1416, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.**

By Council Members Farías, Hanif, Won, Hudson and Rivera.

**Whereas**, New York City’s (NYC) Open Streets program began during the Spring of 2020 in the face of the COVID-19 pandemic, and is an effort to transform streets into public space open to all; and

**Whereas**, NYC’s Open Streets program allows for a range of activities that promote economic development, support schools, and encourage cultural programming and community-building; and

**Whereas**, The Open Streets program is overseen by the NYC Department of Transportation (DOT), and works with community-based organizations, public, private and charter schools, and groups of businesses citywide; and

**Whereas**, In 2021, the NYC Council voted to make the Open Streets program permanent; and

<sup>33</sup> *Id.*

<sup>34</sup> NYC DOT, “Streets for Recovery: The Economic Benefits of the NYC Open Streets Program,” available for download at: <https://www.nyc.gov/html/dot/downloads/pdf/streets-for-recovery.pdf>.

<sup>35</sup> NYC DOT, “NYC Open Streets: Reimagining Our Streets 2023 Recap Report,” available for download at: <https://www.nyc.gov/html/dot/downloads/pdf/2023-open-streets-recap-report.pdf>.

**Whereas,** In 2023, according to the DOT’s Open Streets 2023 Recap Report, there were more than 200 Open Street sites which spanned over 25 miles and 400 city blocks, representing a more than 40% increase in the number of Open Street sites when compared to 2022; and

**Whereas,** The Open Streets program has provided noticeable positive economic, social and cultural benefits to the City; and

**Whereas,** For example, according to a recently-released report by DOT entitled: “Streets for Recovery: The Economic Benefits of the NYC Open Streets Program,” when comparing restaurants and bars in Open Streets corridors and those in the same borough but not in an Open Street corridor, restaurants and bars in an Open Street corridor saw: an increase in sales growth; a higher percentage of staying in business during the pandemic; and faster growth in the number of new restaurants and bars that opened during the pandemic; and

**Whereas,** As the popularity in the use of Open Streets has increased, it is important to ensure that these streets are safe for pedestrians, cyclists, drivers and businesses; and

**Whereas,** In recent years, NYC has experienced higher traffic fatalities, with data from NYC’s Vision Zero View Dashboard showing that 265 people died due to traffic violence in 2023, 263 people died in 2022, and 275 people died in 2021, as compared to 2020’s 242 traffic fatalities, 2019’s 220 traffic fatalities and 2018’s 206 traffic fatalities; and

**Whereas,** In an effort to ensure Open Streets are safe for New Yorkers and to reduce speed limits in these areas, S.315 and A.1416 were introduced in the New York State (NYS) Legislature; and

**Whereas,** S.315, introduced by NYS Senator Julia Salazar, and A.1416, introduced by NYS Assemblymember Harvey Epstein, relate to authorizing a five mile per hour speed limit for Open Streets in NYC, and would work towards ensuring that Open Streets are safer, particularly for pedestrians and cyclists; 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 New York State Governor to sign, S.315/A.1416, which would authorize New York City to set a five mile per hour speed limit on streets participating in the Open Streets program.

SELVENA N. BROOKS-POWERS, *Chairperson*; CARLINA RIVERA, CHRIS BANKS, CARMEN N. De La ROSA, AMANDA FARIAS, MERCEDES NARCISSE; 6-1-0; *Negative*: Joann Ariola; *Absent*: Farah N. Louis; *Parental*: Julie Won; Committee on Transportation and Infrastructure, June 6, 2024.

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

The following 9 Council Members formally noted their intention to vote **negative** on this item:

Council Members Ariola, Carr, Hanks, Holden, Paladino, Marmorato, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

## Report for voice-vote item Res. No. 157

**Report of the Committee on Veterans in favor of approving a Resolution recognizing June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.**

The Committee on Veterans, to which the annexed resolution was referred on February 28, 2024 (Minutes, page 715), respectfully

**REPORTS:**

On Thursday, June 6, 2024, the Committee on Veterans, chaired by Council Member Robert Holden, held a vote on Resolution Number (Res. No.) 157, sponsored by Council Member Julie Menin, recognizing June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France. The Committee originally heard Res. No. 157 on April 2, 2024. At that hearing, the Committee received testimony in support of this resolution from community members.

At today's vote, the Committee on Veterans passed the resolution by a vote of five in the affirmative, zero in the negative, and zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 157:)**

Res. No. 157

**Resolution recognizing June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.**

By Council Members Menin, Holden, Hanif, Gennaro, Narcisse, Schulman, Rivera, Ariola, Vernikov, Carr and Paladino.

**Whereas**, In the early hours of June 6, 1944, Operation Overlord began when American and British paratroopers were dropped from more than 1,200 aircraft into Normandy behind German lines on a day that would from that time forward be known as D-Day; and

**Whereas**, The largest naval attack ever mounted began at 5:30 a.m. when American and British battleships, cruisers, and destroyers shelled German defensive positions at the Normandy beaches for 40 minutes; and

**Whereas**, Sunrise saw landing vessels depositing more than 150,000 American, British, Canadian, and Free French soldiers onto five beaches along 50 miles of the Normandy coast, which was heavily defended by German soldiers and artillery; and

**Whereas**, American troops secured Utah Beach with paratroopers dropped behind enemy lines inland and soldiers landing on the beach about a mile off course under the command of Brigadier General Theodore Roosevelt, Jr.; and

**Whereas**, American troops secured Omaha Beach in the bloodiest battle of D-Day when only two of 29 amphibious tanks launched at sea actually reached the shore and thousands of soldiers met with fatal German gunfire from fortified positions above the beach; and

**Whereas**, Omaha Beach became a much revered and celebrated Allied victory, thanks to Army Rangers, who managed to scale the bluffs at Pointe du Hoc to disable the heavy artillery that rained bullets down on American soldiers fighting their way up the bluffs from the beach; and

**Whereas**, British air strikes and warships weakened German forces and allowed the British to take control of Gold Beach, the middle of the five beaches, before British soldiers pushed on to take back the village of Arromanches; and

**Whereas**, After Juno Beach was the site of devastatingly heavy Canadian casualties for the first hour of the battle, Canadian soldiers fought their way off the beach and then successfully progressed inland farther than either the American or British troops that day; and

**Whereas**, After British and Canadian airborne troops landed behind enemy lines on the eastern front just after midnight to take control of key bridges, British troops landed on Sword Beach at 7:25 a.m. and met strong German resistance in the villages, but managed to hold the beach by day's end; and

**Whereas**, Many Allied forces entered France after D-Day, including American soldiers' Operation Cobra, which concluded the Normandy campaign inland, and Operation Dragoon, which saw Americans land on France's Mediterranean coast in August; and

**Whereas**, On August 25, French and American forces finally liberated Paris, following more than four years of Nazi occupation; and

**Whereas**, Speaking at Pointe du Hoc atop the "unforgiving cliffs" on the 50th anniversary of D-Day, President William J. Clinton said that "we stand on sacred soil" where "a miracle of liberation began" when "democracy's forces landed to end the enslavement of Europe"; and

**Whereas**, President Clinton called the soldiers who landed on the beaches "the tip of [a] spear the free world had spent years sharpening, a spear they began on this morning in 1944 to plunge into the heart of the Nazi empire"; and

**Whereas**, President Clinton recounted how the Army Rangers' "mission was to scale these cliffs and destroy the howitzers at the top that threatened every Allied soldier and ship within miles," how they "fired grappling hooks onto the cliff tops," how they "waded to shore" and "began to climb up on ropes slick with sea and sand, up, as the Germans shot down and tried to cut [the] lines, up sometimes holding to the cliffs with nothing but the knives [they] had and [their] own bare hands"; and

**Whereas**, President Clinton concluded that "the mission of freedom goes on," "the battle continues," and the " 'longest day' is not yet over"; and

**Whereas**, Speaking in Normandy on the 65th anniversary of D-Day, President Barack Obama noted that the odds of D-Day's success had not been good, given the many ways that Adolf Hitler had ordered the Atlantic Wall fortified against an invasion, with heavy artillery on the cliffs, flooded lowlands, mines on the shore and in the water, and more; and

**Whereas**, President Obama continued that, in spite of those odds, victory was won and that, D-Day was a moment that led to all the Allied achievements which followed, or as President Lyndon B. Johnson once said, "history and fate [met] at a single time in a single place to shape a turning point in man's unending search for freedom"; and

**Whereas**, President Obama concluded that "as we faced down the hardships and struggles of our time and arrive at that hour for which we were born, we cannot help but draw strength from those moments in history when the best among us were somehow able to swallow their fears and secure a beachhead on an unforgiving shore"; and

**Whereas**, In Proclamation 9319, President Obama declared June 6, 2014, as D-Day National Remembrance Day, and noted that "D-Day dealt a significant blow to an ideology fueled by hate" and that it "allowed America and our allies to secure a foothold in France, open a path to Berlin, and liberate a continent from the grip of tyranny"; and

**Whereas**, President Obama in his proclamation called "upon all Americans to observe this day with programs, ceremonies, and activities that honor those who fought and died so men and women they had never met might know what it is to be free"; and

**Whereas**, The rows and rows of graves marked by white crosses and Stars of David of 9,386 Americans, most of whom died on the Normandy beaches and in the ensuing campaign, are forever honored at the Normandy American Cemetery and Memorial in Colleville-sur-Mer, on the site of the temporary cemetery established by the U.S. First Army on June 8, 1944; and

**Whereas**, June 6, 2024, marks the 80th anniversary of D-Day and all that it came to mean to free nations in Europe; now, therefore, be it

**Resolved**, That the Council of the City of New York recognizes June 6 annually as D-Day Remembrance Day in the City of New York in honor of the courage and sacrifice of the Allied soldiers on the Normandy beaches in France.

ROBERT F. HOLDEN, *Chairperson*; SANDY NURSE, JOANN ARIOLA, VICKIE PALADINO, KRISTY MARMORATO; 5-0-0; Committee on Veterans, June 6, 2024.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 232

**Report of the Committee on Aging in favor of approving a Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.**

The Committee on Aging, to which the annexed resolution was referred on March 7, 2024 (Minutes, page 1217), respectfully

#### REPORTS:

##### I. INTRODUCTION

On June 6, 2024, the Committee on Aging, chaired by Council Member Crystal Hudson, voted on Resolution Number ("Res. No.") 232, sponsored by Council Member Gale Brewer, calling on the New York State Legislature to pass, and the Governor to sign, S.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.

On June 4, 2024, The Committee on Aging heard Res. No. 232 and received testimony from advocacy groups, organizations, and other interested stakeholders. On June 6, 2024, the Committee passed this legislation by a vote of five in the affirmative, zero in the negative, and zero abstentions.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 232:)**

Res. No. 232

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.**

By Council Members Brewer, Bottcher, Schulman, Hanif, Won, Gennaro, Rivera, Williams, Hudson, Farías, Riley, Cabán, Marte, Zhuang, Lee, Yeger, Powers, Abreu, Nurse, Banks, De La Rosa, Dinowitz and Borelli.

**Whereas**, U.S. Census Bureau data show that the median income among Americans aged 55 years to 64 years declined by 2.6 percent between 2020 and 2021, from an estimated \$77,872 per year to an estimated \$75,842 per year; and

**Whereas**, Similarly, the median income among U.S. adults aged 65 years and older decreased by 2.6 percent between 2020 and 2021, from an estimated \$48,866 per year to an estimated \$47,620 per year; and

**Whereas**, U.S. Census Bureau data also reveal that the prevalence of poverty among Americans aged 65 years and older increased between 2020 and 2021, from 8.9 percent, or over 4.8 million people, to 10.3 percent, or more than 5.8 million older adults; and

**Whereas**, Moreover, 4.2 percent, or over 2.3 million, of U.S. adults aged 65 years and older lived in deep poverty in 2021; and

**Whereas**, Furthermore, 24.9 percent, or more than 3.9 million, of disabled U.S. adults were in poverty in 2021; and

**Whereas**, The number of disabled U.S. adults living in poverty grew between 2020 and 2021, from about 3.7 million to over 3.9 million; and

**Whereas**, As of 2021, 7.7 percent of adults in New York State and 6.9 percent of adults in New York City were disabled; and

**Whereas**, According to the New York State Office of Temporary and Disability Assistance, as of November 2021, 631,101 people in New York State and 372,302 people in New York City received Supplemental Security Income (SSI)—a program providing monthly payments to supplement modest incomes of disabled people and of people aged 65 years and older; and

**Whereas**, New York State Department of Labor data demonstrate that 10.9 percent of adults aged 55 years to 74 years and 13.1 percent of adults aged 75 years and older in New York State lived in poverty in 2021; and

**Whereas**, Likewise, 15.6 percent of adults aged 55 years to 74 years and 19.8 percent of adults aged 75 years and older in New York City were in poverty in 2021; and

**Whereas**, According to the U.S. Bureau of Labor Statistics, between April 2022 and April 2023, prices paid by urban consumers for all items, as measured by the Consumer Price Index, increased by 4.9 percent nationally and by 3.7 percent in New York State; and

**Whereas**, Between May 2022 and May 2023, residential rent in the New York Metropolitan Area grew by 6 percent; and

**Whereas**, To contextualize residential rent increase in the New York Metropolitan Area, the U.S. Census Bureau reported that the median rent in New York City in 2021 was \$1,579 per month or \$18,948 per year; and

**Whereas**, The U.S. Census Bureau also calculated that in New York City, the median monthly homeowner costs, inclusive of a mortgage, amounted to \$2,913 in 2021; and

**Whereas**, According to the U.S. Internal Revenue Service, as of 2023, the median property tax in New York State was \$3,755 per year, or, on average, 1.23 percent of the property value; and

**Whereas**, Among the counties encompassed by New York City, as of 2023, the median property tax was \$2,653 per year in Bronx County, \$2,903 per year in Kings County, \$5,873 per year in New York County, \$2,914 per year in Queens County, and \$2,842 per year in Richmond County; and

**Whereas**, A number of programs in New York offer assistance to older adults and disabled persons to address rent increases and property taxes; and

**Whereas**, The Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) help eligible persons aged 62 years and older and eligible tenants with disabilities, respectively, to remain in affordable housing by freezing their rent, with their landlords receiving a property tax credit to cover the difference between the increased and the original rent amount; and

**Whereas**, To be eligible for SCRIE or DRIE, a tenant's combined annual household income has to be \$50,000 or less; and

**Whereas**, However, per the Economic Policy Institute's Family Budget Calculator, a household of one adult and no children needs an annual income of \$56,718 in 2020 dollars to attain a modest, yet adequate standard of living in the New York Metropolitan Area; and

**Whereas**, According to the U.S. Bureau of Labor Statistics' Consumer Price Index Inflation Calculator, a household with an annual income of \$50,000 in May 2022 dollars needs an annual income of \$52,023 in May 2023 dollars to sustain the same standard of living in the New York Metropolitan Area; and



**Whereas,** The Senior Citizen Homeowners' Exemption (SCHE) and the Disabled Homeowners' Exemption (DHE) provide a property tax exemption for eligible persons aged 65 years and older and for disabled people, respectively, who own one-, two-, or three-family homes, condominiums, or cooperative apartments, provided that the total combined annual income of the property owner and spouse or co-owner does not exceed \$58,399; and

**Whereas,** However, per the U.S. Bureau of Labor Statistics' Consumer Price Index Inflation Calculator, a household with an annual income of \$58,399 in May 2022 dollars needs an annual income of \$60,762 in May 2023 dollars to sustain the same standard of living in the New York Metropolitan Area; and

**Whereas,** Moreover, the U.S. Social Security Administration implements an annual cost-of-living adjustment, based on the Consumer Price Index, to Social Security and Supplemental Security Income benefits to ensure that the purchasing power of benefits is not eroded by inflation; and

**Whereas,** For example, Social Security and Supplemental Security Income benefits were increased by 5.9 percent in January 2022 and by 8.7 percent in January 2023; and

**Whereas,** Given that an applicant's income calculations for SCRIE, DRIE, SCHE, and DHE include Social Security benefits, and income calculations for SCRIE and DRIE additionally incorporate Supplemental Security Income benefits, a cost-of-living adjustment to these benefits could render an otherwise eligible tenant or homeowner ineligible for rent freezing or a property tax exemption, thereby placing the person at risk of housing displacement and homelessness; and

**Whereas,** With the aim of ensuring that older adults and disabled persons are not displaced from their homes, and that many more people are able to benefit from SCRIE, DRIE, SCHE, and DHE, State Senator Brian Kavanagh introduced S.2960 in the New York State Senate, and Assembly Member Deborah J. Glick introduced companion bill A.5741 in the New York State Assembly, which would provide for annual adjustment of the maximum income threshold for eligibility for SCRIE, DRIE, SCHE, and DHE by any increase in the Consumer Price Index; 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.2960/A.5741, to provide for annual adjustment of the maximum income threshold eligibility for the Senior Citizen Rent Increase Exemption (SCRIE), Disability Rent Increase Exemption (DRIE), Senior Citizen Homeowners' Exemption (SCHE), and Disabled Homeowners' Exemption (DHE) by any increase in the Consumer Price Index.

CRYSTAL HUDSON, *Chairperson*; LINDA LEE, LYNN C. SCHULMAN, CHRIS BANKS, SUSAN ZHUANG; 5-0-0; *Absent*: Darlene Mealy and Yusef Salaam; Committee on Aging, June 6, 2024. *Other Council Members Attending: Council Member Brewer.*

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 306-B

**Report of the Committee on Civil Service and Labor in favor of approving, as amended, a Resolution calling on the Department of Citywide Administrative Services to grant additional points on promotional exams to examinees who have completed the agency's Executive Development and Management & Supervision trainings, or to examinees who have earned a degree or certificate from the City University of New York, or a similarly accredited institution.**

The Committee on Civil Service and Labor, to which the annexed amended resolution was referred on April 11, 2024 (Minutes, page 1625), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Civil Service and Labor for Int. No. 743-A printed in the Reports of the Standing Committee section of these Minutes)**

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

**(The following is the text of Res. No. 306-B:)**

Res. No. 306-B

**Resolution calling on the Department of Citywide Administrative Services to grant additional points on promotional exams to examinees who have completed the agency's Executive Development and Management & Supervision trainings, or to examinees who have earned a degree or certificate from the City University of New York, or a similarly accredited institution.**

By Council Members De La Rosa, Banks, Brewer, Cabán and Hanks.

**Whereas**, The current municipal civil service promotional system must do more to ensure the recruitment and retention of a highly motivated and skilled workforce; and

**Whereas**, Under New York State Civil Service Law, New York City (City) must rank candidates for competitive class title positions, including promotions, based on their exam results and fill vacancies from the top three ranking candidates; and

**Whereas**, To encourage employee advancement and build a pipeline of qualified managers within City agencies, the City must explore opportunities to optimize the civil service promotional exam system for applicants who acquire additional skills, academic achievement, and training; and

**Whereas**, The Department of Citywide Administrative Services (DCAS) and the City University of New York offer a wide range of courses, educational programs, and professional development opportunities to City employees that help build expertise and improve service delivery; and

**Whereas**, Specifically, DCAS offers Executive Development and Management & Supervision training courses for public sector workers and leaders; and

**Whereas**, These courses include instruction in core managerial competencies and tools to enhance creative and critical thinking and decision-making; and

**Whereas**, DCAS's Executive Development Portfolio includes the flagship Management Academy and Leadership Institute, which are competitive programs for high-performing leaders that include courses such as Intentional Leadership, Promoting Psychological Safety to Improve Performance, and Organizational Design for Executives; and

**Whereas**, DCAS's Management & Supervision portfolio includes open enrollment courses such as Data Analytics for Hiring Managers, Essential Skills for Leaders, and Fundamentals of Supervision; and

**Whereas**, The City University of New York School of Labor and Urban Studies, and similarly accredited institutions, offer bachelor's and master's degrees in Urban Studies, Public Administration, Health Care

Administration, and other relevant fields to prepare City employees to meet the ever-changing demands of public service; and

**Whereas**, Employees who earn a certificate or degree, or complete these trainings deserve recognition for taking the initiative to learn new professional skills to foster their leadership abilities and advance their careers; and

**Whereas**, DCAS, under section 814 of the City Charter, is tasked with administering portions of the New York State Civil Service Law and upholding the principles of merit and fitness within the City's workforce; and

**Whereas**, DCAS has discretion to assess a candidate for promotion based on their seniority, trainings, experience, and educational qualifications; and

**Whereas**, DCAS may prioritize an employee's skills and motivation to excel by rewarding participants who complete DCAS-provided managerial and supervisory trainings, or a degree or certificate, with additional points on their civil service promotional exam, unless an agency's hiring practices are under court settlement or decree; and

**Whereas**, Awarding points for the successful completion of training programs reinforces a culture of meritocracy, where advancement is based on skills, knowledge, and performance, thereby fostering greater job satisfaction and retention; and

**Whereas**, DCAS, under section 814 of the City Charter, has a duty to assist women and minorities who are either employed by or seeking City employment; and

**Whereas**, Where resources allow trainings to be administered equitably to all City employees who wish to enroll, City-provided trainings and educational attainment provide opportunities for skill development and career advancement, leveling the playing field and enabling individuals from diverse backgrounds to access leadership positions; and

**Whereas**, Therefore, promoting individuals who have earned degrees or certificates, or completed City-provided trainings, can lead to increased representation in promotional titles among women, people of color, and other minority groups; and

**Whereas**, Encouraging employees to participate in professional development training or seek further education can cultivate a diverse and capable management cadre within the civil service, ensuring that the municipal workforce possesses the necessary tools and competencies to meet the evolving needs and challenges of City service; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Department of Citywide Administrative Services to grant additional points on promotional exams to examinees who have completed the agency's Executive Development and Management & Supervision trainings, and to examinees who have earned a degree or certificate from the City University of New York, or a similarly accredited institution.

CARMEN N. DE LA ROSA, *Chairperson*, FRANCISCO P. MOYA, ERIC DINOWITZ, OSWALD J. FELIZ, TIFFANY CABÁN, ERIK D. BOTTCHER, KAMILLAH M. HANKS, JULIE MENIN; 8-0-0; *Absent*: Yusef Salaam; Committee on Civil Service and Labor, June 6, 2024.

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

Adopted unanimously by the Council by voice-vote.

Report for voice-vote item Res. No. 340-B

**Report of the Committee on Immigration in favor of approving, as amended, a Resolution calling on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fees.**

The Committee on Immigration, to which the annexed amended resolution was referred on April 11, 2024 (Minutes, page 1712), respectfully

**REPORTS:**

**(For text of report, please see the Report of the Committee on Immigration for Int. No. 84-A printed in the Reports of the Standing Committee section of these Minutes)**

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

**(The following is the text of Res. No. 340-B:)**

Res. No. 340-B

**Resolution calling on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fees.**

By Council Members Rivera, Cabán, Avilés, Banks, Ayala, Brewer, Narcisse and Nurse.

**Whereas**, Currently, USCIS is funded primarily by fees charged to individuals and entities applying for or petitioning for immigration benefits; and

**Whereas**, Of USCIS' Fiscal Year 2024 6.8-billion-dollar budget, roughly 96% of that funding comes from filing fees; and

**Whereas**, Although funding to USCIS from Congress has increased over the past few years, particularly for application processing, it is still minimal compared to the funding provided by filing fees; and

**Whereas**, The filing fees include applications for humanitarian immigration benefits and subsequent work authorization applications; and

**Whereas**, Humanitarian benefits include humanitarian parole, refugee status, asylum status, and temporary protected status; and

**Whereas**, These humanitarian programs and protections are intended to assist individuals fleeing disasters and oppression or in need of support for other urgent circumstances; and

**Whereas**, Although there is no fee to apply specifically for refugee or asylum status, there are fees required for first-time applicants of temporary protected status and certain applicants for humanitarian parole; and

**Whereas**, Additionally, all humanitarian benefit applicants, excluding refugees, certain asylum seekers, and certain parole programs, are required to pay for an employment authorization application; and

**Whereas**, According to USCIS, the fees range depending on applicants' and petitioners' ages and the specific benefits being applied for, but applications for employment authorization alone can cost 520 dollars; and

**Whereas**, For individuals fleeing war, economic collapse, or natural disasters, entering the United States already comes with significant financial barriers; and

**Whereas**, Individuals that are applying for humanitarian relief and subsequent work authorization are often entering the country with minimal or no money to support themselves, and often have to rely on charities, businesses, or family members to pay filing fees; and

**Whereas**, For individuals seeking humanitarian relief, paying a filing fee is difficult, if not impossible; and

**Whereas**, Additionally, these filing fees are substantial obstacles for accessing work authorization; and

**Whereas**, Although fee waiver applications are available, the requirements are complex and specific, and filing improperly will jeopardize the entire application process; and

**Whereas**, In New York City, these financial barriers for accessing humanitarian relief and work authorization are significant because of the influx of asylum seekers and migrants that have come to New York over the last year; and

**Whereas**, New York City has welcomed over 197,000 migrants and asylum seekers over the last year, and 65,000 remain in the care of the city; and

**Whereas**, For individuals eligible for temporary protected status, humanitarian parole, or asylum, the required filing fees will likely complicate or delay access to relief and work authorization; and

**Whereas**, Without eliminating fees for applicants of humanitarian relief and subsequent work authorization, these additional financial barriers could force them to enter an underground economy that increases their risk of labor exploitation or harm; and

**Whereas**, Although the Biden Administration has proposed additional Congressional funding be directed to USCIS, this proposal did not address the filing fees for humanitarian relief and subsequent work authorization; and

**Whereas**, Individuals who have come to the United States seeking humanitarian relief should not be charged for their applications for relief or employment authorization; and

**Whereas**, Congressional funding for USCIS must be increased to eliminate these fees; and

**Whereas**, Additional Congressional and Biden Administration funding for USCIS would be an effective way to invest in legal immigration and work authorization in the United States, thereby economically benefiting the entire country; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the U.S. Citizenship and Immigration Services (USCIS) to eliminate filing fees for humanitarian benefit applications and subsequent employment authorization applications and calling on Congress and the President to move significant funding to USCIS to cover the funding lost by the eliminated filing fee.

ALEXA AVILÉS, *Chairperson*; ERIK D. BOTTCHEER, GALE A. BREWER, CARMEN N. De La ROSA, SHAHANA K. HANIF, RITA C. JOSEPH, SHEKAR KRISHNAN; 7-0-0; Committee on Immigration, June 6, 2024.

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

The following 7 Council Members formally noted their intention to vote negative on this item:

Council Members Ariola, Carr, Holden, Paladino, Marmorato, Vernikov, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

Report for voice-vote item Res. No. 365

**Report of the Committee on Criminal Justice in favor of approving a Resolution calling on the New York State Legislature to pass, and the Governor to sign S7843/A4888, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs.**

The Committee on Criminal Justice, to which the annexed resolution was referred on April 18, 2024 (Minutes, page 1846), respectfully

**REPORTS:**

**I. INTRODUCTION**

On June 6, 2024, the Committee on Criminal Justice, the Committee on Criminal Justice, chaired by Council Member Sandy Nurse, will held a hearing and vote on Resolution Number 365, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs (S.7843/A.4888). The resolution was approved by the Committee by a vote of 9 votes in the affirmative, 0 in the negative and 0 abstentions.

**II. BACKGROUND**

It is well established that participation in prison-based educational programming makes incarcerated individuals more likely to reintegrate successfully into their families and communities after release. A meta-analysis of correctional educational studies conducted over a 37-year period found that incarcerated people who participate in such programs are 28 percent less likely to recidivate than those who do not.<sup>1</sup> In addition, the odds of recidivism decrease as incarcerated people achieve higher levels of education.

Recognizing the positive impacts of prison-based educational programming, in 2009 New York State established the Limited Credit Time Allowance program, which offers individuals incarcerated for certain non-violent crimes a single six-month time credit against their sentence if they complete an associates, bachelors, masters, or doctoral degree during their sentence.<sup>2</sup> However, individuals are not eligible for an additional time credit if they complete successive degrees.

To incentivize greater college participation and facilitate successful reentry after incarceration, S.7843/A.4888 sponsored by New York State Senator Julia Salazar and New York State Assemblymember Harvey Epstein, respectively, would amend Correction Law §803-b to provide that incarcerated individuals eligible for a Limited Time Credit Allowance would receive a 12-month time credit for each associate's, bachelor's, master's, or doctoral degree earned.<sup>3</sup>

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 365:)**

Res. No. 365

**Resolution calling on the New York State Legislature to pass, and the Governor to sign S7843/A4888, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs.**

<sup>1</sup> Robert Bozick, Jennifer Steele, Lois Davis, and Susan Turner, "Does Providing Inmates With Education Improve Postrelease Outcomes? A Meta-analysis of Correctional Education Programs in the United States," *Journal of Experimental Criminology*, Vol 14 Issue 3, 2018 available at: <https://www.ojp.gov/ncjrs/virtual-library/abstracts/does-providing-inmates-education-improve-postrelease-outcomes-meta>

<sup>2</sup> Department of Corrections and Community Supervision, "Earned Eligibility / Merit Time / Presumptive Release / Supplemental Merit Time / Limited Credit Time Allowance Programs," <https://doccs.ny.gov/earned-eligibility-merit-time-presumptive-release-supplemental-merit-time-limited-credit-time>

<sup>3</sup> 2023-S.7843/A.4888, available at: <https://www.nysenate.gov/legislation/bills/2023/S7843>

By Council Members Farías, Louis, Williams, Krishnan, Nurse, Won, Hudson, Rivera and Hanif.

**Whereas**, Earned Eligibility is built on the idea that incarcerated individuals engaging in designated programs are more likely to reintegrate successfully into their families and communities after release; and

**Whereas**, The system encourages participation in rehabilitation programs by offering tangible benefits in the form of potential early release, reflecting a belief in the power of rehabilitation and reintegration efforts to reduce recidivism and enhance public safety; and

**Whereas**, Limited Credit Time Allowance (“LCTA”) was established in 2009 as a six-month benefit against their sentence for incarcerated individuals who do not qualify for traditional Merit Time for certain non-violent crimes, intended to incentivize participation in rehabilitation and educational programs; and

**Whereas**, According to the RAND Corporation, in the largest ever meta-analysis of correctional educational studies, participating in correctional education programs reduces inmates' chances of returning to prison by 43%, translating to a 13% decrease in the risk of recidivism and improves post-release employment opportunities by 13%, in addition to being a cost-effective way to reduce recidivism rates; and

**Whereas**, Eligibility for the LCTA program plan requires completing one of twelve designated program criteria, which includes two individual components of two years of successful college programming or a master’s degree issued at Sing Sing Correctional Facility; and

**Whereas**, Under Correction Law §803-b(1)(c)(ii), earning an associate, bachelor's, master's, or doctoral degree is considered a significant programmatic accomplishment for LCTA eligibility, however, additional degrees beyond the first do not result in further time allowances under the current statute; and

**Whereas**, The law should be amended to promote greater engagement in college education by introducing additional rewards for consecutive achievements; and

**Whereas** S7843/A4888 sponsored by New York State Senator Julia Salazar and New York State Assemblymember Harvey Epstein, respectively, amends Correction Law §803-b to provide that an incarcerated individual eligible for a limited time credit allowance, upon obtaining an associate's, bachelor's, master's, or doctoral degree, becomes eligible for release 12 months prior to completing the mandated minimum period of imprisonment; and

**Whereas**, The City Council believes that supporting initiatives that promote education and facilitate successful reentry into society contributes to public safety and community well-being; 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 S7843/A4888, in relation to conditional release for eligible offenders who complete post-secondary degrees or programs.

SANDY NURSE, *Chairperson*; SHAUN ABREU, DIANA I. AYALA, TIFFANY L. CABAN, SHAHANA K. HANIF, CHRISTOPHER MARTE, MERCEDES NARCISSE, LINCOLN RESTLER, ALTHEA V. STEVENS; 9-0-0; Committee on Criminal Justice, June 6, 2024. *Other Council Members Attending: Council Member Farías.*

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

The following 8 Council Members formally noted their intention to vote negative on this item:

Council Members Ariola, Carr, Holden, Paladino, Marmorato, Vernikov, Yeger, and the Minority Leader (Council Member Borelli).

Adopted by the Council by voice-vote.

## INTRODUCTION AND READING OF BILLS

Res. No. 447

**Resolution designating the first Sunday in June annually as Flake Legacy Day in the City of New York to recognize the spiritual, educational, civic, and economic contributions of the Reverend Drs. Floyd and Elaine Flake in service to The Greater Allen A.M.E. Cathedral of New York and to their community in Queens.**

By The Speaker (Council Member Adams) and Council Members Brooks-Powers, Williams and Farías.

**Whereas**, Floyd Harold Flake was born on January 30, 1945, in Los Angeles and grew up in a two-bedroom house without running water in Houston, Texas, as one of 15 children of Rosie-Lee Johnson-Flake and Robert Flake, Sr.; and

**Whereas**, Margaret Elaine McCollins Flake was born in Memphis, Tennessee, on July 2, 1948, as the only child of Leroy and Lorene McCollins; and

**Whereas**, Pastor Emeritus Flake earned his Bachelor of Arts degree from Wilberforce University, the nation's oldest private HBCU, founded in 1856, for which he went on to serve as president from 2002 to 2008; and

**Whereas**, Pastor Elaine, as she is lovingly called by her Greater Allen A.M.E. Cathedral of New York (GAC) congregation, earned her Bachelor of Arts degree in English from Fisk University, a proud Historically Black College or University (HBCU); and

**Whereas**, Pastor Emeritus Flake earned his Doctor of Ministry degree from United Theological Seminary in Dayton, Ohio, while completing additional academic studies at Payne Theological Seminary (founded in 1891 as The Payne Theological Seminary of Wilberforce University) and Northeastern University's School of Business; and

**Whereas**, Pastor Elaine earned a Master of Arts degree in English from Boston University and a Master of Divinity degree from Union Theological Seminary in New York City (NYC) before earning her Doctor of Ministry degree from United Theological Seminary in Dayton, Ohio; and

**Whereas**, Following work in social services, academia, and business, Pastor Emeritus Flake came to Jamaica, Queens, in 1976 to head what is now GAC, with a congregation then of about 1,400 members; and

**Whereas**, Pastor Elaine is a member of Alpha Kappa Alpha Sorority, Incorporated, the first intercollegiate Black sorority, founded at in 1908 at Howard University, another highly regarded HBCU; and

**Whereas**, Pastor Emeritus Flake is a member of Alpha Phi Alpha Fraternity, Incorporated, the first intercollegiate Black fraternity, founded at in 1906 at Howard University; and

**Whereas**, Pastor Elaine also took on a leadership role at GAC in 1976, then became co-pastor with her husband in 1999, and became Senior Pastor after Pastor Emeritus Flake's retirement in 2020; and

**Whereas**, Through the dedicated work that the Reverend Drs. Flake have done at GAC over almost five decades, GAC has grown in membership to more than 23,000, making it the largest congregation in the African Methodist Episcopal (A.M.E.) Church; and

**Whereas**, In addition to the religious work of GAC, the Reverend Drs. Flake founded the private Allen Christian School, the Allen Women's Resource Center, which houses victims of domestic violence, and the Soup Kitchen and Feeding Program, which distributes over 105,000 meals and bags of food weekly; and

**Whereas**, GAC also has served the greater community through its commercial and residential developments and as one of the largest private sector employers in Queens; and

**Whereas**, When Pastor Emeritus Flake became a United States (U.S.) Representative in 1986, he went on to serve his community in Congress for a decade by championing legislation to support urban development, including his Bank Enterprise Act, which provided incentives for lending institutions to invest in communities like his, and by bringing federal resources home to Queens, including a regional Federal Drug Administration facility and a regional Federal Aviation Administration facility; and



**Whereas**, The Reverend Drs. Flake co-authored two books, *Practical Virtues: Everyday Values and Devotions for African American Families* and *African American Church Management Handbook*; and

**Whereas**, Pastor Elaine also authored *God in Her Midst: Preaching Healing to Hurting Women* and contributed to *The Women of Color Study Bible* and *Souls of My Sisters: Black Women Break Their Silence, Tell Their Stories, and Heal Their Spirits*; and

**Whereas**, Pastor Emeritus Flake also co-authored *The Way of the Bootstrapper: Nine Action Steps for Achieving Your Dreams*, with Donna Marie Williams; and

**Whereas**, Pastor Emeritus Flake was honored in 2020 by the New York City Council by co-naming a portion of Merrick Boulevard in Queens as Floyd H. Flake Boulevard at a joyous ceremony filled with gospel music, dance, a marching band, and tributes from elected officials at all levels of government; and

**Whereas**, Speaking at the street co-naming, State Attorney General Letitia James noted that “[f]rom the ashes, he built homes,” that “[f]rom chaos, he brought order,” that “[h]e saved lives, and with his vision, he built this cathedral and from wastelands he built schools, he built services,” and that he brought to his community “messages of resilience, hope, resurrection, justice, [and] mercy”; and

**Whereas**, The Reverend Drs. Flake have been married for almost half a century and are the parents of Aliya, Nailah, Robert Rasheed, and Harold Hasan and the grandparents of Nia Renee; and

**Whereas**, In a 2014 interview in *The Christian Post*, Pastor Emeritus Flake perhaps summed up his own career, saying that “[t]he bottom line comes when you’re in a community and you see all of the possibilities and the promise that it has and you see some levels of deterioration, I do believe that you cannot stay in your church and merely preach to people on a Sunday morning”; and

**Whereas**, The designation of a day to honor the Reverend Drs. Flake, who did not simply stay in their church, as impressive an institution as they have helped it to become, but rather reached out into their community in a thousand ways to serve those in need and to improve community life economically, politically, and socially; now, therefore, be it

**Resolved**, That the Council of the City of New York designates the first Sunday in June annually as Flake Legacy Day in the City of New York to recognize the spiritual, educational, civic, and economic contributions of the Reverend Drs. Elaine and Floyd Flake in service to The Greater Allen A.M.E. Cathedral of New York and to their Queens community.

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

Preconsidered Int. No. 936

By Council Member Abreu.

**A Local Law to amend the administrative code of the city of New York, in relation to mergers, acquisitions and combinations of awardees of agreements to provide commercial waste collection services**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-1002 of the administrative code of the city of New York, as added by local law number 199 for the year 2019, is amended to read as follows:

a. For each area designated as a commercial waste zone pursuant to section 16-1001, the department shall be authorized to select and to enter into agreements with no more than [three] 3 awardees per zone, permitting each awardee to provide for the collection, transport and removal of commercial waste within such zone as set forth in such agreement. *Where a subsequent acquisition of an awardee by another awardee, or a subsequent merger or other combination of awardees results in any awardee providing services in more than 15 zones, or results in fewer than 3 awardees in any individual zone, the department may authorize 1 additional independent awardee in each affected zone for a 10-year term.* The department shall be further authorized to select and enter into agreements with no more than [five] 5 awardees permitting each awardee to provide for the collection, transport and removal of containerized commercial waste from any commercial establishment within the city of

New York as set forth in such agreement. The department shall only enter into an agreement pursuant to this subdivision with an awardee that has obtained a license issued by the business integrity commission pursuant to subdivision a of section 16-505 on or before the date of such agreement. A proposer that responds to the request for proposals authorized pursuant to subdivision b of this section that does not hold such a license at the time a proposal is submitted pursuant to this section must submit an application for such a license to the business integrity commission no later than the date such proposal is submitted to the department. The initial term of any such agreement shall include authorization to collect, transport and remove commercial waste for [ten] 10 years in each zone covered by such agreement. The department shall have the option, at its sole discretion, to renew any such agreement for no more than [two] 2 additional terms of no more than [five] 5 years each, provided that prior to the expiration of any agreement entered into pursuant to this section, the commissioner shall provide the awardee with adequate written notice of whether it intends to renew such agreement. The department shall not enter into *or renew* any such agreement with an awardee that results in [such] *any* awardee providing services in more than [fifteen] 15 commercial waste zones, provided that any agreement to provide for the collection, transport and removal of containerized commercial waste citywide shall not count toward such limit.

§ 2. Subdivision c of section 16-1002 of the administrative code of the city of New York, as added by local law number 199 for the year 2019, is amended to read as follows:

c. Except as otherwise provided in subdivision d of this section, any agreement entered into pursuant to subdivision b of this section shall include:

1. A requirement that the awardee may not refuse commercial waste collection service to any commercial establishment within the commercial waste zone required to provide for the removal of such waste pursuant to the provisions of section 16-116, provided that such agreement may include provisions authorizing termination of service, refusal of service for good cause or setting forth other allowable measures to address default or non-payment by a commercial establishment;

2. A description of the maximum rate or rates that the awardee may charge customers for waste collection services, including any extra service fees or supplemental charges the awardee plans on including in the pricing structure, provided that extra service fees shall not be allowed for locking or unlocking gates or the rental of containers or dumpsters other than compactors and roll-offs;

3. A process by which awardees may petition the department for changes to the maximum rates described in paragraph 2 of this subdivision, which may include the opportunity for public comment, as set forth in such agreement;

4. A requirement that the awardee provide each customer with a written service agreement, which shall be negotiated between the customer and the awardee, specifying rates, standards of service and such other provisions as may be set forth in the agreement entered into between the awardee and the department pursuant to this section or as otherwise specified in the rules of the department;

5. A requirement that the awardee provide organic waste collection services to all commercial establishments that: (i) are located within the commercial waste zone for which the awardee has been awarded an agreement pursuant to this section; (ii) are not designated covered establishments pursuant to subdivision b of section 16-306.1; (iii) select such awardee for removal of commercial waste or have been assigned such awardee pursuant to paragraph 4 of subdivision e of this section; and (iv) request organic waste collection services, provided that such agreement may authorize the awardee to implement such requirement on a graduated schedule or may otherwise set forth circumstances in which such provision of such services shall not be required, consistent with the purposes of this chapter;

6. Specifications regarding the GPS devices, capable of collecting, storing and transmitting geographical data, to be installed on commercial waste vehicles, and requirements regarding periodic reporting of data collected by such devices to the department for purposes consistent with this title;

7. Any additional reporting requirements that the department deems necessary to further the goals of this title, including but not limited to, (i) waste generation estimates or waste characterization studies; (ii) collection routes; (iii) rates charged to customers; (iv) investments in sustainable vehicles, facilities or infrastructure; (v) any warnings or violations issued from agencies for violating local, state or federal law; and (vi) workplace injuries and accidents;

8. A requirement that the awardee and any of its designated carters comply with the terms of the awardee's air pollution and greenhouse gas emission reduction plan, if any, customer service plan, waste reduction plan, waste management plan and health and safety plan as described in subdivision b of this section;

9. A requirement that the awardee and any of its designated carters ensure that employees receive periodic training relating to health and safety, as set forth in the agreement;

10. A requirement that the awardee and any of its designated carters comply with the provisions of this title and all other applicable laws;

11. A requirement that the awardee prepare for submission and review by the department an emergency action plan detailing procedures to be deployed in emergency situations, including but not limited to, fires, evacuations, spills or weather emergencies, and addressing continuity and restoration of service;

12. Provisions addressing contingency planning to ensure (i) the orderly transition of services to a subsequent awardee upon the conclusion of the agreement, (ii) continuity of service in the case of an awardee or any of its designated carters being unable to provide commercial waste collection services or any other default by the awardee or any of its designated carters, and (iii) continuity of service in the case of a default by another awardee or designated carter;

13. The option for the awardee to subcontract with no more than [two] 2 designated carters in each zone for services in order to meet the requirements of the agreement, provided that: (i) any such designated carter must fully comply with all terms of such agreement and must be licensed by the business integrity commission or otherwise authorized to collect trade waste in accordance with the provisions of title 16-A and rules promulgated pursuant thereto; (ii) the agreement shall include a requirement that the department review and approve all contracts between the awardee and all designated carters for purposes of ensuring that the terms of such contracts are in accordance with the provisions of this chapter; and (iii) a subcontracting arrangement with a designated carter that collects waste exclusively using bicycles shall not count toward the numerical limit on designated carters as subcontractors provided in this paragraph;

14. A requirement that the awardee engage in public outreach and education efforts to address the transition to the commercial waste zone system;

15. A requirement that the awardee and any of its designated carters utilize existing programs or resources developed by the department of small business services or any other relevant agency designed to promote employment opportunities for New York city residents, where applicable and appropriate; [and]

16. A requirement that the awardee pay liquidated damages as deemed appropriate by the department and set forth in the agreement; *and*

17. *A requirement that an awardee refrain from acquiring, merging with or combining with any other awardee in a manner that results in (i) any awardee being in control of more than 1 agreement for any individual commercial waste zone, or (ii) any awardee, other than an awardee subject to an agreement to provide for the collection, transport and removal of containerized commercial waste citywide, providing services in more than 15 commercial waste zones.*

§ 3. Section 16-1002 of the administrative code of the city of New York is amended by adding a new subdivision g to read as follows:

*g. Where the department is aware that 1 or more awardees have violated the requirements of paragraph 17 of subdivision c of this section, the department shall:*

- 1. Terminate any agreement entered into with such awardees pursuant to subdivision b of this section; or*
- 2. Authorize 1 additional independent awardee in any zone where the awardees were in violation of paragraph 17 of subdivision c of this section for a 10-year term pursuant to subdivision a of this section.*

§ 4. This local law takes effect immediately, except that this local law does not apply to any agreement executed or transaction initiated prior to such effective date.

Referred to the Committee on Sanitation and Solid Waste Management (preconsidered but laid over by the Committee on Sanitation and Solid Waste Management).

## Int. No. 937

By Council Members Avilés, Bottcher, Farías and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to annual reporting on the use of shore power at cruise terminals**

*Be it enacted by the Council as follows:*

Section 1. Subdivision b of section 22-827 of subchapter 2 of chapter 8 of title 22 of the administrative code of the city of New York, as added by local law 54 for the year 2024, is amended to read as follows:

b. Any contracted entity in contract with a cruise terminal operator shall be responsible for monitoring such cruise terminal operator's compliance with the requirements set forth in subdivision a of this section and for enforcing any penalties for noncompliance as set forth in the applicable contract. *Such contracted entity shall submit to the mayor and the speaker of the council and publish on its website, no later than February 1, 2025, and no later than February 1 each year thereafter, a report on the usage of shore power at cruise terminals for the preceding calendar year. Such report shall include, but need not be limited to:*

- (1) the total number of cruise ships that docked at each cruise terminal;*
- (2) the number of cruise ships that utilized shore power at each cruise terminal;*
- (3) for any cruise ship that did not utilize shore power, an explanation of why shore power was not utilized, including whether shore power was unavailable, the ship lacked the necessary technical capacity, or the use of shore power was deemed unsafe or impracticable by the contracted entity or the cruise terminal operator; and*
- (4) any other information such contracted entity deems relevant.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Economic Development.

## Int. No. 938

By Council Members Borelli, Yeager, Vernikov, Paladino, Holden, Ariola and Carr.

**A Local Law in relation to a study regarding the feasibility of providing parents with an annual \$10,000 tuition reimbursement payment per student to cover the cost of nonpublic schooling and the repeal of this local law upon the expiration thereof**

*Be it enacted by the Council as follows:*

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

Nonpublic school. The term "nonpublic school" means any school that contains any combination of grades from kindergarten through grade 12 in the city of New York, other than a public school, which (i) is providing instruction in accordance with article 17 and section 3204 of the education law and (ii) collects tuition.

Public school. The term "public school" means a school of the city school district of the city of New York, including charter schools under the jurisdiction of the department of education.

Student. The term "student" means any pupil under the age of 21 as of September 1 of the academic year of enrollment who does not have a high school diploma and who is enrolled in a nonpublic school.

Tuition. The term "tuition" has the same meaning as set forth in section 561 of the education law.

§ 2. Feasibility study. The department of finance, in collaboration with the department of education, shall study and report on the feasibility of providing the parents of a student enrolled in a nonpublic school with an annual \$10,000 tuition reimbursement payment for each student enrolled in such school. No later than one year after the effective date of this local law, the department of finance shall submit to the mayor and speaker of the council and shall post conspicuously on its website a report on the findings of such study. Such report shall:

1. Assess the estimated costs of nonpublic school tuition reimbursement payments;

2. Assess any potential impact of nonpublic school tuition reimbursement payments to public schools, including, but not limited to, any potential impact to public school transportation and delivery of special education services at public schools;
3. Identify which agency should be responsible for the distribution of nonpublic school tuition reimbursement payments;
4. Identify any legal and practical barriers to the distribution of nonpublic school tuition reimbursement payments; and
5. Include any other information relevant to assessing the feasibility of distributing nonpublic school tuition reimbursement payments.

§ 3. Effective date. This local law takes effect immediately and expires and is deemed repealed upon the submission of the report to the mayor and the speaker of the council as required by section 2 of this local law.

Referred to the Committee on Education.

Res. No. 448

**Resolution declaring butterfly milkweed as the official wildflower of New York City.**

By Council Members Bottcher and Farías.

**Whereas**, The scientific name of butterfly milkweed is *Asclepias tuberosa*; and

**Whereas**, Butterfly milkweed is also commonly known as butterfly weed, pleurisy root or orange milkweed; and

**Whereas**, Butterfly milkweed is a type of wildflower; and

**Whereas**, Butterfly milkweed is a perennial plant that can live up to 25 years in the wild; and

**Whereas**, Butterfly milkweed generally blooms in summer from June through July in New York City; and

**Whereas**, According to the Xerces Society, the nectar of butterfly milkweed flowers attracts a variety of wildlife, including the native green metallic bee, butterflies such as Fritillaries and Swallowtails, and the Ruby-throated Hummingbird. And

**Whereas**, The leaves of butterfly milkweed are important food sources for other native insects, such as beetles, katydids, and milkweed bugs; and

**Whereas**, According to the National Wildlife Federation, female Monarchs lay their eggs on the leaves of milkweed plants; and

**Whereas**, Once hatched, these Monarch caterpillars feed on the leaves of milkweed plants; and

**Whereas**, Milkweed is the exclusive food source for Monarch butterflies; and

**Whereas**, The Monarch butterfly would not survive without milkweed plants in the landscape

**Whereas**, According to the International Union for the Conservation of Nature (IUCN), the Monarch butterfly is listed as globally “vulnerable;” and

**Whereas**, New York City is along the Atlantic flyway, a migratory route from Canada to Florida for songbirds, seabirds, and birds of prey; and

**Whereas**, The Monarch, a migratory species, also follows this pathway, traveling over New York City every year from its winter colonies in central Mexico; and

**Whereas**, Butterfly milkweed is native to New York City; and

**Whereas**, Butterfly milkweed has grown wild in New York City for thousands of years; and

**Whereas**, A researcher from the University of Delaware found that native plants support a larger variety and number of insects than non-native plants; and

**Whereas**, Native plants such as butterfly milkweed are essential to support the birds, butterflies and pollinators that are also native to New York City; now, therefore, be it

**Resolved**, that the Council of the City of New York declares the butterfly milkweed as the official wildflower of New York City.

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

Int. No. 939

By Council Members Brooks-Powers and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to allowing commuter vans to accept hails from prospective passengers in the street**

*Be it enacted by the Council as follows:*

Section 1. Subdivision p of section 19-502 of the administrative code of the city of New York, as amended by local law number 37 for the year 2019, is amended to read as follows:

p. “Commuter van” means a commuter van service having a seating capacity of at least nine passengers but not more than twenty passengers or such greater capacity as the commission may establish by rule and carrying passengers for hire in the city duly licensed as a commuter van by the commission and [not] permitted to accept hails from prospective passengers in the street. For purposes of the provisions of this chapter relating to prohibitions against the operation of an unauthorized commuter van service or an unlicensed commuter van, the enforcement of such prohibitions and the imposition of penalties for violations of such prohibitions and to the seizure and forfeiture of commuter vans, the term shall also include any common carrier of passengers by motor vehicle not subject to licensure as a taxicab, for-hire vehicle, or wheelchair accessible van and not operating as a public or private bus transit service operated pursuant to a contract with the city, any county within the state of New York, the state of New York or any other state or local government that follows the applicable procurement rules and regulations of such jurisdiction regardless of the seating capacity of any such vehicle. The commission shall submit to the council the text of any proposed rule relating to the maximum capacity of commuter vans at the time such proposed rule is published in the City Record.

§ 2. Paragraph (1) of subdivision a of section 19-504 of the administrative code of the city of New York, as amended by local law number 115 for the year 1993, is amended to read as follows:

(1) A [taxi-cab,] *taxicab*, coach, wheelchair accessible van, commuter van or for-hire vehicle shall operate within the city of New York only if the owner shall first have obtained from the commission a taxicab, coach, wheelchair accessible van, commuter van or for-hire vehicle license for such vehicle and only while such license is in full force and effect. Vehicle licenses shall be issued for a term of not less than one nor more than two years and shall expire on the date set forth on the license unless sooner suspended or revoked by the commission. No motor vehicle other than a duly licensed taxicab *or commuter van* shall be permitted to accept hails from passengers in the street. No commuter van shall be operated within the city of New York unless it is operated as part of a current, valid authorization to operate a commuter van service duly issued by the commission pursuant to section 19-504.2 of this chapter.

§ 3. Subdivision b of section 19-516 of the administrative code of the city of New York, as amended by local law number 6 for the year 2017, is amended to read as follows:

b. [No commuter van service and no person who owns, operates or drives a commuter van, shall provide, permit or authorize the provision of transportation service to a passenger unless such service to a passenger is on the basis of a telephone contract or other prearrangement. Where a violation of this subdivision has been committed by a driver of a commuter van, the commuter van service and the owner of such vehicle shall also be liable for a violation of this subdivision.] *A commuter van may accept hails from passengers in the street in addition to accepting passengers on the basis of telephone contract or other prearrangement.*

§ 4. Subdivisions 11 and 12 of section 19-529.7 of the administrative code of the city of New York, as added by local law number 7 for the year 2017, are amended and a new paragraph 13 is added to such section to read as follows:

11. a discussion of how commuter van service areas are selected; [and]
12. whether, in the judgment of the commission, there is a need for commuter vans in a number exceeding the number specified in subdivision r of section 19-504;
13. *an evaluation of the impact, if any, of authorizing commuter vans to accept hails from passengers in the street on the safe and efficient operation of commuter van services.*

§ 5. This local law takes effect immediately.

Referred to the Committee on Transportation and Infrastructure.

Int. No. 940

By Council Members Feliz and Menin.

**A Local Law to amend the administrative code of the city of New York, in relation to a program for the waiver of fees for certain vacant storefront areas.**

*Be it enacted by the Council as follows:*

Section 1. Article 112 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-112.14 to read as follows:

**§ 28-112.14 Waiver of application, permit and inspection fees for works in certain vacant storefront areas.** *The commissioner shall establish a storefront vacancy fee waiver program in accordance with this section.*

**§ 28-112.14.1 Definitions.** *As used in this section, the following terms have the following meanings:*

**APPLICANT.** *The term "applicant" means an owner or tenant of a commercial property that is applying for a waiver under this section.*

**BUSINESS.** *The term "business" means a sole proprietorship, partnership, corporation, or other legal entity involved in the sale of goods or services and operating from a non-movable physical location in city.*

**SMALL BUSINESS.** *The term "small business" means a business concern or other organization that has no more than the greater of:*

*(a) 100 employees; or*

*(b) the size standard, in number of employees, established by the federal Administrator of the Small Business Administration for the industry in which the business concern or organization operates, if applicable.*

**COMMERCIAL BUSINESS.** *The term "commercial business" means a storefront business predominantly involved in the sale of goods or services, or both, directly to the public.*

**COMMERCIAL CORRIDOR.** *The term "commercial corridor" means a block located within a commercial district or overlay, as established by the zoning resolution.*

**COMMERCIAL PROPERTY.** *The term "commercial property" means a building or a portion of a building that is used exclusively as a commercial business.*

**TENANT.** *The term "tenant" means an owner or operator of a business that occupies a commercial property under a lease or other agreement.*

**§ 28-112.14.2 Making an application.** *An applicant may apply to the commissioner for inclusion of their commercial property into the storefront vacancy fee waiver program. An application must:*

- 1. Be made in the form and manner prescribed by the department by rule;*

2. *Be made before submitting any construction documents to the department for any works required to operate their commercial property as a commercial business; and*
3. *Satisfy the eligibility criteria set out in this chapter.*

**§ 28-112.14.3 Eligibility.** *To be eligible for inclusion in the storefront vacancy fee waiver program, an application must satisfy the following criteria:*

1. *The applicant must be the owner or tenant of a commercial property;*
2. *The applicant must physically operate, or intend to operate, the Applicant's small business as a commercial business at the commercial property;*
3. *The commercial property must be located within each of the following:*
  - 3.1. *A commercial corridor;*
  - 3.2. *A council district designated as disadvantaged pursuant to § 28-112.14.6(1);*
  - 3.3. *A council district identified as having a high storefront vacancy rate pursuant to § 28-112.14.6(2);*
4. *The applicant must establish to the satisfaction of the commissioner that the commercial property has been vacant for at least 12 months prior to the first named permit in the application;*
5. *The applicant must not owe any outstanding federal, state, or city taxes, and must not be delinquent in payments owed to resolve judgments or liens;*
6. *The applicant must be in substantial compliance with applicable federal, state, and local laws, rules and other legal requirements;*
7. *All required licenses and permits relating to the commercial property or the small business occupying the commercial property must be current; and*
8. *The applicant must complete the application in the form and manner established by the department by rule.*

**§ 28-112.14.4 Commissioner's power to accept an application.** *The commissioner, upon receiving an application, must assess whether the application satisfies the eligibility criteria established by this section and by department rule. Before accepting such application, the commissioner must be satisfied that the application meets such eligibility criteria.*

**§ 28-112.14.5 Fee waiver.** *The commissioner, upon accepting an application for inclusion in the storefront vacancy fee waiver program:*

1. *Shall waive all fees that would otherwise be imposed pursuant to this code for work directly relating to any addition or alteration to be undertaken solely to renovate the previously occupied and currently vacant commercial property; and*
2. *May set reasonable terms and conditions on the acceptance of such application.*



**§ 28-112.14.6 Department to identify qualifying council districts.** *The department, upon establishment of the storefront vacancy fee waiver program, shall, on an annual basis:*

1. *Maintain a list of the 10 most disadvantaged council districts for that year. In maintaining such list, the department may, at a district level, take into account:*
  - 1.1. *Median income level;*
  - 1.2. *Poverty rates;*
  - 1.3. *Educational attainment;*
  - 1.4. *Crime rates; and*
  - 1.5. *Any other criteria that the department reasonably deems appropriate.*
2. *Identify, using the best information available, every council district with a storefront vacancy rate of at least 10 percent.*

**§ 28-112.14.7 Confirmation of compliance.** *The commissioner reserves the right to remove a commercial property from the storefront vacancy fee waiver program if the commissioner determines that the applicant has failed to comply with any terms or conditions set forth in accepting an application. If the commissioner determines that the completed works do not meet the eligibility criteria, the commissioner, by issuing a notice to the applicant, shall order the applicant to undertake any corrections necessary to make such works comply with the eligibility criteria or with any terms or conditions set by the commissioner. Such notice must specify a date, no earlier than 3 months and no later than 6 months from the date the order is issued, to complete such corrections. If the commissioner determines such corrections have not been made within the time specified, the commissioner shall remove the commercial property from such program and the full amount of all waived fees billed to the applicant, together with interest at a rate established by department rule.*

**§ 28-112.14.8 Outreach and education.** *The commissioner, in establishing the storefront vacancy fee waiver program, shall establish an outreach and education program aimed at educating the general public on the storefront vacancy fee waiver program including, but not limited to, the application process and the eligibility criteria required for inclusion in the program. Such outreach and education program shall include the production of educational materials that shall be made available on the department's website.*

**§ 28-112.14.9 Rules.** *The commissioner may promulgate rules necessary for the implementation of this section.*

§ 2. This local law takes effect 120 days after it becomes law and is deemed repealed on September 30, 2028.

Referred to the Committee on Housing and Buildings.

## Int. No. 941

By Council Member Gennaro.

**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] 3 minutes *in any 60-minute period*, except as provided in subdivision (f) of this section, while parking as defined in section [one hundred twenty-nine] 129 of the vehicle and traffic law, standing as defined in section [one hundred forty-five] 145 of the vehicle and traffic law, or stopping as defined in section [one hundred forty-seven] 147 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] 40 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 onto a vehicle.*

*"Processing device" has the same meaning as set forth in section 39-01 of title 15 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] 1 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] 129 of the vehicle and traffic law, standing as defined in section [one hundred forty-five] 145 of the vehicle and traffic law, or stopping as defined in section [one hundred forty-seven] 147 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 15 minutes in a 60-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 40 degrees Fahrenheit or at least 80 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 penalty imposed on a person for a violation of subdivision (a) or (f) of section 24-163 shall be reduced by 50 percent, 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, and is in good working condition, 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 reduced 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. Subdivision (c) of section 24-180 of the administrative code of the city of New York, as amended by local law number 38 for the year 2015, is amended to read as follows:

(c) *A notice of violation shall include the information specified in the rules of the board, and shall include instructions on how to obtain all evidence, including electronic and video evidence, that has been filed in support of the alleged violation. Such evidence shall remain available to the person in violation or the owner of the vehicle in violation until the violation has been fully adjudicated.*

§ 4. Section 24-182 of the administrative code of the city of New York, as amended 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 (1) personnel of the department and other employees of the city of New York authorized by law to serve summonses for violations of the code or (2) any natural person disqualified pursuant to subdivision (g) of this section, 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 rule 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. *The complaint must be served upon the department within 5 business days of the observation of the alleged violation of this code or rule.* 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] 3 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] 90 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 90 days from the date of service of such notice of violation.*

(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] 12.5 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] 25 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: (A) prohibiting the submission of false, altered or misleading evidence and evidence collected by persons other than the complainant; and (B) ensuring the integrity of proceedings commenced to enforce provisions of this code or rules promulgated by the commissioner;*

(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; and*

(3) *a code of conduct applicable to all natural persons who serve complaints pursuant to this section upon the department that includes, but is not limited to, requirements that persons conduct themselves in a dignified, orderly and decorous manner during all interactions with the department and with persons alleged to be in violation of this code and demonstrate familiarity with the rules promulgated pursuant to this section.*

(g) *When a natural person fails to abide by the standards of conduct set forth in the rules promulgated by the department pursuant to subdivision (f) of this section, the commissioner may, upon notice to such person and a reasonable opportunity to be heard, temporarily or permanently disqualify such person from serving complaints pursuant to this section. Such notice shall be sent by certified mail to the address provided in the records of the department for such person.*

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 942

By Council Member Gennaro, the Public Advocate (Mr. Williams), and Council Members Sanchez, Restler and Fariás.

**A Local Law to amend the administrative code of the city of New York, in relation to the replacement of lead water service lines**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 1 of chapter 3 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-309.2 to read as follows:

§ 24-309.2 *Replacement of lead water service lines. a. Definitions. For purposes of this chapter, the following terms have the following meanings:*

*Area median income. The term “area median income” means the income limits as defined annually by the United States department of housing and urban development for the New York, NY HUD Metro FMR Area, as established in section 3 of the housing act of 1937, as amended.*

*Child care program. The term “child care program” means a program that provides care for a child up to 12 years of age on a regular basis, away from the child’s residence, for less than 24 hours per day by a person other than a parent, stepparent, or guardian of such child or a relative within the third degree of consanguinity of the parents or stepparents of such child.*

*Commissioner. The term “commissioner” means the commissioner of environmental protection.*

*Department. The term “department” means the department of environmental protection.*

*Licensed master plumber. The term “licensed master plumber” means a person who has a current master plumber license issued by the department of buildings pursuant to section 28-408.1, or an individual working under the direct and continuing supervision of such a person.*

*Property owner. The term “property owner” means any individual, limited liability company, or other entity that owns real property in the city, and does not include the city.*

*b. Replacement and certification required. 1. No later than 10 years after the effective date of the local law that added this section, each property owner shall replace any water service line in their property that is made of lead with a water service line that is made of copper or any other material approved by the commissioner.*

*2. No later than 10 years after the effective date of the local law that added this section, each property owner shall obtain and provide to the commissioner a certification from a licensed master plumber stating that there is no water service line in their property that is made of lead. The commissioner shall maintain a record of such certifications indefinitely.*

*c. City assistance mechanisms. 1. Upon the request of a property owner, the department shall test such property owner’s water service line to identify whether such water service line is made of lead, at no cost to such property owner.*

*2. Subject to appropriation, the commissioner shall establish and maintain a program to provide financial assistance to each property owner subject to the requirements set forth in subdivision b of this section who is an individual whose household has an annual gross income of no more than 50 percent of the area median income as adjusted for the size of such household. The commissioner shall establish a method for such property owners to apply to the department for such financial assistance.*

*3. Agency heads shall waive any fees associated with issuing a permit for work involved with compliance with the requirement set forth in paragraph 1 of subdivision b of this section.*

*4. If the department conducts work on or affecting a water service line belonging to a property owner that is made of lead, the department shall replace such water service line with a water service line that is made of copper or any other material approved by the commissioner, at no cost to such property owner.*

*5. If a water service line belonging to a property owner that is made of lead is in a property where a child care program is located, such property owner may notify the department of such water service line, and upon such notification the department shall replace such water service line with a water service line that is made of copper or any other material approved by the commissioner, at no cost to such property owner.*

*d. Outreach and education. 1. The commissioner shall establish and engage in outreach and education efforts, including but not limited to the development and distribution of informational materials, concerning the requirements set forth in subdivision b of this section and the assistance available to property owners under subdivision c of this section. The commissioner shall direct such outreach and education efforts to, at a minimum, property owners, licensed master plumbers, contractors that specialize in water service line replacement, and child care programs.*

*2. The commissioner shall make the materials developed for such outreach and education efforts available in English and the designated citywide languages, as such term is defined in section 23-1101. The commissioner shall make all such materials available on the department’s website.*

*e. Enforcement. 1. Any property owner that does not replace a water service line as required under paragraph 1 of subdivision b of this section is liable for a civil penalty of not more than \$1,000, recoverable in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter.*

2. Any property owner that does not obtain and provide to the commissioner a certification as required under paragraph 2 of subdivision b of this section is liable for a civil penalty of not more than \$500, recoverable in a proceeding before the office of administrative trials and hearings pursuant to section 1048 of the charter.

3. If the department is required to replace a water service line under paragraphs 4 or 5 of subdivision c of this section and fails to do so, the relevant property owner is not liable for any penalties set forth in this subdivision.

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

Referred to the Committee on Environmental Protection, Resiliency and Waterfronts.

Int. No. 943

By Council Member Holden.

**A Local Law to amend the New York city charter, in relation to temporary absence procedures for citywide public officials**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 10 of the New York city charter, as amended by local law number 19 for the year 1993, is amended to read as follows:

a. In case of the suspension of the mayor from office, the mayor's temporary inability to discharge the powers and duties of the office of mayor by reason of sickness or otherwise, or the mayor's absence from the city, the powers and duties of the office of mayor shall devolve upon the public advocate or the comptroller in that order of succession until the suspension, inability or absence shall cease. *In the case of the mayor's absence from the city, if such absence is for a political purpose separate from the mayor's duties and responsibilities as the chief executive officer of the city, the mayor shall also submit to the speaker of the council a written declaration of the mayor's absence.* While so acting temporarily as mayor neither the public advocate nor the comptroller shall exercise any power of appointment to or removal from office or any power lawfully delegated by the mayor to a deputy mayor before the commencement of such suspension or inability, or before or after the commencement of such absence; and shall not, until such suspension, inability or absence shall have continued nine days, sign, approve or disapprove any local law or resolution, unless the period during which the mayor can act thereon would expire during said nine days in which case the public advocate or the comptroller shall have the power to disapprove the same within forty-eight hours before the time to act expires.

§ 2. Subdivision b of section 24 of the New York city charter, as amended by local law number 19 for the year 1993, is amended to read as follows:

b. The public advocate may be removed or suspended in the same manner as provided in this charter with respect to the mayor. *In the case of the public advocate's absence from the city, if such absence is for a political purpose separate from the duties and responsibilities of the office, the public advocate shall submit to the speaker of the council a written declaration of the public advocate's absence.*

§ 3. Section 92 of the New York city charter is amended to read as follows:

§ 92. Removal from office. The comptroller may be removed or suspended in the same manner as provided in this charter with respect to the mayor. *In the case of the comptroller's absence from the city, if such absence is for a political purpose separate from the duties and responsibilities of the office, the comptroller shall also submit to the speaker of the council a written declaration of the comptroller's absence.*

§ 4. This local law takes effect immediately.

Referred to the Committee on Governmental Operations, State & Federal Legislation.

## Int. No. 944

By Council Members Holden and Lee.

**A Local Law to amend the administrative code of the City of New York, in relation to carrying out testing for and reporting on the presence of controlled substances with significant potential for addiction or other serious health consequences in wastewater**

*Be it enacted by the Council as follows:*

Section 1. Chapter 5 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-533 to read as follows:

§ 24-533 *Wastewater testing for the presence of controlled substances. a. Definitions. For the purposes of this section, the term “controlled substance” includes any opioid, stimulant, depressant, hallucinogen, steroid, or other drug with significant potential to cause addiction or other serious health consequences.*

*b. Testing. 1. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall conduct wastewater-based sampling and testing to identify the types and quantify the levels of controlled substances in wastewater at each city wastewater treatment plant in accordance with this section.*

*2. No less than twice per week, the commissioner shall collect raw wastewater samples at such plants in amounts necessary to measure the presence of controlled substances. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall arrange for the testing of such samples for controlled substances. Such testing shall, at minimum, identify the types and measure the levels of controlled substances in such samples through testing methods that reflect industry best practices for detecting controlled substances in wastewater.*

*3. The commissioner, in collaboration with the commissioner of health and mental hygiene, shall determine which types of controlled substances in wastewater to test for in accordance with this section.*

*c. Annual report. No later than 3 months after the effective date of the local law that added this section, and annually thereafter, the commissioner, in collaboration with the commissioner of health and mental hygiene, shall submit to the mayor and the speaker of the council a report which shall include but not be limited to the following information:*

*1. Results of all testing for controlled substances in wastewater conducted pursuant to this section, disaggregated by the city wastewater treatment plant from where the wastewater sample was collected, the type and level of controlled substances identified in such sample, the date such sample was collected, and the date such sample was tested;*

*2. The various testing methods used to test wastewater samples for controlled substances in accordance with this section; and*

*3. Analysis of the effectiveness of the wastewater sampling and testing conducted pursuant to this section in detecting the presence of controlled substances in wastewater.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection and the commissioner of health and mental hygiene 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. 945

By Council Members Holden, Borelli, Marmorato, Paladino, Ariola, Yeger, Vernikov and Carr.

**A Local Law to repeal sections 9-131, 9-205, 10-178, and 14-154 of the administrative code of the city of New York, relating to persons not to be detained and immigration enforcement**

*Be it enacted by the Council as follows:*

Section 1. Sections 9-131, 9-205, 10-178, and 14-154 of the administrative code of the city of New York are REPEALED.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Res. No. 449

**Resolution calling on the State legislature to increase the cap on commercial overnight fines for cities.**

By Council Members Holden and Paladino.

**Whereas**, As one of the most densely populated cities in the Country, New York City is in a constant struggle to balance the sometimes competing needs of residents and businesses; and

**Whereas**, This is especially true when allocating street spaces for parking; and

**Whereas**, One approach has been to set time and place restrictions on where commercial vehicles can idle or park; and

**Whereas**, Generally speaking, commercial vehicles are prohibited from parking on a street for more than three hours; and

**Whereas**, It is also illegal for commercial vehicles to park overnight on residential streets between 9pm and 5am; and

**Whereas**, The fines for violating these parking rules are determined by the City; and

**Whereas**, However, under the State Vehicle and Traffic Law, the maximum amount the City can set for such violations is capped; and

**Whereas**, This can mean that the fines do not act as an effective deterrent and may simply be absorbed as the cost of doing business; and

**Whereas**, In fact, in 2021 there were almost 27,000 complaints made through 311 about illegal overnight parking of commercial vehicles, according to NYC OpenData; and

**Whereas**, Local police precincts will sometimes conduct sweeps where specialized tow trucks are brought in to remove large commercial trucks; and

**Whereas**, However, there are only six of these tow trucks to serve the whole City and finding space for the violating vehicles is difficult; and

**Whereas**, The New York State Legislature is considering some measures to address this ongoing problem; and

**Whereas**, S.3259, which was introduced in January of 2021 by Senator Leroy Comrie, seeks to increase the fines for overnight parking on New York City residential streets of tractor-trailer combinations, tractors, truck trailers and semi-trailers on residential streets in the city of New York; and

**Whereas**, S.3259 would increase the fine for an initial violation from \$250 to \$400 and a subsequent violation, within a six month period, would be charged at \$800, up from \$500; and

**Whereas**, S.3258, which was introduced in January of 2021 by Senator Comrie, also seeks to deter illegal parking; and

**Whereas**, Under this bill, a person responsible for a trailer or semitrailer that is left parked or unattended in an area like New York City, would be fined \$1,000; and

**Whereas**, While these bills could help decrease the impact of illegal overnight parking, they only relate to illegal parking by certain types of trucks and do not address all types of commercial vehicles; and

**Whereas**, To address the chronic problem of overnight parking by commercial vehicles, more comprehensive state legislation needs to be introduced and passed; and

**Whereas**, Residents of New York City should not have to tolerate commercial vehicles appropriating all of the street parking in their residential neighborhoods; and



**Whereas,** The City should have the authority to increase the maximum fines for these types of violations so they serve as an effective deterrent; and

**Whereas,** At the moment, the capped fines are minimal enough to be factored in as a cost of doing business; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the State legislature to increase the cap on commercial overnight fines for cities.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 450

**Resolution calling on the Metropolitan Transportation Authority to exempt veterans from tolls under the Central Business District Tolling Program.**

By Council Member Holden.

**Whereas,** In 2024, The Metropolitan Transportation Authority (MTA) approved the Central Business District Tolling Program (CBDTP), a Congestion Pricing initiative that will charge vehicles for entering the boundaries of the Central Business District (CBD) located in Manhattan; and

**Whereas,** The CBD includes 60th Street in Manhattan and all roadways south of 60th Street, except for the FDR Drive and West Side Highway/9A, including the Battery Park Underpass and surface roadway portion of the Hugh L. Carey Tunnel connecting to West Street; and

**Whereas,** When the CBDTP takes effect on June 30, 2024, passenger vehicles will be charged \$15 during peak hours and \$3.75 during non-peak hours to enter the CBD; and

**Whereas,** While reducing vehicle congestion, gaining revenue to improve the MTA public transit systems, and reducing pollution are all laudable goals, the implementation of the CBDTP will pose financial burdens on those veterans who already face numerous challenges navigating and affording fundamental aspects of civilian life; and

**Whereas,** Veterans often experience unique difficulties when transitioning back to civilian life, including the significant challenge of finding employment in light of their lack of civilian work experience, the adjustment to disabilities acquired during service, and the management of mental health struggles, all of which can lead to periods of financial instability; and

**Whereas,** According to the most recent U.S. Census data, the average median income of New York State's veterans is \$68,461; and

**Whereas,** Additionally, 16.7% of New York State's veterans live below the federal poverty level and 990 of the State's veterans are homeless; and

**Whereas,** Furthermore, 18.2% of New York State's veterans have a service-connected disability;

**Whereas,** Forcing veterans to pay the CBDTP toll places an undue hardship on this vulnerable population; and

**Whereas,** Veterans have made significant sacrifices in service to their country and many of the benefits they receive when they return home honor their service and serve as a safety net for their transition back to civilian life;

**Whereas,** New York offers unique benefits to service members, veterans, and their families, including property tax exemptions, the New York National Guard Tuition Program, veteran and dependent education assistance, compensation for state active duty, employment assistance, civil service preference, special vehicle license plates, as well as hunting and fishing licenses and New York State Parks privileges; and

**Whereas,** Exempting veterans from CBDTP tolls would align with the principles of fairness and gratitude that undergird laws conferring benefits and assistance upon veterans, and may also help alleviate financial strain on veterans; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on the Metropolitan Transportation Authority to exempt veterans from tolls under the Central Business District Tolling Program.

Referred to the Committee on Veterans.

Res. No. 451

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation increasing penalties on drivers who improperly register vehicles in another state.**

By Council Members Holden and Yeger.

**Whereas**, Drivers are required to register their vehicles with the New York State Department of Motor Vehicles within 30 days of moving into the state; and

**Whereas**, Many residents of New York choose to illegally register their vehicle in other states, often in an attempt to take advantage of lower insurance rates and lower sales tax rates; and

**Whereas**, According to a Streetsblog analysis of New York City Police Department collision data, as of September 2021, there were 11,000 people injured (nearly 34% of all people injured in crashes thus far in 2021) and 62 people killed in crashes involving cars registered elsewhere in 2021; and

**Whereas**, According to the Streetsblog analysis, out-of-state cars make up a growing proportion of vehicles involved in crashes in New York City, with 2021 estimates, as of September of that year, showing that about 19% of total crashes involved out-of-state cars; and

**Whereas**, A 2017 *Crain's* report, citing a 2011 New York State Senate study, reported that New York residents who drive cars registered out of state cost the city \$73 million in unpaid parking tickets, deprive the state of \$1 million annually in fees for license plates, titles, and vehicle registrations, as well as up to \$93 million in sales tax revenue, and cost insurers \$19 million each year in underpriced premiums; and

**Whereas**, This number is most likely much higher in 2022, as according to the United States Bureau of Labor Statistics, the Consumer Price Index for All Urban Consumers rose 7.5% from January 2021 to January 2022, with new vehicles seeing a 12.2% increase in price, and used cars and trucks seeing a 40.5% increase, ultimately impacting the revenue that New York would collect on otherwise properly registered vehicles and the premiums required by insurers; and

**Whereas**, New York residents who improperly avoid taxes, fees, and insurance costs by registering their vehicles in other states unfairly shift that burden to fellow New Yorkers who follow the rules; and

**Whereas**, Various bills that would enhance enforcement of improper out-of-state registration and increase associated penalties have been introduced in the State Legislature in recent years, including legislation that would make listing a false address on a car insurance or vehicle registration form a felony and legislation that would grant the Superintendent of Financial Services the authority to investigate such fraudulent acts; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation increasing penalties on drivers who improperly register vehicles in another state.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 452

**Resolution calling on the United States Congress to pass, and the President to sign, legislation to lower the age of eligibility for Older Americans Act-supported social services and programs from 60 to 45 years for individuals living with HIV.**

By Council Members Hudson, Mealy and Brannan.

**Whereas**, The Older Americans Act (OAA), which was enacted by the United States (U.S.) Congress in 1965 in response to concern about a lack of community social services for older adults, established authority for grants to states for community planning and social services, research and development projects, and personnel training in the field of aging; and

**Whereas**, The OAA also established the Administration on Aging, which is the principal agency of the U.S. Department of Health and Human Services designated to administer grant programs and to serve as the federal focal point on matters concerning older adults; and

**Whereas**, Today, the OAA supports a wide range of social services and programs for older individuals defined as aged 60 years or older; and

**Whereas**, These include supportive services; congregate nutrition services, such as meals served at group sites such as senior centers, community centers, schools, churches, or senior housing complexes; home-delivered nutrition services; family caregiver support; the long-term care ombudsman program; and services to prevent the abuse, neglect, and exploitation of older adults; and

**Whereas**, Title V of the OAA, the Community Service Senior Opportunities Act, also known as Community Service Employment for Older Americans or the Senior Community Service Employment Program (SCSEP), provides part-time opportunities in community service activities for unemployed low-income individuals aged 55 and older who have poor employment prospects; and

**Whereas**, The lowered age threshold to qualify for SCSEP suggests special consideration made in light of the workforce challenges, including age-related discrimination or the need for updated skills to remain employable, that those close to traditional retirement age may face; and

**Whereas**, Individuals living with the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (“AIDS”) have an increased risk for a number of health complications typically associated with aging; and

**Whereas**, While antiretroviral therapy for HIV treatment regimens today are generally easy to administer, safe, and well-tolerated, initial protocols were associated with significant short-term and long-term adverse effects; and

**Whereas**, These include cancer, cardiovascular disease, osteoporosis, and other end-organ diseases, while the most persistent issues are immunologic abnormalities consistent with some of the changes to the adaptive immune system that are typical among much older adults, or immunosenescence, which is likely related to persistent inflammation; and

**Whereas**, The apparent “accelerated or premature aging” of long-term treated patients likely reflects complications characterized by increased burden of comorbid diseases, higher rates of behavioral risk factors, antiretroviral treatment toxicity, and chronic inflammation; and

**Whereas**, As of December 2020, according to New York State (NYS) Department of Health data, there were 105,610 living with HIV in NYS, of which 55,779 (or 57 percent) were aged 50 and older; and

**Whereas**, In New York City (“NYC” or “City”), services and programming designed to meet the needs and concerns of older adults living with HIV/AIDS are limited; and

**Whereas**, Special consideration should be made in light of the health challenges, including “accelerated or premature aging,” that individuals living with HIV face; and

**Whereas**, Individuals living with HIV deserve access to more social services and programs; 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, legislation to lower the age of eligibility for Older Americans Act-supported social services and programs from 60 to 45 years for individuals living with HIV.

Referred to the Committee on Aging.

## Res. No. 453

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.310-A/A.4819-A, to establish requirements for licensure and practice of Certified Professional Midwifery.**

By Council Members Menin, Narcisse, Mealy and Brannan.

**Whereas**, According to the International Confederation of Midwives, the definition of a midwife is a recognized, responsible, and accountable professional who, working in partnership with a pregnant person, gives the necessary support, care, and advice during pregnancy, labor, and the postpartum period; and

**Whereas**, The distinctions among professional midwifery credentials in the United States include the Certified Nurse-Midwife (CNM), the Certified Midwife (CM), and the Certified Professional Midwife (CPM), and each credential has its own educational and clinical experience requirements, with varying criteria as to scope of practice and range of care; and

**Whereas**, New York State authorizes both CNMs and CMs to obtain licenses to practice in New York State; and

**Whereas**, CPMs, however, who typically specialize in home care outside of a hospital setting, are currently not licensed under New York State law and, therefore, are not allowed to practice in New York State; and

**Whereas**, According to the New York State Education Department, both CNMs and CMs meet the educational requirements for licensure as a midwife, which include completion of a master's degree program in midwifery or a related field, passing the examination administered by the American Midwifery Certification Board, paying a fee for licensure of \$322.00, being of good moral character, and being at least 21 years of age; and

**Whereas**, According to the North American Registry of Midwives, CPMs are at minimum high school graduates or the equivalent, who complete an accredited midwifery educational program that includes both didactic and supervised clinical experience, and have successfully passed a written examination to become a certified CPM; and

**Whereas**, According to the World Health Organization (WHO), midwifery services reduce maternal mortality and morbidity by providing interventions such as family planning, diabetes management, assisted delivery, and breastfeeding support; and

**Whereas**, The WHO estimates midwife-led interventions could prevent two-thirds of maternal deaths, newborn deaths, and stillbirths, thereby potentially saving 4.3 million people per year by 2035; and

**Whereas**, During the COVID-19 pandemic, then-Governor Andrew Cuomo issued an Executive Order granting out-of-state CPMs who held licenses in good standing permission to practice in New York State; and

**Whereas**, Both advocates and lawmakers agree that in the face of the current maternal healthcare staffing shortages and with at least 20 New York counties currently labeled as "maternity health care deserts," there is an urgent need to increase access to midwife services; and

**Whereas**, S.310-A, introduced by New York State Senator Julia Salazar, and its companion bill A.4819-A introduced by New York State Assembly Member Amy Paulin, would amend the education and public health law in order to create the profession of licensed CPM; and

**Whereas**, According to the New York State Nurses Association, any reduction or elimination of midwife service poses a great risk to black and brown individuals in New York City, who are more likely to suffer poor outcomes in maternal healthcare; and

**Whereas**, According to New York City Department of Health and Mental Hygiene data, black women in New York City are 9 times more likely than white women to die from a pregnancy; and

**Whereas**, CPMs from other states have successfully practiced in New York during the COVID-19 pandemic and have proven their ability to increase better birthing outcomes for pregnant New Yorkers; 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.310-A/A.4819-A, to establish requirements for licensure and practice of Certified Professional Midwifery.

Referred to the Committee on Health.

Int. No. 946

By Council Member Menin.

**A Local Law to amend the New York city charter, in relation to a job bank for individuals with federal employment authorization.**

Withdrawn.

Res. No. 453

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.310-A/A.4819-A, to establish requirements for licensure and practice of Certified Professional Midwifery.**

By Council Members Menin, Narcisse, Mealy and Brannan.

**Whereas**, According to the International Confederation of Midwives, the definition of a midwife is a recognized, responsible, and accountable professional who, working in partnership with a pregnant person, gives the necessary support, care, and advice during pregnancy, labor, and the postpartum period; and

**Whereas**, The distinctions among professional midwifery credentials in the United States include the Certified Nurse-Midwife (CNM), the Certified Midwife (CM), and the Certified Professional Midwife (CPM), and each credential has its own educational and clinical experience requirements, with varying criteria as to scope of practice and range of care; and

**Whereas**, New York State authorizes both CNMs and CMs to obtain licenses to practice in New York State; and

**Whereas**, CPMs, however, who typically specialize in home care outside of a hospital setting, are currently not licensed under New York State law and, therefore, are not allowed to practice in New York State; and

**Whereas**, According to the New York State Education Department, both CNMs and CMs meet the educational requirements for licensure as a midwife, which include completion of a master's degree program in midwifery or a related field, passing the examination administered by the American Midwifery Certification Board, paying a fee for licensure of \$322.00, being of good moral character, and being at least 21 years of age; and

**Whereas**, According to the North American Registry of Midwives, CPMs are at minimum high school graduates or the equivalent, who complete an accredited midwifery educational program that includes both didactic and supervised clinical experience, and have successfully passed a written examination to become a certified CPM; and

**Whereas**, According to the World Health Organization (WHO), midwifery services reduce maternal mortality and morbidity by providing interventions such as family planning, diabetes management, assisted delivery, and breastfeeding support; and

**Whereas**, The WHO estimates midwife-led interventions could prevent two-thirds of maternal deaths, newborn deaths, and stillbirths, thereby potentially saving 4.3 million people per year by 2035; and

**Whereas**, During the COVID-19 pandemic, then-Governor Andrew Cuomo issued an Executive Order granting out-of-state CPMs who held licenses in good standing permission to practice in New York State; and

**Whereas**, Both advocates and lawmakers agree that in the face of the current maternal healthcare staffing shortages and with at least 20 New York counties currently labeled as "maternity health care deserts," there is an urgent need to increase access to midwife services; and

**Whereas**, S.310-A, introduced by New York State Senator Julia Salazar, and its companion bill A.4819-A introduced by New York State Assembly Member Amy Paulin, would amend the education and public health law in order to create the profession of licensed CPM; and

**Whereas**, According to the New York State Nurses Association, any reduction or elimination of midwife service poses a great risk to black and brown individuals in New York City, who are more likely to suffer poor outcomes in maternal healthcare; and

**Whereas**, According to New York City Department of Health and Mental Hygiene data, black women in New York City are 9 times more likely than white women to die from a pregnancy; and

**Whereas**, CPMs from other states have successfully practiced in New York during the COVID-19 pandemic and have proven their ability to increase better birthing outcomes for pregnant New Yorkers; 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.310-A/A.4819-A, to establish requirements for licensure and practice of Certified Professional Midwifery.

Referred to the Committee on Health.

Res. No. 454

**RESOLUTION APPROVING THE APPOINTMENT OF HELEN SKIPPER AS A MEMBER OF THE NEW YORK CITY BOARD OF CORRECTIONS.**

By Council Members Powers and Restler.

**RESOLVED**, Pursuant to New York City Charter § 626, the Council approves the appointment of Helen Skipper as a member of the New York City Board of Corrections to serve the remainder of an unexpired six-year term that ends on October 12, 2026.

Referred to the Committee on Rules, Privileges and Elections.

Res. No. 455

**RESOLUTION DESIGNATING TRICIA TAITT, A RESIDENT QUEENS, FOR APPOINTMENT BY THE MAYOR AS A DIRECTOR OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Section 4 of the New York City Health and Hospitals Act (Chapter 1016 of the Laws of 1969), the Council approves the designation of Tricia Taitt, a resident Queens, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2025.

Referred to the Committee on Rules, Privileges and Elections.

## Res. No. 456

**RESOLUTION DESIGNATING DR. VINCENT CALAMIA, A RESIDENT OF STATEN ISLAND, FOR APPOINTMENT BY THE MAYOR AS A DIRECTOR OF THE NEW YORK CITY HEALTH AND HOSPITALS CORPORATION.**

By Council Member Powers.

**RESOLVED**, Pursuant to Section 4 of the New York City Health and Hospitals Act (Chapter 1016 of the Laws of 1969), the Council approves the designation of Dr. Vincent Calamia, a resident of Staten Island, for appointment by the Mayor to serve as a director of the New York City Health and Hospitals Corporation for the remainder of a five-year term that will expire on March 20, 2026.

Referred to the Committee on Rules, Privileges and Elections.

## Res. No. 457

**RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF MICHAEL M. MCSWEENEY AS CITY CLERK AND CLERK OF THE COUNCIL.**

By Council Members Powers and Restler.

**RESOLVED**, Pursuant to § 48 of the New York City Charter, the Council approves the re-appointment of Michael M. McSweeney as City Clerk and Clerk of the Council to serve the remainder of a six-year term that expires on May 12, 2030.

Referred to the Committee on Rules, Privileges and Elections.

## Int. No. 947

By the Public Advocate (Mr. Williams) and Council Member Farías.

**A Local Law to amend the New York city charter, in relation to requiring quarterly reporting on enforcement interactions with street vendors**

*Be it enacted by the Council as follows:*

Section 1. Section 13-e of the New York city charter, as added by local law number 18 for the year 2021, is amended to read as follows:

§ 13-e. Office of street vendor enforcement. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Applicable permittees or licensees. The term “applicable permittees or licensees” means persons issued full-term or temporary permits pursuant to section 17-307 of the administrative code, or persons issued licenses to vend pursuant to sections 17-307 or 17-307.1 of the administrative code, or licenses issued pursuant to section 20-456 of the administrative code.*

*Office. The term “office” means the office of street vendor enforcement.*

*Street vendor enforcement interaction. The term “street vendor enforcement interaction” means an interaction between an officer, employee or agent of the office of street vendor enforcement, the police department, or any other relevant agency and a street vendor that results in the issuance of a civil or criminal summons, the seizure of items the street vendor offers for sale, or the arrest of the street vendor.*

*b. Establishment of the office.* There shall be an office of street vendor enforcement, which shall consist of enforcement agents who are specially trained in local laws and rules related to vending on the streets and sidewalks of the city of New York. The office [of street vendor enforcement] shall be fully operational on or before September 1, 2021 and shall commence enforcement activities on or before such date. Such enforcement activities shall, at a minimum, include a sufficient number of street patrols to inspect or examine the vending activities of at least 75 percent of applicable permittees or licensees on an annual basis. [For the purposes of this section, the term "applicable permittees or licensees" means persons issued full-term or temporary permits pursuant to section 17-307 of the administrative code, or persons issued licenses to vend pursuant to sections 17-307 or 17-307.1 of the administrative code, or licenses issued pursuant to section 20-456 of the administrative code.] The mayor may establish [such] *the* office in the executive office of the mayor, within any other office in the executive office of the mayor, or within any department, the head of which is appointed by the mayor. [Such]

*c. Powers and duties of the office.* The office shall have the power and duty to:

[a. enforce] 1. *Enforce* all local laws and rules related to vending on the streets and sidewalks of the city of New York, other than such local laws and rules related to food safety, including, but not limited to: section 16-118, subchapter 2 of chapter 3 of title 17, subchapter 27 of chapter 2 of title 20 and chapter 1 of title 24 of the administrative code; article 89 of the health code; and any rules of the city of New York implementing such laws;

[b. focus] 2. *Focus* its enforcement efforts on areas including, but not limited to, areas adjacent to retailers that dedicate substantial floor area to the sale of fresh fruits and vegetables, and any other areas identified by the department of transportation as excessively congested, *including, but not limited to, areas where pedestrian volume regularly approaches or exceeds the capacity of the sidewalk*, and areas featuring a high level of complaints about vendor activity, if any;

[c. collaborate] 3. *Collaborate* with the department of small business services to provide training, outreach and education to all street vendors on entrepreneurship and compliance with all applicable local laws and regulations, as well as solicit feedback from the street vendor community;

[d. receive] 4. *Receive* all complaints related to street vending on the streets and sidewalks of the city of New York from the 311 service center or from any other means; and

[e. engage] 5. *Engage* in such other activities related to enforcement of laws related to vending on the streets and sidewalks of the city of New York, or related to improving compliance with such laws, as may be designated by the mayor. [For the purposes of this section, "excessively congested" areas include, but are not limited to, areas where pedestrian volume regularly approaches or exceeds the capacity of the sidewalk.]

*d. Quarterly reporting.* No later than 30 days after the end of each fiscal quarter, the office, in conjunction with the police department and any other relevant agency, shall submit to the mayor and the speaker of the council and post on its website a report regarding street vendor enforcement interactions that occurred during such fiscal quarter. Such report shall include the following information for every street vendor enforcement interaction:

1. *The council district and zip code where the street vendor enforcement interaction occurred;*
2. *The date on which the street vendor enforcement interaction occurred;*
3. *Whether the street vendor enforcement interaction was initiated due to complaints;*
4. *Whether the street vendor enforcement interaction resulted in the issuance of a civil or criminal summons, the seizure of the street vendor's items for sale, or the arrest of the street vendor;*
5. *What items the street vendor involved in such street vendor enforcement interaction was selling;*
6. *What documentation and information was requested from the street vendor during the street vendor enforcement interaction;*
7. *Whether a language interpreter was provided during the street vendor enforcement interaction; and*
8. *Whether there had been prior street vendor enforcement interactions with the same street vendor.*

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

Referred to the Committee on Consumer and Worker Protection.



## Int. No. 948

By the Public Advocate (Mr. Williams).

**A Local Law to amend the New York city building code and administrative code of the city of New York, in relation to boarders, lodgers or roomers in a private dwelling**

*Be it enacted by the Council as follows:*

Section 1. The term “family” in section 202 of the New York city building code, as amended by local law number 126 for the year 2021, is amended to read as follows:

**FAMILY.**

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

A common household is deemed to exist if all household members have access to all parts of the dwelling unit. Lack of access to all parts of the dwelling unit establishes a rebuttable presumption that no common household exists.

§ 2. Paragraph 4 of subdivision a of section 27-2004 of the administrative code of the city of New York is amended to read as follows:

4. A family is:

(a) A single person occupying a dwelling unit and maintaining a common household with not more than [two] *four* boarders, roomers or lodgers; or

(b) Two or more persons related by blood, adoption, legal guardianship, marriage or domestic partnership; occupying a dwelling unit and maintaining a common household with not more than [two] *four* boarders, roomers or lodgers; or

(c) Not more than three unrelated persons occupying a dwelling unit and maintaining a common household; or

(d) Not more than three unrelated persons occupying a dwelling unit in a congregate housing or shared living arrangement and maintaining a common household; or

(e) Members of a group home; or

(f) Foster children placed in accordance with provisions of the New York state social services law, their foster parents, and other persons related to the foster parents by blood, marriage or domestic partnership; where all residents occupy and maintain a common household with not more than two boarders, roomers or lodgers; or

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

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

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

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

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

§ 3. Subdivision c of section 27-2078 of the administrative code of the city of New York is amended to read as follows:

c. A family may rent one or more living rooms in a private dwelling to not more than [two] four boarders, roomers or lodgers, except as otherwise prohibited under the zoning resolution of the city of New York.

§ 4. This local law takes effect on the later of the date of its enactment into law or the date of adoption of a zoning text amendment defining family in section 12-10 as including not more than four boarders, roomers or lodgers.

Referred to the Committee on Housing and Buildings.

## Int. No. 949

By the Public Advocate (Mr. Williams) and Council Members Nurse, Louis, Restler, Hanif, Hudson, Brewer, Won and Gutiérrez.

**A Local Law to amend the administrative code of the city of New York, in relation to the provision of sufficient receptacles for the storage of solid waste**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 16-120 of title 16 of the administrative code of the city of New York, as amended by local law 22 for the year 2002, is amended to read as follows:

a. The owner, lessee, agent, occupant or other person who manages or controls a building or dwelling shall provide and maintain in accordance with this section separate receptacles for the deposit of incinerator residue and ashes[;], refuse, and liquid waste. *Any such owner, lessee, agent, occupant or other person who manages or controls a building with 100 units or more shall also provide a dumpster of not less than 20 yards in length for the deposit of refuse.* The receptacles shall be provided for the exclusive use of each building or dwelling and shall be of sufficient size and number to contain the wastes accumulated in such building or dwelling during a period of [seventy-two] 72 hours. The receptacles shall be made of metal or other material of a grade and type acceptable to the department, the department of health and mental hygiene and the department of housing preservation and development. Receptacles used for liquid waste shall be constructed so as to hold their contents without leakage. Metal containers shall be provided with tight fitting metal covers.

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

Referred to the Committee on Sanitation and Solid Waste Management.

## Int. No. 950

By the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to increasing the number of violations required to revoke authorization to operate a commuter van service**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (4) of subdivision a of section 19-504.4 of the administrative code of the city of New York, as amended by local law number 41 for the year 2019, is amended to read as follows:

(4) Where [three] *six* or more violations of paragraph five of subdivision a of section 19-504.3 of this chapter occur within a [six] *twelve* month period. Provided, however, that such authorization shall be suspended for 15 days where [two] *three* violations of paragraph five of subdivision a of section 19-504.3 of this chapter occur within a six-month period after the holder of such authorization has had an opportunity for a hearing in accordance with procedures to be established by the commission.

§ 2. This local law takes effect 120 days after it becomes law, and only applies with respect to a violation that occurs after the date that this local law takes effect.

Referred to the Committee on Transportation and Infrastructure.

## Int. No. 951

By Council Members Restler and Hudson.

**A Local Law to amend the New York city charter, in relation to comptroller audits of city agencies**

*Be it enacted by the Council as follows:*

Section 1. Subdivision c of section 93 of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

c. The comptroller shall have power to audit all agencies, as defined in subdivision two of section eleven hundred fifty, and all agencies, the majority of whose members are appointed by city officials. The comptroller shall be entitled to obtain access to agency records required by law to be kept confidential, other than records which are protected by the privileges for attorney-client communications, attorney work products, or material prepared for litigation, upon a representation by the comptroller that necessary and appropriate steps will be taken to protect the confidentiality of such records. The comptroller shall establish a regular auditing cycle to ensure that one or more of the programs or activities of each city agency, or one or more aspects of each agency's operations, is audited at least once every four years, except that for purposes of such auditing requirement the comptroller may treat all borough presidents' offices as a single combined agency, all district attorneys' offices as a single combined agency, all community boards as a single combined agency, and all public administrators' offices as a single combined agency. *The comptroller shall ensure that one or more of the programs, activities, aspects of operations of an office or board within each single combined agency is audited at least once during each regular audit cycle.* The audits conducted by the comptroller shall comply with generally accepted government auditing standards. In accordance with such standards, and before any draft or final audit or audit report, or portion thereof, may be made public, the comptroller shall send a copy of the draft audit or audit report to the head of the audited agency and provide the agency, in writing, with a reasonable deadline for its review and response. *Where the comptroller treats multiple offices or boards as a single combined agency as authorized by this subdivision, the comptroller shall send a copy of the draft audit or audit report to each office or board that is covered by the audit and provide each such office or board, in writing, with a reasonable deadline for its review and response.* The comptroller shall include copies of any [such] agency response in any draft or final audit or audit report, or portion thereof, which is made public. The comptroller shall send copies of all final audits and audit reports to the council, the mayor, and the audit committee.

§ 2. This local law takes effect 45 days after it becomes law.

Referred to the Committee on Governmental Operations, State & Federal Legislation,

## Int. No. 952

By Council Members Restler and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to the verification of intermediated contributions to candidates for election and contributions requiring contribution cards**

*Be it enacted by the Council as follows:*

Section 1. Paragraphs (h) and (i) of subdivision 3 of section 3-702 of the administrative code of the city of New York, as amended by local law number 167 for the year 2016, are amended, and a new paragraph (j) is added to such subdivision, to read as follows:

(h) contributions from contributors subject to the limitations of subdivision one-a of section 3-703 of this chapter; [and]

(i) contributions for which any person subject to the limitations of subdivision one-a of section 3-703 of this chapter acted as an intermediary; and

(j) *verification-required contributions that have not been verified as required under subdivision 11 of section 3-705.*

§ 2. Section 3-702 of the administrative code of the city of New York is amended by adding a new subdivision 25 to read as follows:

25. *The term "verification-required contribution" means one or more contributions from any one contributor to a candidate or their authorized committees where the aggregate of such contributions from such contributor for all covered elections to such candidate and their authorized committees in the same calendar year exceeds \$50 and either (i) the contributions were delivered or solicited by an intermediary or (ii) the contributions require a contribution card under paragraph (d) of subdivision 1 of section 3-703.*

§ 3. Paragraph (d) of subdivision 1 of section 3-703 of the administrative code of the city of New York, as amended by local law number 188 for the year 2016, is amended to read as follows:

(d) obtain and furnish to the campaign finance board, and his or her principal committee or authorized committees must obtain and furnish to the board, any information it may request relating to his or her campaign expenditures or contributions and furnish such documentation and other proof of compliance with this chapter as may be requested by such board, provided, however, that the board shall accept such required documentation through an electronically scanned transmission. *A candidate or a candidate's principal committee or authorized committee shall provide information pertaining to specific contributions, intermediaries, or possible intermediaries within 30 days of a request by the board.* For contributions submitted in support of a claim for matching funds, the following records shall be maintained by a candidate and his or her principal or authorized committee:

(i) for a contribution by cash, a contribution card containing the contributor's name, *telephone number or e-mail address*, and residential address and the amount of the contribution;

(ii) for a contribution by money order, a copy of the money order, provided that a contribution card containing the contributor's name, *telephone number or e-mail address*, and residential address shall be required if such information is not printed upon such money order by the issuing institution;

(iii) for a contribution by check, a copy of the check, made out to the principal or authorized committee, provided that a contribution card *containing the contributor's name, telephone number or e-mail address, and residential address* from the contributor demonstrating an intent to contribute shall be required if such check is signed by a person other than the contributor;

(iv) for a contribution by credit card, text message contribution or other contribution from a payment account, a record from the merchant, processor or vendor containing the contributor's name, residential address, *telephone number or e-mail address*, the amount of the contribution and an indicator showing that the contribution was charged to the contributor's account and processed. For a contribution by text message, the contributor's [phone] *telephone number* must [also] be included, as well as the name, residential address and [phone] *telephone number* of the registered user of the specific mobile device used to initiate the contribution, to the extent such information may be reasonably obtained under law;

(v) A contribution card shall not be required, except where specified, for contributions pursuant to subparagraphs (ii), (iii), and (iv) of this paragraph. Where a contribution card is required, such card may be completed by the candidate or his or her principal or authorized committee after the contribution has been made, provided that such card is dated, and signed or electronically affirmed by the contributor after such card has been completed by the candidate or his or her principal or authorized committee. Neither the candidate nor his or her principal or authorized committee shall alter or change a signed or affirmed contribution card;

§ 4. Section 3-705 of the administrative code of the city of New York is amended by adding a new subdivision 11 to read as follows:

11. (a) *The board shall make reasonable efforts to verify directly with purported contributors that a verification-required contribution was made by the purported contributor and via the purported intermediary, if applicable. The board shall not provide matching funds until it has determined that the purported contributor did make the verification-required contribution, and via the purported intermediary, if applicable, and was not reimbursed for that contribution.*

(b) *Notwithstanding the provisions of paragraph (a) of this subdivision, for verification-required contributions the board may provide matching funds prior to verification if such contributions are reported less than ninety days before a covered general election, less than forty-five days before a covered primary election, or less than thirty days before any other covered election. For verification-required contributions that are*

*matched prior to verification, the board shall make reasonable efforts to verify, as soon as practicable, that the purported contributor did make the verification-required contribution, and via the purported intermediary, if applicable, and was not reimbursed for that contribution.*

§ 4. Section 3-711 of the administrative code of the city of New York is amended by adding a new subdivision 5 to read as follows:

*5. Any candidate or authorized committee that fails to provide information pertaining to specific contributions, intermediaries, or possible intermediaries within 30 days of a request by the board shall render the associated candidate's principal committee ineligible to receive public matching funds, and such candidate shall be listed on the board's website as ineligible to receive public matching funds.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 953

By Council Members Restler and Brewer.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting bundling of campaign contributions by persons who have business dealings with the city**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 12 of section 3-702 of the administrative code of the city of New York, as amended by local law number 34 for the year 2007, is amended to read as follows:

12. The term “intermediary” shall mean an individual, corporation, partnership, political committee, employee organization or other entity which, (i) other than in the regular course of business as a postal, delivery or messenger service, delivers, including though the use of a personalized hyperlink, any contribution from another person or entity to a candidate or other authorized committee; or (ii) solicits contributions to a candidate or other authorized committee where such solicitation is known to such candidate or his or her authorized committee. For purposes of clause (ii) of this subdivision only persons clearly identified as the solicitor of a contribution to the candidate or his or her authorized committee shall be presumed to be known to such candidate or his or her authorized committee. “Intermediary” shall not include spouses, domestic partners, parents, children or siblings of the person making such contribution, or any fundraising agent, as such term is defined in the rules of the board or any hosts of a campaign sponsored fundraising event paid for in whole or in part by the campaign. Where there are multiple individual hosts for a non-campaign sponsored event, the hosts shall designate one such host as the intermediary.

§ 2. Section 3-703 of the administrative code of the city of New York is amended by adding a new subdivision 1-d to read as follows:

*1-d. Notwithstanding any inconsistent provision of this section, a participating candidate or his or her principal committee may not accept, either directly or by transfer, any contribution or contributions for a covered election in which he or she is a participating candidate which a natural person who has business dealings with the city, as that term is defined in subdivision eighteen of section 3-702, has delivered as described in clause (i) of subdivision twelve of section 3-702 if the aggregate of such contributions to such candidate from such person for all covered elections in the same calendar year exceeds: (i) for the office of mayor, public advocate or comptroller four hundred dollars; (ii) for borough president three hundred twenty dollars; and (iii) for member of the city council two hundred fifty dollars. For purposes of this subdivision, “person” has the same meaning as set forth in subdivision 1-a of this section.*

§ 3. Paragraph (b) of subdivision 2 of section 3-718 of the administrative code of the city of New York, as amended by local law number 171 for the year 2016 and redesignated by local law number 128 for the year 2019, is amended to read as follows:

(b) A non-participating candidate, and the authorized committees of such a non-participating candidate, shall only accept contributions as limited by the provisions of paragraphs (f) and (l) of subdivision one of section 3-

703, subdivision 1-a of section 3-703, subdivision 1-c of section 3-703, subdivision 1-d of section 3-703, subdivision ten of section 3-703, and section 3-707 of this chapter. Notwithstanding any contribution limitations in paragraphs (f) and (h) of subdivision one of section 3-703 and subdivision 1-a of section 3-703, a non-participating candidate may contribute to his or her own nomination for election or election with his or her personal funds or property, in-kind contributions made by the candidate to his or her authorized committees with the candidate's personal funds or property, and advances or loans made by the non-participating candidate with the candidate's personal funds or property. A candidate's personal funds or property shall include his or her funds or property jointly held with his or her spouse, domestic partner, or unemancipated children.

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Int. No. 954

By Council Members Restler, Farías and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to acknowledgment of campaign contributions made in connection with covered elections**

*Be it enacted by the Council as follows:*

Section 1. Section 3-703 of the administrative code of the city of New York is amended by adding a new subdivision 18 to read as follows:

*18. The board shall mail an acknowledgment to the residential address of each contributor listed in a disclosure report submitted under subdivision 6 of this section within 30 days of receiving such disclosure report. Such acknowledgments shall include:*

- (a) the amount and date of the contribution or contributions;*
- (b) an expression of appreciation to the contributor for participating in the election process;*
- (c) a request to contact the board if the contributor did not make one or more of the reported contributions or if the date or amount of one or more contributions are inaccurate; and*
- (d) instructions on how to contact the board.*

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

Referred to the Committee on Governmental Operations, State & Federal Legislation.

Preconsidered State Legislation Resolution No. 8

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.2812-A, and Assembly Member Dinowitz, A.5259-A, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof”.**

By Council Member Restler.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Gouardes, S.2812-A, and Assembly Member Dinowitz, A.5259-A, “AN ACT to amend the vehicle and traffic law and the administrative code of the city of New York, in relation to increasing the number of intersections where traffic-control signal photo violation-monitoring systems may be installed and operated; to amend chapter 746 of the laws of 1988, amending the vehicle and traffic law, the general municipal law and the public officers law relating to the civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof; and to amend local law number 46 of the city of New York for the year 1989, amending the administrative code of the city of New York relating to civil liability of vehicle owners for traffic control signal violations, in relation to extending the effectiveness thereof”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).

#### Preconsidered State Legislation Resolution No. 9

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.6306-B, and Assembly Member Pheffer Amato, A.7344-B, “AN ACT to amend the retirement and social security law, in relation to providing WTC-related benefits to certain employees who worked at the Verrazano Bridge Toll Facility”.**

By Council Member Restler.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Jackson, S.6306-B, and Assembly Member Pheffer Amato, A.7344-B, “AN ACT to amend the retirement and social security law, in relation to providing WTC-related benefits to certain employees who worked at the Verrazano Bridge Toll Facility”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).



## Preconsidered State Legislation Resolution No. 10

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.7128-B, and Assembly Member Pheffer Amato, A.7681-A, “AN ACT to amend the general municipal law, in relation to allowing certain members of the New York city fire department pension fund to receive a membership date in the New York city fire department pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York city police department cadet program”.**

By Council Member Restler.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.7128-B, and Assembly Member Pheffer Amato, A.7681-A, “AN ACT to amend the general municipal law, in relation to allowing certain members of the New York city fire department pension fund to receive a membership date in the New York city fire department pension fund attributable to service in the titles of police cadet program or police cadet program II in the New York city police department cadet program”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).

## Preconsidered State Legislation Resolution No. 11

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.7498-A, and Assembly Member Pheffer Amato, A.7572-A, “AN ACT to amend the retirement and social security law, in relation to eligibility for participants in the automotive 25 year/age 50 pension plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement benefit equivalent to the standard service retirement benefit received by Tier IV members with the same age and service”.**

By Council Member Restler.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Jackson, S.7498-A, and Assembly Member Pheffer Amato, A.7572-A, “AN ACT to amend the retirement and social security law, in relation to eligibility for participants in the automotive 25 year/age 50 pension plan with more than 30 years of credited service who remain in active service after age 62 to receive a service retirement benefit equivalent to the standard service retirement benefit received by Tier IV members with the same age and service”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 12

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.8649, and Assembly Member Pheffer Amato, A.9399, “AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city fire department employed as fire protection inspectors”.**

By Council Member Restler.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Gounardes, S.8649, and Assembly Member Pheffer Amato, A.9399, “AN ACT to amend the administrative code of the city of New York, in relation to health insurance coverage for surviving spouses or domestic partners of members of the New York city fire department employed as fire protection inspectors”; *and*

**Whereas**, The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved**, That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 13

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Jackson, S.8756-A, and Assembly Member Cunningham, A.8902-C, “AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning parking rules; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning parking rules; and providing for the repeal of certain provisions upon expiration thereof”.**

By Council Member Restler.

**Whereas**, Bills have been introduced in the New York State Legislature by Senator Jackson, S.8756-A, and Assembly Member Cunningham, A.8902-C, “AN ACT to amend the vehicle and traffic law, in relation to owner liability for failure of an operator to comply with street cleaning parking rules; to amend the public officers law, in relation to access to records prepared pursuant to street cleaning parking rules; and providing for the repeal of certain provisions upon expiration thereof”; *and*

**Whereas,** The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved,** That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).

Preconsidered State Legislation Resolution No. 14

**State Legislation Resolution requesting the New York State Legislature to pass bills introduced by Senator Gounardes, S.9373, and Assembly Member Pheffer Amato, A.9925, “AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling”.**

By Council Member Restler.

**Whereas,** Bills have been introduced in the New York State Legislature by Senator Gounardes, S.9373, and Assembly Member Pheffer Amato, A.9925, “AN ACT to amend the retirement and social security law, in relation to the definition of overtime ceiling”; *and*

**Whereas,** The enactment of the above State Legislation requires the concurrence of the Council of the City of New York as the local legislative body; *now, therefore, be it*

**Resolved,** That the Council of the City of New York, in accordance with the provisions of Section 2 of Article 9 of the Constitution of the State of New York, does hereby request the New York State Legislature to enact into law the aforesaid pending bills.

Adopted by the Council (preconsidered and approved by the Committee on Governmental Operations, State & Federal Legislation).

Int. No. 955

By Council Members Riley, Hanks, Restler and Brannan.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring annual reports on 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 35 to read as follows:

*CHAPTER 35  
AFTERSCHOOL PROGRAM REPORTING*

*§ 21-1006 Annual afterschool program reporting. a. Definitions. For the purposes of this section, the term “afterschool program” means any program offered by the department or the department of youth and community development, or a provider under a contract with the department or department of youth and community*

*development that provides supervised activities outside of school hours for students in grades kindergarten through 12.*

*b. Reporting. No later than 120 days after the effective date of the local law that added this section, and annually thereafter, the department, in consultation with the department of youth and community development, shall submit a report to the speaker of the council regarding all afterschool programs offered in the previous school year. The report shall include a table in which every row references a specific afterschool program that was offered in the previous school year. Each such row shall include the following information, set forth in separate columns:*

- 1. The address where the afterschool program was located;*
- 2. The community school district in which the afterschool was located;*
- 3. The total available seats of the afterschool program;*
- 4. The number of students enrolled in the afterschool program, in total and disaggregated by race, gender, and grade level; and*
- 5. The average daily percentage of enrolled students in attendance at the afterschool program.*

*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. If a category contains between 1 and 5 students, or allows another category to be narrowed to between 1 and 5 students, the number shall be replaced with a symbol. A category that contains zero students shall be reported as zero, unless such reporting would violate any applicable provision of federal, state or local law relating to the privacy of student information.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Education.

Int. No. 956

By Council Members Rivera and Farías.

**A Local Law to amend the New York city building code, in relation to the display of artwork on temporary protective structures on construction sites**

*Be it enacted by the Council as follows:*

Section 1. Section 3307.11 of the New York city building code, as added by local law number 163 for the year 2021, is amended to read as follows:

**3307.11 Artwork on temporary protective structures.** To the extent permissible under the zoning resolution, approved artwork or alternative artwork, as selected by the owner of a property at which a temporary protective structure has been installed, shall be displayed on such temporary protective structure as provided in this section.

**3307.11.1 Temporary protective structure types.** Temporary protective structures covered by this section include (i) sidewalk sheds, (ii) construction fences, and (iii) supported scaffolds when such temporary protective structures have been installed for at least 90 days.

**3307.11.2 Approved artwork.** For purposes of this section, the term “approved artwork” means a work of art approved by the department of cultural affairs or other agencies as designated by the department of cultural affairs for display on temporary protective structures pursuant to section 2508 of the *New York City Charter*.

**3307.11.2.1 Alternative artwork.** The owner of a property where a temporary protective structure has been installed may solicit a work or works of art for display on such temporary protective structures in lieu of approved artwork. Such owner shall notify, at a minimum, the council member in whose district such property is located and the community board of the

community district in which such property is located, of a request for a work of art to be displayed on temporary protective structures at such property. Such owner may additionally notify community-based organizations based in the community district in which such property is located and any school, as such term is defined in subdivision g of section 522 of the *New York City Charter*, located in the community district in which such property is located, of a request for works of art to be displayed on temporary protective structures at such property. Notifications made pursuant to this section must be made timely in accordance with a schedule established by rules of the department. Prior to installation of such work of art, such owner must obtain the approval for such work of art from the department of cultural affairs.

**3307.11.3 Illumination prohibited.** Approved artwork or alternative artwork [installed] affixed to or painted on a temporary protective structure pursuant to this section shall not be illuminated.

**3307.11.4 Required signs to be unobstructed.** Approved artwork or alternative artwork [installed] affixed to or painted on a temporary protective structure pursuant to this section shall not obscure any sign required to be posted pursuant to Section 3301.9.

**3307.11.5 Materials.** Notwithstanding any other provision of the building code, approved artwork or alternative artwork may be affixed to a sidewalk shed or constructive fence or painted directly on a sidewalk shed or construction fence. Approved artwork or alternative artwork [installed] affixed to or painted directly on a sidewalk shed or construction fence pursuant to this section [shall be printed on completely flat surfaces and] shall not include any illumination, electronic signage, protrusions or projections. Approved artwork or alternative artwork affixed to a sidewalk shed or construction fence shall be printed on completely flat surfaces on materials that are durable, flame retardant, able to withstand all weather conditions and designed to meet loads on temporary installations, including but not limited to wind, as prescribed in Chapter 16. All hardware and connection materials used to affix approved or alternative artwork shall also be durable, flame retardant, able to withstand all weather conditions, and designed to meet loads on temporary installations, including but not limited to wind, as prescribed in Chapter 16. The department may promulgate rules concerning materials used for the installation of approved artwork or alternative artwork.

**3307.11.5.1 Sidewalk sheds.** Approved artwork or alternative artwork [displayed on] may be affixed to or painted directly on a sidewalk shed. Approved artwork or alternative artwork affixed to a sidewalk shed shall be printed on lightweight, solid material that can be installed on the outer sides and ends of sheds either by stretching such material over the shed and fastening to the back or by affixing such material to self-adhesive panels that adhere directly to the shed. Approved artwork or alternative artwork shall not extend above or below the shed parapet.

**3307.11.5.2 Construction fences.** Approved artwork or alternative artwork [displayed on] may be affixed to or painted directly on a construction fence. Approved artwork or alternative artwork affixed to construction fences shall be printed on lightweight, solid material that can be installed on the outside of the construction fence either by stretching such material over the fence and fastening to the back or by affixing vinyl material to self-adhesive panels that adhere directly to the fence. Approved artwork or alternative artwork shall not extend beyond the top of the fence.

**[3307.11.7.3] 3307.11.5.3 Supported scaffolds.** Approved artwork or alternative artwork displayed on supportive scaffolds shall be printed directly onto debris netting meeting the requirements of Section 3314.8.2.

**3307.11.6 Artist credit and sponsorship message.** A temporary protective structure displaying approved artwork or alternative artwork pursuant to this section shall display a barcode that can be read by a smartphone, or successor technology, and directs the user to the website of the department of cultural affairs containing information posted on such website pursuant to subdivision c of Section 2508 of the *New York City Charter*.

**3307.11.7 Opt out.** The department shall include in its process for an initial application for a permit for a new sidewalk shed, construction fence or supported scaffold or for an amendment to an existing sidewalk shed, construction fence or supported scaffold permit an option for the owner of the property for which such permit is filed to opt out of participation in the program established by this Section and section 2508 of the *New York City Charter*. If a property owner fails to affirmatively opt out, the requirements of this Section and [ection] section 2508 of the *New York City Charter* shall apply. Opting out pursuant to this section shall not be grounds for denial or delay of issuance of a permit for a sidewalk shed, construction fence or supported scaffold or for any other permit issued by the department. The department shall by rule allow the owner of such property to opt out of such program at a later time.

**3307.11.7.1 Exception.** An owner of a property for which a sidewalk shed, construction fence or supported scaffold permit has been filed may not opt out if the project site is owned by the city of New York or receives capital funding from the city of New York or an agency, provided that this exception shall not apply if (i) approved artwork has been approved for display at 100 or more such sites within a two-year period or (ii) no appropriation has been made for participation in the program established by this Section and section 2508 of the *New York City Charter*. For the purposes of this section, the term “agency” has the same meaning as such term is defined in Section 1-112 of the *Administrative Code*.

[**3307.11.8 City capital projects.** Project sites owned by the city of New York or receiving capital funding from the city of New York or an agency shall participate in the city canvas program, subject to appropriate, provided that not less than 100 such sites within a two-year period participate in such program. For the purposes of this section, the term “agency” has the same meaning as such term is defined in Section 1-112 of the *Administrative Code*.]

[**3307.11.9 Installation and de-installation.**] **3307.11.8 Display of artwork.** Approved artwork or alternative artwork displayed on a temporary protective structure pursuant to this section shall be [installed] affixed to or directly painted on the temporary protective structure in conformity with rules promulgated by the department in consultation with the department of cultural affairs, and [must be de-installed within one year of installation] may remain on display for as long as the temporary protective structure remains in place pursuant to a valid permit. An owner who has participated in this program [and has de-installed artwork pursuant to this section] shall be deemed to have satisfied the requirements of Section 3307.11[, except that such participant may choose to participate in such program again following such de-installation, in conformity with rules promulgated by the department in consultation with the department of cultural affairs].

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

Referred to the Committee on Housing and Buildings.

Int. No. 957

By Council Member Vernikov.

**A Local Law to amend the administrative code of the city of New York, in relation to discounted quarterly municipal parking field permits for seniors**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 2 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-162.6 to read as follows:

§ 19-162.6 *Discounted city-issued quarterly municipal parking field permits. a. Definitions. For the purposes of this section, the following terms have the following meanings.*

*Area median income. The term “area median income” means the median family income for the area, as defined annually by the United States department of housing and urban development (HUD) for the New York, NY HUD Metro FMR Area (FMRA), adjusted for the size of the household.*

*City-issued quarterly municipal parking field permit. The term “city-issued quarterly municipal parking field permit” means a permit issued on a quarterly basis by the department that indicates permission to park in a municipal parking field operated by the department.*

*Municipal parking field. The term “municipal parking field” means an off-street parking field, lot, garage or other off-street parking structure owned and operated by the department for public use.*

*b. Discounted city-issued quarterly municipal parking field permits. Parking rates for city-issued quarterly municipal parking field permits for municipal parking fields shall be reduced for persons 62 years of age or older with annual gross incomes of no more than 50 percent of the area median income. Such reduced rates shall be no greater than 50 percent of the highest parking rate charged for a city-issued quarterly municipal parking field permit.*

*c. Application. Each person applying for a discounted city-issued quarterly municipal parking field permit or for renewal thereof shall file an application in such form and detail as the commissioner may prescribe.*

*d. Approval. Upon the approval of an application submitted pursuant to subdivision c of this section, the department shall issue a discounted city-issued municipal parking field permit to the applicant that may only be used with the vehicle or vehicles identified on such application.*

*e. Transferability. Discounted city-issued municipal parking field permits shall not be transferrable to another individual, vehicle or vehicles if issued to a specific individual, vehicle or vehicles.*

§ 2. This local law takes effect 90 days after becoming law.

Referred to the Committee on Transportation and Infrastructure.

Res. No. 458

**Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.8995/A.9897, in relation to clarifying the definition of "tenant" to exclude squatters and making squatting a criminal trespass in the third degree.**

By Council Members Zhuang, Riley, Menin, Yeger, Hanks, Vernikov, Salaam and Lee.

**Whereas**, Squatting is commonly defined as the act of occupying and living in a property without the property owner’s prior permission or knowledge; and

**Whereas**, In 2024, news outlets have highlighted squatter-related incidents in all five boroughs, including incidents in which squatters were alleged to be endangering public safety, causing a fire and other property damage, engaging in criminal activities, and causing community distress; and

**Whereas**, In April 2024, two suspected squatters were charged with the murder of a property owner in Manhattan; and

**Whereas**, The reporting around squatters has raised concerns about certain New York State and New York City laws that make it difficult for property owners to remove squatters who falsely claim to be lawful tenants; and

**Whereas**, Because of these laws, homeowners are often forced to go through Housing Court to reclaim their property from squatters; and

**Whereas**, The Housing Court system in New York State and New York City has long been understood to be overburdened and under-resourced, with a substantial backlog of cases and understaffed legal service providers resulting in significantly delayed cases that can continue for years; and

**Whereas**, These extensive court proceedings can cost property owners thousands of dollars, with continued squatter occupancy of a property also creating additional financial and legal issues, such as forcing an owner to continue to provide utility services and conduct upkeep and maintenance on a property; and

**Whereas**, Squatters are causing problems related to personal safety, quality of life, and financial autonomy for community residents and small homeowners; and

**Whereas**, S.8995, sponsored by State Senator Jessica Scarcella-Spanton and presently in the State Senate Committee on Housing, Construction, and Community Development, and companion bill A.9897, sponsored by State Assembly Member Michael Tannousis and presently in the State Assembly Committee on Housing, would exclude squatters from tenant protections, extend the time period for becoming a tenant from 30 days to 60 days of possession, add squatting to the definition of criminal trespass in the third degree, and clarify that those who have entered into a bona fide lease agreement with a rightful owner of a property are those who would be protected from illegal evictions; and

**Whereas**, This legislation would add clarity and recourse for NYC small homeowners to protect their property from squatters; 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.8995/A.9897, in relation to clarifying the definition of "tenant" to exclude squatters and making squatting a criminal trespass in the third degree.

Referred to the Committee on Housing and Buildings.

Preconsidered L.U. No. 86

By Council Member Brannan:

**Miramar Court: Block 2623, Lot 4; Block 2623, Lot 1; Block 2623, Lot 60, Bronx, Community District No. 1, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 87

By Council Member Brannan:

**Marion Avenue: Block 3026, Lot 5, Bronx, Community District No. 5, Council District No. 15.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 88

By Council Member Brannan:

**West Farms.HUDMF.FY24: Block 3006, Lots 53, 67, and 84, Bronx, Community District No. 3, Council District No. 17.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).



Preconsidered L.U. No. 89

By Council Member Brannan:

**Fulton Street South: Block 1861, Lot 20, Brooklyn, Community District No. 3, Council District No. 36.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

L.U. No. 90

By Council Member Salamanca:

**Application number C 230351 ZMK (2118 Avenue U) submitted by 2118 Avenue U, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, eliminating from within an existing R4 District a C1-3 District, changing from an R4 District to an R6A District, and establishing within the proposed R6A District a C2-4 District, Borough of Brooklyn, Community District 15, Council District 48.**

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

L.U. No. 91

By Council Member Salamanca:

**Application number N 230352 ZRK (2118 Avenue U) submitted by 2118 Avenue U, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 15, Council District 48.**

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

L.U. No. 92

By Council Member Salamanca:

**Application number C 230276 ZMQ (58-75 Queens Midtown Expressway Rezoning) submitted by Lucky Supply Holding, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 13c, by changing from an M1-1 District to an M1-4 District, Borough of Queens, Community District 2, Council District 26.**

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

L.U. No. 93

By Council Member Salamanca:

**Application number C 220185 ZMQ (27-24 College Point Boulevard Commercial Overlay) submitted by Bacele Realty Corp., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10a, by establishing within an existing R4 District a C2-3 District and establishing within an existing R5B District a C2-3 District, Borough of Queens, Community District 7, Council District 19.**

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

NEW YORK CITY COUNCIL

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

**Monday, June 10, 2024**

Committee on Technology

Jennifer Gutiérrez, Chairperson

**Oversight** - Cybersecurity of New York City Agencies.

**Int 217** - By Council Members Hanif, Gutiérrez, Rivera, Williams, Sanchez, Louis, Marte, Ossé, Krishnan, Won, Avilés, Salaam, Bottcher, Farías, Nurse, Hudson and De La Rosa - **A Local Law** to amend the administrative code of the city of New York in relation to prohibiting places or providers of public accommodation from using biometric recognition technology and protecting any biometric identifier information collected.

**Int 425** - By Council Members Rivera, Sanchez, Cabán, Hanif, Louis, Krishnan, Won, Avilés, Salaam, Brewer, Bottcher, Farías, Marte, Ossé, De La Rosa, Brooks-Powers, Hudson, Nurse and Williams (by request of the Manhattan Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to limiting the use of facial recognition technology in residential buildings.

**Int 539** - By Council Member Brannan - **A Local Law** to amend the administrative code of the city of New York, in relation to a prohibition on sharing location data with third parties.

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

Committee on Parks and Recreation

Shekar Krishnan, Chairperson

**Oversight** - Community Gardens and Support for Urban Agriculture

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

Committee on Higher Education

Eric Dinowitz, Chairperson

**Oversight** - Addressing Obstacles Facing CUNY’s Transfer Students

Council Chambers – City Hall.....2:00 p.m.

**Tuesday, June 11, 2024**

Committee on Immigration jointly with the  
Committee on Small Business

Alexa Avilés, Chairperson  
Oswald Feliz, Chairperson

**Oversight** - Preparing Asylum Seekers and Migrants for the Workforce.

**Int 216** - By Council Members Hanif, Ayala, Brewer, Restler, Won, Ung, Hudson, Avilés and Cabán - **A Local Law** to amend the administrative code of the city of New York, in relation to enhancing the IDNYC application process.

**Res 230** - By Council Members Brewer, Hanif and Cabán - **Resolution** calling on the United States Citizenship and Immigration Services (USCIS) and the Secretary of Homeland Security to grant humanitarian parole, of at least two years, to asylum seekers who entered the United States prior to the date this parole is announced.

**Res 235** - By Council Members Brewer, Louis, Hanif, Hudson, Ung, Sanchez, Gutierrez and Cabán - **Resolution** calling on United States Citizenship and Immigration Services to quickly clear the backlog of I-765 applications for employment authorization.

**Preconsidered Res \_\_\_** - By Council Member Hudson - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, S.5964/A.8263, also known as the Empire State Licensing Act, which provides all New Yorkers with access to professional, occupational, commercial, or business licenses, permits, certificates, or related registrations regardless of an applicant's citizenship or immigration status, or lack thereof.  
Council Chambers – City Hall.....10:00 a.m.

Committee on Rules, Privileges and Elections

Keith Powers, Chairperson

**Res 454** - By Council Member Powers - **Resolution** approving the appointment of Helen Skipper as a member of the New York City Board of Corrections.

**Res 455** - By Council Member Powers - **Resolution** designating Tricia Taitt, a resident Queens, for appointment by the Mayor as a director of the New York City Health and Hospitals Corporation.

**Res 456** - By Council Member Powers - **Resolution** designating Dr. Vincent Calamia, a resident OF STATEN ISLAND, for appointment by the Mayor as a director of the New York City Health and Hospitals Corporation

Committee on Rules, Privileges and Elections (Cont.)

**Res 457** - By Council Member Powers - **Resolution** approving the re-appointment by the Council of Michael M. McSweeney as City Clerk and Clerk of the Council.

**Preconsidered M \_\_\_** - Communication from the Manhattan Borough President pursuant to Sections 31 and 192 of the New York City Charter for the Council’s advice and consent regarding the appointment of **Raju Mann** as a commissioner of the City Planning Commission.

Committee Room – 250 Broadway, 14th Floor..... 10:00 a.m.

Subcommittee on Zoning & Franchises

Kevin C. Riley, Chairperson

**See Land Use Calendar**

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

Committee on General Welfare

Diana I. Ayala, Chairperson

**Oversight** - Families with Children in DHS Shelters.

**Int 123** - By Council Members Ayala, Louis, Restler, Stevens, Hanif, Hudson, Brewer, Ung, Sanchez, Won and Gutiérrez - **A Local Law** to amend the administrative code of the city of New York, in relation to precluding the department of homeless services from requiring a child’s presence at an intake center when a family with children applies for shelter.

**Int 124** - By Council Members Ayala, Ung, Restler, Hanif, Hudson and Brewer - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to provide process navigator services to every family with children entering an intake center.

**Int 440** - By Council Members Stevens, Schulman, Salaam, Marte, Won, Cabán, Riley, Williams, Narcisse, Banks, Louis, Farías, Avilés and Brooks-Powers - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to designate eligibility specialists at shelters.

**Int 453** - By Council Members Ung, Hanif, Restler and Hudson - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the establishment of intake centers for families with children.

**Proposed Int 460-A** - By Council Members Ung, Lee, Cabán, Joseph, Hanif, Brewer, Restler, Hudson and Schulman - **A Local Law** in relation to requiring the department of homeless services to report on the feasibility of establishing partnerships with community-based organizations to accept and process applications for shelter intake from families with children

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

**Wednesday, June 12, 2024**

Committee on Consumer and Worker Protection

Julie Menin, Chairperson

**Int 360** - By Council Members Ossé, Abreu, Feliz, Hudson, Krishnan, Nurse, Marte, Hanif, Brooks-Powers, Cabán, Sanchez, Louis, Won, Gennaro, Bottcher, Powers, Gutiérrez, Holden, Salaam, Hanks, Restler, Joseph, Avilés, De La Rosa, Stevens, Farías, Narcisse, Williams, Salamanca, Banks, Riley and the Public Advocate (Mr. Williams) (in conjunction with the Brooklyn Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to the fees charged in a residential rental real estate transaction

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

Subcommittee on Landmarks, Public Sitings and Dispositions  
**See Land Use Calendar**

Kamillah Hanks, Chairperson

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

**Thursday, June 13, 2024**

Committee on Land Use

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**  
**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

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

Committee on Economic Development

Amanda Farías, Chairperson

**Int 164** - By Council Members Farías, Hudson, Avilés, Louis and Schulman - **A Local Law** to amend the New York city charter and the administrative code of the city of New York, in relation to the preparation of community impact reports for city-subsidized economic development projects.

**Int 165** - By Council Members Farías, Hudson and Louis - **A Local Law** in relation to a study on the feasibility of establishing a commercial and residential linkage fee.

**Int 810** - By Council Members Farías, Brannan, Louis, Riley and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to the development of a public housing entrepreneurship and commercial popup program.

**Int 844** - By Council Members Riley, Louis, Restler and Farías - **A Local Law** to amend the administrative code of the city of New York, in relation to the inclusion of micro-grants in the public housing entrepreneurship and commercial pop up program.

**Int 860** - By Council Members Avilés, Hanif, Cabán, Nurse, Gutiérrez, Banks, Brooks-Powers, Brewer, Ayala, De La Rosa and Marte - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring certain contracted entities to make public job training and employment data collected pursuant to projects in excess of \$150,000.

**Int 861** - By Council Members Avilés, Hanif, Restler, Cabán, Nurse, Gutiérrez, Banks, Brewer, Brooks-Powers, Ayala, De La Rosa and Marte - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring disclosure of community benefit agreements in the annual report by certain contracted entities.

**Res 77** - By Council Members Farías and Louis - **Resolution** calling on the New York State Legislature to pass, and the Governor to sign, legislation that would create a linkage fee for large scale residential or commercial projects, and create a trust that would receive this fee to fund job training, education and employment programs.  
Committee Room – City Hall..... 1:00 p.m.

**Friday, June 14, 2024**

Committee on Governmental Operations,  
State & Federal Legislation

Lincoln Restler, Chairperson

**Oversight** - NYC Campaign Finance Board and Laws.

Committee Room – City Hall.....10:00 a.m.

Tuesday, June 18, 2024

Committee on Environmental Protection,  
Resiliency and Waterfronts

James F. Gennaro, Chairperson

**Oversight** - Lead Service Lines.

**Int 942** - By Council Member Gennaro, the Public Advocate (Mr. Williams), and Council Member Sanchez - **A Local Law** to amend the administrative code of the city of New York, in relation to the replacement of lead water service lines.

**Res 8** - By Council Members Gennaro, Gutiérrez, Hudson, Williams, Won, Yeger, Riley, Schulman, Farías, Avilés, Holden and Nurse - **Resolution** calling upon the New York State Department of Health and New York State Environmental Facilities Corporation to fairly allocate grants and loans for lead service line replacement approved in the Federal Bipartisan Infrastructure Law and to remove all rules preventing New York City from receiving a fair share of this funding.

Committee Room – 250 Broadway, 14th Floor..... 10:00 a.m.

Committee on Finance

Justin Brannan, Chairperson

Agenda to be announced

Committee Room – City Hall.....10:00 a.m.

Committee on Oversight and Investigations

Gale A. Brewer, Chairperson

**Oversight** - Special Commissioner of Investigation for the New York City School District.

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

Committee on Education

Rita Joseph, Chairperson

**Int 118** - By Council Member Ayala, the Public Advocate (Mr. Williams) and Council Members Restler, Won, Schulman, Hanif, Hudson, Stevens and Joseph - **A Local Law** in relation to reporting on dress code policies in New York City schools.

**Int 266** - By Council Members Joseph, Vernikov, Feliz, Louis, Won, Salaam, Riley, Farías, Gennaro, De La Rosa, Hudson, Restler and Zhuang (by request of the Manhattan Borough President) - **A Local Law** in relation to establishing a bullying prevention task force.

**Int 432** - By Council Members Sanchez, Mealy, Restler, Joseph, Hudson, Avilés, Cabán, Menin, Yeger, Ayala, Zhuang, Louis, Salaam, Brewer, Won, Riley, Gennaro and Schulman - **A Local Law** to amend the administrative code of the city of New York, in relation to distributing information about after school programs.

**Int 577** - By Council Members Dinowitz, Won, Schulman, Hanif, Bottcher, Gennaro, Brewer, Restler, Hudson, Aviles and Louis - **A Local Law** in relation to requiring the department of education to conduct a study on the feasibility of installing green roofs on schools.

**Int 733** - By Council Members Stevens, Gennaro, Riley, Nurse, Gutiérrez, Narcisse, De La Rosa, Louis, Farías, Salaam, Joseph, Schulman and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the New York City Department of Education to report information on Career and Technical Education programs in New York City public schools.

**Int 771** - By Council Members Lee, Ung, Krishnan, Joseph, Gennaro, Brewer, Won, Hudson, Zhuang, Louis, Schulman and Restler - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring distribution of information regarding phone interpretation services

**Int 797** - By Council Members Stevens, Narcisse, Banks, Louis, Joseph, Brooks-Powers and Restler (by request of the Bronx Borough President) - **A Local Law** to amend the administrative code of the city of New York, in relation to reporting on student clubs and organizations.

**Res 95** - By Council Members Hanif, Schulman, Avilés, Louis, Krishnan, Salaam, Brewer, Ossé, Sanchez, Powers, Marte, Narcisse, Won, De La Rosa, Rivera, Bottcher, Menin, Lee, Hudson, Abreu, Nurse, Brannan, Brooks-Powers, Cabán, Feliz and Stevens - **Resolution** calling upon the New York City Department of Education to consult with faith-based organizations to develop and provide all grade levels with a curriculum that focuses on religious diversity; to provide professional development focused on religious diversity for teachers, staff, and administrators; to ensure accurate classification of hate crimes in annual school reports and

immediate notification and full disclosure to parents of hate crime statistics; and to ensure that schools take actions to condemn bullying and harassment based on religious clothing, food requirements, and the need for prayer space and time year round.

**Res 292** - By Council Members Stevens, Riley, Nurse, Gutiérrez, Narcisse, Louis, Salaam and Joseph - **Resolution** calling on the New York City Department of Education to create an inclusive school dress code policy that complies with Title IX of the Federal Education Amendments Act and accounts for diverse cultures, gender expressions and body diversity.

**Res 372** - By Council Members Joseph, Gennaro, Brannan, Louis, Rivera, Brewer, Riley, De La Rosa, Hudson, Abreu, Banks, Brooks-Powers and Schulman - **Resolution** calling on the New York City Department of Education to provide support for a student newspaper at every high school.

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

Committee on Veterans

Robert F. Holden, Chairperson

**Oversight** - Promising Therapies for Veterans’ Mental and Emotional Health.

Committee Room – 250 Broadway, 14th Floor..... 1:00 p.m.

**Thursday, June 20, 2024**

Stated Council Meeting

**Council Chambers – City Hall.....Agenda – 1:30 p.m.**

The following comments were among the remarks made by the Speaker (Council Member Adams) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Adams) acknowledged that Jewish communities would be celebrating *Shavout* on the evening of June 11<sup>th</sup>. She wished all New Yorkers who were celebrating a happy and safe *Shavout*.

The Speaker (Council Member Adams) acknowledged Foster Youth Shadow Day in the Council. She noted that the goal of Foster Shadow Day was to give foster youth the opportunity to learn about the Council, to become more civically engaged, and to be introduced to new career pathways. She welcomed all the students participating tin the program to the People’s House of City Hall.

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Whereupon on motion of the Speaker (Council Member Adams), the Majority Leader and Acting President Pro Tempore (Council Member Farías) adjourned these proceedings to meet again for the Stated Meeting of Thursday, June 20, 2024.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Note:* For the transcript of these proceedings, please refer to the respective attachment section of items introduced or adopted at this Stated Meeting of June 6, 2024 on the New York City Council website at <https://council.nyc.gov>.