

THE COUNCIL

Minutes of the Proceedings for the
STATED MEETING
of
Thursday, June 18, 2020, 2:15 p.m.
held remotely via video-conference

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

Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Mark Gjonaj	Bill Perkins
Alicia Ampry-Samuel	Barry S. Grodenchik	Keith Powers
Diana Ayala	Robert F. Holden	Antonio Reynoso
Inez D. Barron	Ben Kallos	Donovan J. Richards
Joseph C. Borelli	Andy L. King	Carlina Rivera
Justin L. Brannan	Peter A. Koo	Ydanis A. Rodriguez
Fernando Cabrera	Karen Koslowitz	Deborah L. Rose
Margaret S. Chin	Rory I. Lancman	Helen K. Rosenthal
Andrew Cohen	Bradford S. Lander	Rafael Salamanca, Jr
Costa G. Constantinides	Stephen T. Levin	Ritchie J. Torres
Robert E. Cornegy, Jr	Mark D. Levine	Mark Treyger
Laurie A. Cumbo	Farah N. Louis	Eric A. Ulrich
Chaim M. Deutsch	Alan N. Maisel	Paul A. Vallone
Ruben Diaz, Sr.	Steven Matteo	James G. Van Bramer
Daniel Dromm	Carlos Menchaca	Kalman Yeger
Mathieu Eugene	I. Daneek Miller	
Vanessa L. Gibson	Francisco P. Moya	

At the time of this virtual Stated Meeting, there was one vacant seat on the Council in the 37th District (Brooklyn) pending the swearing-in of the certified winner of the November 3, 2020 General Election.

The Majority Leader (Council Member Cumbo) assumed the chair as the Acting President Pro Tempore and Presiding Officer for these proceedings.

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 Acting President Pro Tempore (Council Member Cumbo).

There were 50 Council Members marked present at this Stated Meeting held remotely due to the coronavirus pandemic emergency. These virtual proceedings were video-conferenced via Zoom.

INVOCATION

The Invocation was delivered by Rev. Yunus Coldman, spiritual leader at Rivers of Living Water Ministries, UCC, located at 263 West 86th Street, New York, NY 10024.

Good afternoon, everyone.

To the all-knowing, the all-loving,
the Divine presence,
the great I Am, Emmanuel, eternal I Am-ness,
light, love, the One, we pray.

There is one life, the life of God.
Therefore, I Am.
There is one universal creative intelligence.
Therefore, I Am.
There is one mind, the mind of God.
Therefore, I Am.
Love is universal spirit in action.
Therefore, I Am.
God is, therefore I Am.
I Am that I Am.
Therefore, I Am.
For all of us gathered here today, albeit virtually,
we ask for strength and wisdom, the Holy support,
those for whom we are gathered.
We ask You for Your blessings
as we move forward as one,
guiding us along the way.
Let us take this time on this day
to develop what is needed and wanted.
Let us hear and discern the voices
of those we serve
as we attempt to provide for them,
allowing their lead when needed
and covering them when necessary.
We come together invoking Your presence here
to do the work that ought to be done.
In them, through them, and for them.
We ask for Your presence here,
eyes open, minds open, hearts open.
In the name of all that is good and just
and right for them all, for us all.
Amen, *ashay*, and so it is.

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

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) encouraged everyone to continue the progress made in the battle against COVID-19. He also acknowledged that the number of coronavirus deaths and probable deaths in New York had reached 22,199 as of June 18, 2020.

The Speaker (Council Member Johnson) acknowledged the deaths of two more firefighters and two more police officers to 9/11 related illnesses. The FDNY lost Firefighter William McCarthy III on June 14, 2020 and Firefighter Paul A. McManamen on June 8, 2020. The NYPD lost Detective Jewel Jenkins on May 24, 2020 and Detective Leonard Cocco, Jr. in mid-June 2020.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of Firefighters McCarthy and McManamen, Detectives Jenkins and Cocco, and for all the New Yorkers who lost their lives to COVID-19.

At this point, a Moment of Silence was observed.

* * *

Also during the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) recognized and thanked the Public Advocate (Mr. Williams) for his leadership and yielded the floor to him. The Public Advocate (Mr. Williams) spoke briefly on a package of criminal justice reform bills being considered by the Council at this Meeting.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

M-242

Communication from the New York City Banking Commission - Transmitting recommendations of the interest rate to be charged for Fiscal Year 2021 for non-payment of taxes on real estate and for the discount rate to be allowed for early payment of real estate taxes for Fiscal Year 2021, pursuant to the City Charter.

May 13, 2020

Honorable Corey Johnson
Speaker, New York City Council
ATTN: Jonathan Etricks
City Hall
New York, NY 10007

Re: FY2021 Interest Rates Recommendations for:
Early Payment (Discount) of Real Estate Taxes; and
Non-Payment of Real Estate Taxes

Dear Speaker Johnson:

Pursuant to § 11-224.1 of the New York City Administrative Code and § 1519(a) of the New York City Charter, at its meeting on May 13, 2020, the NYC Banking Commission approved resolutions recommending to the City Council the following proposed FY2021 interest rates for the discount rate for early real estate tax payments and the rates for non-payment of real estate taxes:

- a. One-half of one percent (**0.50%**) discount per annum for early payment of real estate taxes;
- b. Three point twenty-five percent (**3.25%**) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, for the first quarter of FY2021;
- c. Five percent (**5.0%**) per annum for non-payment of taxes for real estate with an assessed value of not more than two hundred fifty thousand dollars (\$250,000.00), or not more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, for the second, third, and fourth quarters of FY2021;
- d. Eighteen percent (**18.0%**) per annum for non-payment of taxes for real estate with an assessed value of more than two hundred fifty thousand dollars (\$250,000.00), or more than two hundred fifty thousand dollars (\$250,000.00) per residential unit for co-ops, or where irrespective of the assessed value, the parcel consists of vacant or unimproved land.

The Commission also requested that the Administration and City Council consider local legislation to reduce the late payment interest rate for properties to zero with assessed values no more than \$250,000 in the first quarter of FY21 for owners who demonstrate hardship caused by the COVID-19 pandemic.

The Commission also voted on a \$10 Million Banking Development District deposit for a Popular Bank branch, located at 1620 Pitkin Avenue in Brownsville, Brooklyn. Attached are copies of the Banking Commission resolutions.

Sincerely,

Jeffrey Shear
Deputy Commissioner, Treasury and Payment Services
NYC Department of Finance
Attachment

Cc: Honorable Bill de Blasio
Comptroller Scott M. Stringer
Commissioner Jacques Jiha, Ph.D., NYC Department of Finance
NYC Deputy Mayor for Operations Officer Laura Anglin
Assistant Comptroller for Economic Development Brian Cook

ATTACHMENT: Banking Res. Nos. 1 to 4**RESOLUTION NO. 1 – FY2021 EARLY PROPERTY TAX PAYMENT DISCOUNT RATE RECOMMENDATION**

WHEREAS, the decrease in interest rates has caused the City to earn less income than it had previously on property taxes paid early. From July 2019 – March 2020, NYC’s quarterly average rates on its investments ranged from 1.09% - 2.16% in comparison to FY2019 from 2.16% - 2.53%, and

WHEREAS, the Banking Commission’s impact analysis for FY2021 demonstrates that this lower return on investments rate resulted in \$19.8 million of interest earned on taxes collected early (with a 50 basis point (0.50%) discount). This will offset estimates of forgone tax revenue of **(\$7.4 Million)** (discount given) plus (+) forgone interest income on forgone taxes of **(\$155k)**, resulting in a net surplus in revenue to the City of **\$12.2 Million**, compared to \$18 million in FY2019, and

WHEREAS, the impact translates to a total positive impact for the City of \$13.3 million in FY2020. This consists of the aforementioned \$12 million in net surplus revenue and an additional \$1.3 million in administrative cost savings. If the Banking Commission were to increase the discount rate to 100 basis points (1.0%), this would reduce net revenue to the City by \$10 million, and

WHEREAS, changes in the discount rate decrease from 100 basis points (1.0%) in FY2015 to 50 basis points (0.50%) in FY2016 through FY2019 has had little effect on the number of pre-paid accounts or the amount of taxes collected early. Therefore, taxpayer behavior appears somewhat inelastic in response to changes in the discount rates. Further, given the inelasticity, cash flow would not materially increase should the discount increase above 50 basis points (0.50%), now, therefore be it

RESOLVED, the Banking Commission recommends to the City Council that the discount rate for the early payment of real estate taxes shall remain at 50 basis points (0.50%) per annum for FY2021, and be it further

RESOLVED, that said discount rate is to be offered only for that portion of the real estate tax that is paid before the due date.

RESOLUTION NO. 2 – FY2021 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED NO MORE THAN \$250,000

WHEREAS, pursuant to the New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, and

WHEREAS, the proposed interest rate shall be at least equal to the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the “prime rate”), and

WHEREAS, the Banking Commission notes that as of May 12, 2020 said prime rate stands at three point twenty-five percent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City’s best interest to encourage the prompt payment of real estate taxes by all taxpayers, and

WHEREAS, the overall trend in the past year was a falling interest rate environment. There have been five incremental decreases in the Federal Funds rate ranging between 25 basis points (0.25%) and 100 basis points (1.0%) in the past twelve months totaling 225 basis points (2.25%) by the Open Market Committee of the Federal Reserve Bank, and

WHEREAS, many property tax owners whose properties are assessed at no more than \$250K have been adversely affected by economic consequences of the COVID-19 pandemic and the lowest interest rate that the Banking Commission can recommend for this category of property owners is the current prime rate of 3.25%, and

WHEREAS, decreasing the current penalty rate of 7.0% to 5.0% for assessed properties valued at no more than \$250k is consistent with the past year's 225 basis point (2.25%) decrease and the current Federal Reserve position of holding rates at current levels, and

WHEREAS, the property tax balance (amount delinquent) increased from \$345.3 million in FY19 to \$419.8 million in FY20, an increase of 21.6% or ~\$74.5 million, and

WHEREAS, the delinquency rate for quarterly accounts (assessed properties < \$250,000) increased from 10.43% to 13.02% or an increase of 24.9%. The City's overall delinquency rate went from 10.17% in FY19 to 12.66% in FY20, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of taxes for all properties with an assessed value of not more than two hundred fifty thousand dollars (\$250,000), or not more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, be reduced from seven per cent (7.0%) per annum to three and a quarter percent (3.25%) per annum for the first quarter of tax year 2021 and five percent (5.0%) per annum for the second, third, and fourth quarters of tax year 2021, and be it further

RESOLVED, the Banking Commission also requests that the Administration and City Council consider local legislation to reduce the late payment interest rate for properties to zero with assessed values no more than \$250,000 in the first quarter of FY21 for owners who demonstrate hardship caused by the COVID-19 pandemic.

RESOLUTION NO. 3 – FY2021 LATE PROPERTY TAX PAYMENT INTEREST RATE RECOMMENDATION FOR PROPERTIES ASSESSED GREATER THAN \$250,000

WHEREAS, pursuant to the New York City Administrative Code § 11-224.1, the Banking Commission is required to recommend to the City Council, no later than the thirteenth of May, the proposed interest rate to be charged for non-payment of taxes for properties with an assessed value of more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, and

WHEREAS, said provisions of the Administrative Code require the Banking Commission to propose a rate at least six percentage points (6.0%) per annum greater than the prevailing interest rate charged for commercial loans extended to prime borrowers by commercial banks operating in the City (the "prime rate"), and

WHEREAS, the Banking Commission notes for the record that as of May 12, 2020 said prime rate stands at three point twenty-five percent (3.25%), as published by the Board of Governors of the Federal Reserve System, and

WHEREAS, it is in the City's best interest to encourage the prompt payment of real estate taxes by all large taxpayers, and

WHEREAS, the delinquency rates for semi-annual accounts (assessed properties > \$250,000) increased 19.3%, going from 7.38% in FY2019 to 8.80% in FY2020, which is still a healthy delinquency rate. The Banking Commission does not think that this is attributable to the 18% penalty rate, as that rate has not changed since 1991. In addition, there continues to be a positive impact on New York City revenue when considering interest paid for semi-annual accounts of \$30.4 million offset by the negative (\$6.4 million) of forgone interest the city would have made if the taxes had been paid on time, which resulted in a positive impact of \$24 million in net revenue, now, therefore, be it

RESOLVED, the Banking Commission recommends to the City Council that the interest rate to be charged for non-payment of real estate taxes where the assessed value of a property is more than two hundred fifty thousand dollars (\$250,000), or more than two hundred fifty thousand dollars (\$250,000) per residential unit for co-ops, or where, irrespective of the assessed value, the parcel consists of vacant or unimproved land, remain at eighteen per cent (18%) per annum for FY2021.

RESOLUTION NO. 4 – POPULAR BANK BDD DEPOSIT

WHEREAS, Popular Bank has requested that the City of New York make a \$10 Million deposit at its Brownsville BDD branch located at 1620 Pitkin Avenue in Brooklyn; therefore, be it

RESOLVED, the Banking Commission approves a \$10 Million City BDD deposit at the Popular Bank Brownsville BDD branch.

Dated May 13, 2020

The NYC Banking Commission unanimously approved Resolutions No. 1-4.

Referred to the Committee on Finance.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Public Safety

Report for Int. No. 487-A

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to creating comprehensive reporting and oversight of New York city police department surveillance technologies.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 713), respectfully

REPORTS:

I. INTRODUCTION

On June 18, 2020, the Committee on Public Safety, chaired by Council Member Donovan Richards, held a vote on Proposed Introduction Number 487-A (“Prop. Int. No. 487-A”), a local Law to amend the administrative code of the city of New York, in relation to creating comprehensive reporting and oversight of New York city police department surveillance technologies; Proposed Introduction Number 536-B (“Prop. Int. No. 536-B”), a local law to amend the administrative code of the City of New York, in relation to chokeholds; Prop. Int. No. 721-B, a local law to amend the administrative code of the City of New York, in relation to respecting the right to record police activities; Prop. Int. No. 760-B, a local law to amend the administrative code of the City of New York, in relation to an early intervention system; Preconsidered Int. (Relating to Shields), a local law to amend the administrative code of the City of New York, in relation to requiring visible shield numbers and rank designations; Proposed Introduction Number 1309-A, a local law to amend the administrative code of the city of New York, in relation to requiring the police department to develop an internal disciplinary matrix; and Preconsidered Resolution (relating to chokeholds), calling upon the United States Congress to pass, and the President to sign, the Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), which would prohibit police chokeholds and other tactics that result in asphyxiation. The Committee previously heard Prop. Int. No. 536-B, Prop. Int. No. 721-B, Prop. Int. No. 760-B, Preconsidered Int. (Relating to Shields), and Preconsidered Resolution (relating to chokeholds) on June 9, 2020. The committee previously heard Prop. Int. No. 1309-A on February 7, 2019. The committee previously heard Prop. Int. No. 487-A on December 18, 2019.

The bills were voted out of committee by a vote of 12-1.

II. BACKGROUND

On July 17, 2014, Staten Island resident Eric Garner was killed after an interaction with NYPD Officer Daniel Pantaleo related to an arrest for selling untaxed cigarettes. During this interaction, Officer Pantaleo used what is commonly known as a “chokehold” on Mr. Garner, and a video of Pantaleo using this “chokehold” filmed by a bystander, while Mr. Garner repeatedly stated “I can’t breathe,” was widely distributed in mainstream and social media.¹ A Staten Island Grand Jury declined to indict officer Pantaleo for any criminal charges.² Over five years after Mr. Garner’s death, Officer Pantaleo was fired by the New York Police Department.³

¹ E.g., Mark Morales, David Shortell and Holly Yan, “Chants of ‘I can’t breathe!’ erupt as the officer in the Eric Garner case won’t face federal charges,” CNN, July 19, 2019, available at <https://www.cnn.com/2019/07/17/us/eric-garner-no-federal-charges-against-officer-reaction/index.html>

² “Grand Jury Declines to Indict NYPD Officer in Eric Garner Chokehold Death,” NBC, December 3, 2014, available at: <https://www.nbcnewyork.com/news/local/grand-jury-decision-eric-garner-staten-island-chokehold-death-nypd/1427980/>

³ “Daniel Pantaleo, Officer Who Held Eric Garner in Chokehold, Is Fired,” NYTimes, August 19, 2019, available at: <https://www.nytimes.com/2019/08/19/nyregion/daniel-pantaleo-fired.html>

On May 25 2020, in Minneapolis, Minnesota, George Floyd was killed by Minneapolis police officers who knelt on his back and neck while he was face down on the ground for over 8 minutes while he repeatedly told them he could not breathe.⁴ The officers, who were arresting Mr. Floyd in relation to a counterfeit \$20 bill⁵, were fired the day after the incident.⁶ One of the four officers stands charged with second degree murder, and the other three are charged with aiding in Mr. Floyd's death.⁷

These incidents, as well as many others, and a history of tension between police departments and communities of color have prompted widespread protests across the country and in New York City.⁸ Some media outlets and advocates have reported that during these protests, officers have been covering their badges in violation of NYPD policy.⁹

On January 25, 2019, an independent panel commissioned by the NYPD to conduct a review of the department's disciplinary practices and issue recommendations published its report.¹⁰ One of its recommendations was to study and consider adopting an internal disciplinary matrix.¹¹ The department accepted this recommendation, and has stated that it has begun work on its development, but to date has not created such a matrix.¹²

The NYPD's Patrol Guide prohibits the use of chokeholds and other tactics that risk impeding respiration of an individual subject to arrest or detention. Patrol Guide section 221-01 broadly outlines NYPD policies regarding Use of Force, which explicitly prohibits officers from using chokeholds, defined as "any pressure to the throat or windpipe, which may prevent or hinder breathing or reduce intake of air."¹³ Additionally, Patrol Guide §221-02 (11.a) advises officers to "[a]pply no more than the reasonable force necessary to gain control," and "[a]void actions which may result in chest compression, such as sitting, kneeling, or standing on a subject's chest or back, thereby reducing the subject's ability to breathe."¹⁴ During the recent protests, and repeatedly in the past, there have been reports of NYPD officers restricting bystander from filming police-involved activities, including numerous lawsuits based on NYPD attempts to suppress such filming.¹⁵ The federal constitution protects the right to film police activities generally,¹⁶ and the NYPD has issued a message to its officers generally guiding them not to prevent such filming with certain exceptions.¹⁷ Civilians in New York may only be arrested

⁴ "8 Minutes and 46 Seconds: How George Floyd Was Killed in Police Custody," *NYTimes*, May 31, 2020, available at: <https://www.nytimes.com/2020/05/31/us/george-floyd-investigation.html>

⁵ "What Happened in the Chaotic Moments Before George Floyd Died," *NYTimes*, May 29, 2020, available at: <https://www.nytimes.com/2020/05/29/us/derek-chauvin-george-floyd-worked-together.html>

⁶ "I Can't Breathe": 4 Minneapolis Officers Fired After Black Man Dies in Custody", *NYTimes*, May 26, 2020, available at: <https://www.nytimes.com/2020/05/26/us/minneapolis-police-man-died.html>

⁷ "New Charges for Former Minneapolis Police Officers as Protests Persist," *NYTimes*, June 3, 2020, available at: <https://www.nytimes.com/2020/06/03/us/george-floyd-officers-charged.html>

⁸ "Why the Killing of George Floyd Sparked an American Uprising," *Time*, June 4, 2020, available at: <https://time.com/5847967/george-floyd-protests-trump/>

⁹ "NYPD cops accused by advocacy groups of covering shield numbers during George Floyd protests" *Daily News*, June 4, 2020, available at: <https://www.nydailynews.com/new-york/nyc-crime/ny-nypd-cops-accused-covering-shield-numbers-protests-20200604-rje2krqecfrcdex2p2fdy3c5i-story.html>

¹⁰ "The Report of the Independent Panel on the Disciplinary System of the New York City Police Department" January 25, 2019 available at <https://www.independentpanelreportnypd.net/>

¹¹ "The Report of the Independent Panel on the Disciplinary System of the New York City Police Department" January 25, 2019 pg. 51 available at <https://www.independentpanelreportnypd.net/>

¹² See Testimony of the NYPD, Hearing of the Committee on Public Safety, June 9, 2020, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=791488&GUID=AF936D7B-EDE6-48C9-B856-C30B9E6672F9&Options=&Search=>

¹³ NYPD Patrol Guide §221-01; available at: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide3.pdf.

¹⁴ NYPD Patrol Guide §221-02 (11.a); available at: https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide3.pdf.

¹⁵ E.g., Noah Goldberg, "Defense attorney claims she was wrongfully arrested by Brooklyn cops for recording them frisking suspects," *The New York Daily News*, May 11, 2020, available at <https://www.nydailynews.com/coronavirus/ny-coronavirus-legal-aid-attorney-arrest-nypd-record-iphone-dog-20200511-fekxblcgjje3jiglumisjay3sm-story.html>

¹⁶ *Gericke v. Begin*, 753 F.3d 1, 9 (1st Cir. 2014); see also *Am. Civil Liberties Union of Illinois v. Alvarez*, 679 F.3d 583 (7th Cir. 2012); *Adkins v. Limtiaco*, 537 F. App'x 721, 722 (9th Cir. 2013)

Glik v. Cunniffe, 655 F.3d 78 (1st Cir. 2011); John J. Ryan, *Constitutional Law - First Circuit Court of Appeals Upholds A Citizen's Right to Film A Police Officer During A Traffic Stop Absent A Reasonable Restriction - Gericke v. Begin*, 753 F.3d 1 (1st Cir. 2014), 20 Suffolk J. Trial & App. Advoc. 155 (2015)

¹⁷ Information provided to the Council by the NYPD.

for recording police encounters when their activity amounts to obstruction or interference with a police officer's duties. Pursuant to the New York State Penal Law, if a person obstructs or interferes with a police officer's duties they can be arrested and charged with "obstructing governmental administration"¹⁸ or "disorderly conduct".¹⁹

Notwithstanding the NYPD's directive and case law, according to the New York City Civilian Complaint Review Board (CCRB) officers have been found to interfere with such recordings. According to the CCRB report "*Worth a Thousand Words: Examining Officer Interference with Civilian Recordings of Police*,"²⁰ published in June 2017, from January 1, 2014 through December 31, 2016 the CCRB closed 257 complaints, covering 346 allegations, in which civilians reported that officers interfered with their ability to record.²¹ Police interference included but was not limited to officers instructing civilians to stop recording, searching civilians' phones for recordings of activity, deleting such footage, and damaging recording devices.²² In 58% of these complaints, civilians were recording their own interaction with police officers, and the remaining 42% were bystanders recording or attempting to record an encounter with a third party.²³ Several of the officers involved in high profile incidents that have been viewed as examples of misconduct appear to have been the subject of prior disciplinary action²⁴ or civil litigation alleging misconduct.²⁵ In addition, the use of force by police officers has been increasing even as crime has decreased.²⁶ In 2015, the NYPD created a Force Investigations Division, which is designed to centralize and standardize the way the NYPD investigates whether a use of force was appropriate.²⁷

However, it is unclear whether the results of those investigations, as well as allegations included in lawsuits against officers, CCRB complaints and investigations, judicial determinations on the lawfulness of arrests and adverse credibility findings are assessed in a centralized fashion in order to monitor, retrain, or reassign individual officers who have been found to have used excessive force or engaged in the alleged misconduct.

Over the last several years, there has been growing concern and attention regarding law enforcement's acquisition and use of new and invasive surveillance technologies.²⁸ These technologies include devices such as military grade X-Ray vans, license plate readers and cell site simulators that can capture cell phone information from surrounding cell phone users,²⁹ and more recently, facial recognition technology.³⁰ At the local level, there is little to no public comment or legislative input in the acquisition and use of these technologies. Law enforcement's use of such technologies is only revealed through litigation, if at all. Privacy rights advocates have testified previously before the Council that there is a need for greater police transparency regarding the use of surveillance technology.³¹

¹⁸ See Penal Law 195.05

¹⁹ See Penal Law 240.20

²⁰ Available at http://www1.nyc.gov/assets/ccrb/downloads/pdf/20172806_report_recordinginterference.pdf

²¹ "Worth a Thousand Words: Examining Office Interference with Civilian Recordings of Police" The Civilian Complaint Review Board June 2017 available at http://www1.nyc.gov/assets/ccrb/downloads/pdf/20172806_report_recordinginterference.pdf

²² *Id.* at 1

²³ *Id.* at 1

²⁴ "Records Leak in Eric Garner Case Renews Debate on Police Discipline," *NYTimes*, March 22, 2017, available at:

<https://www.nytimes.com/2017/03/22/nyregion/nypd-eric-garner-daniel-pantaleo-disciplinary-records.html>

²⁵ "NYC Cop who tased and punched a man in viral video named in 7 lawsuits settled by NYC for \$210K", *Daily News*, May 4, 2020, available at: <https://www.nydailynews.com/new-york/nyc-crime/ny-punch-20200504-pxs6vb5czzbozlgiansyu5mzm-story.html>

²⁶ "Cops used more force in 2019, even as arrests fell last year: report", *Daily News*, March 11, 2020, available at:

<https://www.nydailynews.com/new-york/nyc-crime/ny-nypd-use-of-force-report-20200311-2vwo4wq5mfg3dkcm2bgi6dr4ai-story.html>

²⁷ Inside the Unit that Studies Use of Police Force," *NY1*, January 30, 2019, available at: [https://www.ny1.com/nyc/all-](https://www.ny1.com/nyc/all-boroughs/news/2019/01/30/inside-the-new-nypd-unit-that-studies-use-of-police-force-)

[boroughs/news/2019/01/30/inside-the-new-nypd-unit-that-studies-use-of-police-force-](https://www.ny1.com/nyc/all-boroughs/news/2019/01/30/inside-the-new-nypd-unit-that-studies-use-of-police-force-)

²⁸ "New Bill Holds NYPD Accountable for Surveillance Technology" available at <https://www.aclu.org/news/new-bill-holds-nypd-accountable-surveillance-technology>

²⁹ *Id.*

³⁰ "She Was Arrested at 14. Then Her Photo Went to a Facial Recognition Database," *New York Times*, August 1, 2019, available at:

<https://www.nytimes.com/2019/08/01/nyregion/nypd-facial-recognition-children-teenagers.html>

³¹ See Hearing Testimony to the New York City Council's Committee on Public Safety June 14, 2017 available at

<https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=2972217&GUID=0D8289B8-5F08-4E6F-A0D1-2120EF7A0DCA&Options=&Search=>

III. ANALYSIS OF PROP. INT. NO. 487-A

Section 1 of Int. No. 487 adds a new administrative code section that creates comprehensive reporting and oversight of NYPD surveillance technologies. The first subdivision defines “surveillance technology” and the “surveillance technology impact and use policy” (IUP). The IUP is a document that requires the NYPD to report on the: 1. capabilities of the surveillance technology; 2. rules processes and guidelines regulating access to it, including whether the department obtains a court authorization for each use of the equipment; 3. security measures to protect the information collected by the technology; 4. policies and practices related to the data retention; 5. policies and practices related to access or use of data by members of the public; 6. whether other entities outside the Department have access to the data collected by the surveillance technology; 7. whether training is required prior to use of the surveillance technology; 8. a description of internal audit or oversight mechanisms to comply with the IUP; 9. any tests or reports regarding the health and safety effects of the surveillance technology; and, 10. any potentially disparate impacts of the surveillance technology impact and use policy on any protected groups as defined in the New York city human rights law. The bill requires the Department to propose an IUP and post it on the website prior to the use of new surveillance technology. For existing technology, the bill requires the NYPD to propose an IUP within 180 days of the effective date of the bill. When the Department seeks to acquire or acquires enhancements to the surveillance technology that has not previously been disclosed in an IUP, the NYPD must publish an addendum to the existing IUP. Upon the publication of any proposed IUP, the public is given 45 days to submit comments to the NYPD Police Commissioner. The Police Commissioner must consider the public comments and provide the final IUP to the Council and the Mayor, and post it to the Department’s website within 45 days after the close of the public comment period.

Section 2 of the bill requires the Department of Investigation’s Inspector General for the Police Department (NYPD-IG) to prepare an annual audit to assess NYPD’s compliance with the terms of the IUP. In addition, the bill requires the NYPD-IG to describe any known or reasonably suspected violations of the IUP and publish recommendations.

Section 3 would have the bill take effect immediately.

IV. AMENDMENTS TO PROP. INT. NO. 487-A

This bill has been amended since it was heard. The bill now requires the department to report whether the IUP has the potential for disparate impact on any protected groups as defined under the New York City Human Rights Law.

V. ANALYSIS OF PROP. INT. NO. 536-A

Section 1 of the bill makes it a misdemeanor to restrain an individual in a manner that restricts the flow of air or blood by compressing the windpipe, diaphragm, or the carotid arteries on each side of the neck in the course of effecting or attempting to effect an arrest.

Section 2 of the bill would have it take effect immediately.

VI. AMENDMENTS TO PROP. INT. NO. 536-A

This bill has been amended since it was introduced. The current version of the bill prohibits a broader range of acts, whereas the original version prohibited chokeholds, defined as wrapping an arm around or gripping the neck in a manner that limits or cuts off either the flow of air by compressing the windpipe, or the flow of blood through the carotid arteries on each side of the neck.

VII. ANALYSIS OF PROP. INT. NO. 721-A

Section 1 of the bill creates an affirmative right of an individual to record police activities and maintain custody and control of any such recording. It further establishes a private right of action in any court of competent jurisdiction when an individual demonstrates that he or she recorded to attempted to record police activities and an officer interfered with that person's recording by, for example, preventing or attempting to prevent the recording of police activities, threatening or making any effort to intimidate a person recording police activities, stopping, seizing, searching, using any summons, or arresting any individual because such individual recorded police activities or seizing property or instruments used by any individual to record police activities.

The bill establishes an affirmative defense that a reasonable officer would have probable cause to believe that the person recording police activities physically interfered with an official and lawful police function or that the officer's actions were otherwise authorized by law.

In addition, the bill requires the commissioner to submit a quarterly report of the number of arrests and summonses in which the person arrested or summonsed was recording police activities, disaggregated by the patrol precinct, the offense charge, and the race, ethnicity and gender of the person arrested or summonsed.

Section 2 of the bill states that a finding that portions of the law were invalid would not invalidate the other portions of the law.

Section 3 would have the bill take effect 30 days after it becomes law, except that the first report would be due within 20 days of January 1, 2021.

VIII. AMENDMENTS TO PROP. INT. NO. 721-A

This bill has been amended since it was introduced. The original version indicated that a court may allow a prevailing plaintiff reasonable attorney's fees as part of the costs, whereas the current version states that the court shall allow such fees.

IX. ANALYSIS OF PROP. INT. NO. 760-A

An early intervention system (EIS) is a management tool for law enforcement that utilizes data to help identify troubling patterns in policing and officers that are experiencing issues with performance.³² EIS, also known as early warning systems, are notable for their ability to identify officers before their behavior requires formal discipline and to illustrate the areas in which a department could improve its practices.³³ Use of an EIS typically involves four steps: 1) collection and review of officer performance indicators; 2) identification of officers whose performance raises concerns; 3) intervention with identified officers; and 4) ongoing monitoring of such officers to ensure improvement.³⁴

Similar to NYPD's CompStat program, EIS rely on the analysis of regularly updated data.³⁵ The data utilized in an EIS will primarily consist of officer performance indicators. There is no set number of metrics that must be used—some contain as few as five, while others have more than 25 indicators.³⁶ For example, a model utilized during the early 2000s by the United States Department of Justice (DOJ) included 16 metrics, including those related to use of force, complaints and compliments, stops made, arrests made and citations issued, training and evaluation history, and personal leave used.³⁷ While there is no recommended minimum number, a broader range of indicators will help to mitigate the impact of possibly flawed data and provide supervisors with a more comprehensive view of an officer's work.³⁸

³² U.S. Department of Justice Office of Community Oriented Policing Services, *Supervision and Intervention within Early Intervention Systems* 3 (Dec. 2005), available at <http://ric-zai-inc.com/ric.php?page=detail&id=COPS-P105>.

³³ *Id.*

³⁴ NYPD-IG, *supra* note 12, at 8, citing Samuel Walker, *The New World of Police Accountability* 146-157 (2014).

³⁵ U.S. Department of Justice, *Early Intervention Systems for Law Enforcement Agencies: A Planning and Management Guide* 5 (2003), available at http://www.cops.usdoj.gov/html/cd_rom/inaction1/pubs/EarlyInterventionSystemsLawEnforcement.pdf.

³⁶ Samuel Walker, *Institutionalizing Police Accountability Reforms: The Problem of Making Police Reforms Endure* 77 (2012), 32 St. Louis U. Pub. L. Rev. 57.

³⁷ U.S. Department of Justice, *supra* note 69, at 27-28.

³⁸ *Id.* at 26.

EIS are valuable both to individual officers and departments on the whole. Effective EIS use not only allows a department to tailor its training and policies to help its officers avoid incidents that cause complaints, but also to “save” the careers of officers by identifying problems early in their careers.³⁹ Individual officers can also benefit through easier identification of those with excellent records.⁴⁰ An EIS is most effective when it is utilized not to punish officers, but to identify and help those in need before major issues arise.⁴¹

Further, identifying officers with performance issues can improve the reputation of the department as a whole. Research shows that a small subset of officers is often responsible for a disproportionate number of complaints and misconduct incidents.⁴² This is true both generally and in New York City. CCRB found that just 10 percent of officers were responsible for 78 percent of misconduct claims.⁴³ Utilization of an EIS helps a department target its resources where most needed, leading to an overall decline in misconduct.⁴⁴ Indeed, following the implementation of an EIS by the LASD, officer shootings, use of force, and civilian complaints declined while officer performance improved.⁴⁵ Departments can also save time and money through reduced complaints and lawsuits if they are successful in identifying patterns and conducting interventions, as well as improve their relations with the community.⁴⁶

Since their development in the 1980s, officer performance monitoring systems have been linked to improving police accountability.⁴⁷ Establishment and regular use of an EIS is one of the three principal reforms required by the DOJ in consent decrees or memoranda of agreement reached with police departments accused of systemically depriving individuals of civil rights.⁴⁸ Cities that have implemented EIS as part of DOJ oversight see a decrease in complaints and create a better climate of accountability.⁴⁹ Some have suggested that use of an EIS could result in a “chill” in enforcement as officers become more hesitant to perform their duties; however, a number of cities that created EIS under federal oversight saw crime rates decline and in some cases, an increase in arrests.⁵⁰

The proposed legislation would require the creation of an EIS. Section 1 of the bill requires the department to maintain a centralized system that is used to record, track, review, and evaluate officer activity and to identify officers that may be in need of enhanced training monitoring, or reassignment based on: information reported by corporation counsel based on civil actions regarding the police department, complaints received and results of investigations conducted by the civilian complaint review board (“CCRB”) and the police department, complaints received by the department of investigation, use of force incidents and incidents of excessive force, arrests and summonses for disorderly conduct, obstructing governmental administration, and resisting arrest, judicial or departmental determinations that detentions of individuals were not legally justified, criminal arrests of investigations of an officer known to the department, judicial determinations that an officer’s testimony is not credible, vehicle pursuits and collisions involving department equipment, violations of the department’s patrol guide, disciplinary actions and ongoing disciplinary proceedings, non-disciplinary corrective actions, awards and commendations, and training records.

The bill further requires the department to post on its website and submit to the mayor and speaker of the council a report on the department’s use of the early intervention system.

Section 2 of the bill would have it take effect on September 1, 2020

³⁹ Walker, *supra* note 70, at 82.

⁴⁰ *Id.*

⁴¹ U.S. Department of Justice, *supra* note 66, at 5.

⁴² Walker, *supra* note 70, at 77.

⁴³ N.Y.C. Civilian Complaint Review Board, *Semi-Annual Report January-June 2015 10* (Sept. 2015), available at <http://www.nyc.gov/html/ccrb/downloads/pdf/2015-semi-annual-web-final.pdf>.

⁴⁴ Schwartz, *supra* note 54, at 858.

⁴⁵ *Id.*; Schwartz, *supra* note 53, at 1068-1069.

⁴⁶ Walker, *supra* note 70, at 83.

⁴⁷ U.S. Department of Justice, *supra* note 69, at 3.

⁴⁸ The other major reforms required are development of use of force policies and creation of an open citizen complaint process. Walker, *supra* note 70, at 63 and 75; U.S. Department of Justice, Conduct of Law Enforcement Agencies, <http://www.justice.gov/crt/conduct-law-enforcement-agencies> (last accessed Sept. 30, 2015).

⁴⁹ Stephen Rushin, *Structural Reform Litigation in American Police Departments* 1381 (Apr. 2015), 99 Minn. L. Rev. 1343.

⁵⁰ *Id.* at 1413-1414.

X. AMENDMENTS TO PROP. INT. NO. 760-A

This bill has been amended since it was introduced.

The original version required an early intervention system to be maintained by a department or office designated by the mayor that would allow for electronic information sharing by the department with the law department, the comptroller, the CCRB, and the individual responsible for implementing the system.

The original version required the department to provide the law department, the comptroller, the CCRB, and the NYPD Inspector General with information related to pending or resolved civil actions or claims filed against individual police officers, including precinct affiliation, rank, and employment date, on a bi-weekly basis. The bill further required the department to notify, upon request, the law department, the comptroller, the CCRB, and the NYPD-IG as to whether the subject officer of a given claim was on duty or wearing a department uniform at the time of the incident. The bill further exempted any information considered confidential pursuant to Civil Rights Law section 50-a.

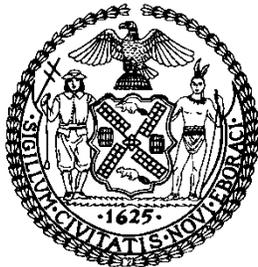
The original version also required the department to share with the department that would maintain the early intervention system the following information regarding civil actions filed in state or federal court regarding allegations of improper police conduct including claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment: the court in which the action was filed; the name of the law firm representing the plaintiff; the name of the law firm or agency representing each defendant; the date the action was filed; the allegation of improper police conduct; and if an action has been resolved, the date it was resolved, the manner in which it was resolved, and whether the resolution included a payment to the plaintiff by the city and the amount of such payment. Finally, the effective date of the bill has been updated.

XI. ANALYSIS OF PRECONSIDERED INT. 1962-A (RELATED TO SHIELDS)

Section 1 of the bill requires an officer's shield number or rank designation to be visible at all times while such officer is in uniform and performing any activity under the color of law. The bill further establishes a claim for refusal to make a shield number or rank designation visible when an individual demonstrates that they requested that an officer make their shield number or rank designation visible and the officer did not comply. The bill further creates a right of action in any court of competent jurisdiction for an individual subject to a refusal to make a shield number or rank designation visible, and requires a court to award a prevailing plaintiff reasonable attorney's fees and court costs.

Section 2 of the bill would have it take effect immediately.

(The following is the text of the Fiscal Impact Statement for Int. No. 487-A:)



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 487-A

COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to creating comprehensive reporting and oversight of New York city police department surveillance technologies.

Sponsor(s): By Council Members Gibson, Rosenthal, Levine, Reynoso, Cumbo, Dromm, Kallos, the Public Advocate (Mr. Williams), Chin, Lander, Miller, Lancman, Rivera, Adams, Moya, Levin, Barron, Ayala, Cornegy, Powers, Louis, Brannan, Menchaca, Perkins, Rose, Ampry-Samuel, Treyger, Torres, Van Bramer, Rodriguez, Richards, Gjonaj, Constantinides, Salamanca, Cabrera, Vallone, Cohen and the Speaker (Council Member Johnson).

SUMMARY OF LEGISLATION: Proposed Int. No. 487-A would require the reporting and evaluation of surveillance technologies used by the New York Police Department (NYPD or Department). The Department would be required to issue a surveillance impact and use policy about these technologies. The policy would include information on surveillance technologies such as the description and capabilities, rules, processes and guidelines, and any safeguards and security measures designed to protect the information collected. Upon publication of the draft surveillance impact and use policy, the public would have a period of time to submit comments. The Commissioner of the Department shall consider the comments and provide the final version of the surveillance impact and use policy to the Council, the Mayor and post to the Department’s website. The Inspector General for the NYPD would be required to audit the surveillance impact and use policy to ensure compliance with its terms.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	0	\$0	\$0
Net	0	\$0	\$0

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

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on February 14, 2018 as Int. No. 487, and referred to the Committee on Public Safety (Committee). The Committee heard the legislation on December 18, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version,

Proposed Int. No. 487-A, will be considered by the Committee on June 18, 2020. Upon a successful vote by the Committee, Proposed Int. No. 487-A will be submitted to the full Council for a vote on June 18, 2020.

DATE PREPARED: June 16, 2020.

(For text of the Fiscal Impact Statements of the remaining bills, please see the Report of the Committee on Public Safety for Int. Nos. 536-A, 721-A, 760-A, 1309-B, and preconsidered Int. No. 1962-A, respectively; for text of preconsidered Res. No. 1343, please see the voice-vote Resolutions section for the Report of the Committee on Public Safety for Res. No. 1343-A printed in these Minutes; for text of Int. No. 487-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 487-A, 536-A, 721-A, 760-A, Preconsidered Int. No. 1962-A and Preconsidered Res. No. 1343.

(The following is the text of Int. No. 487-A:)

Int. No. 487-A

By Council Members Gibson, Rosenthal, Levine, Reynoso, Cumbo, Dromm, Kallos, the Public Advocate (Mr. Williams), Chin, Lander, Miller, Lancman, Rivera, Adams, Moya, Levin, Barron, Ayala, Cornegy, Powers, Louis, Brannan, Menchaca, Perkins, Rose, Ampry-Samuel, Treyger, Torres, Van Bramer, Rodriguez, Richards, Gjonaj, Constantinides, Salamanca, Cabrera, Vallone, Cohen and the Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the city of New York, in relation to creating comprehensive reporting and oversight of New York city police department surveillance technologies

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-188 to read as follows:

§ 14-188 Annual surveillance reporting and evaluation. a. Definitions. As used in this section, the following terms have the following meanings:

Surveillance technology. The term “surveillance technology” means equipment, software, or systems capable of, or used or designed for, collecting, retaining, processing, or sharing audio, video, location, thermal, biometric, or similar information, that is operated by or at the direction of the department. Surveillance technology does not include:

- 1. routine office equipment used primarily for departmental administrative purposes;*
- 2. parking ticket devices;*
- 3. technology used primarily for internal department communication; or*
- 4. cameras installed to monitor and protect the physical integrity of city infrastructure.*

Surveillance technology impact and use policy. The term “surveillance impact and use policy” means a written document that includes the following information:

- 1. a description of the capabilities of a surveillance technology;*
- 2. rules, processes and guidelines issued by the department regulating access to or use of such surveillance technology as well as any prohibitions or restrictions on use, including whether the department obtains a court authorization for such use of a surveillance technology, and, if so, the specific type of court authorization sought;*
- 3. safeguards or security measures designed to protect information collected by such surveillance technology from unauthorized access, including but not limited to the existence of encryption and access control mechanisms;*
- 4. policies and/or practices relating to the retention, access, and use of data collected by such surveillance technology;*

5. *policies and procedures relating to access or use of the data collected through such surveillance technology by members of the public;*

6. *whether entities outside the department have access to the information and data collected by such surveillance technology, including: (a) whether the entity is a local governmental entity, state governmental entity, federal governmental entity or a private entity, (b) the type of information and data that may be disclosed by such entity, and (c) any safeguards or restrictions imposed by the department on such entity regarding the use or dissemination of the information collected by such surveillance technology;*

7. *whether any training is required by the department for an individual to use such surveillance technology or access information collected by such surveillance technology;*

8. *a description of internal audit and oversight mechanisms within the department to ensure compliance with the surveillance technology impact and use policy governing the use of such surveillance technology;*

9. *any tests or reports regarding the health and safety effects of the surveillance technology; and*

10. *any potentially disparate impacts of the surveillance technology impact and use policy on any protected groups as defined in the New York city human rights law.*

b. Publication of surveillance technology impact and use policy. The department shall propose a surveillance technology impact and use policy and post such proposal on the department's website, at least 90 days prior to the use of any new surveillance technology.

c. Existing surveillance technology. For existing surveillance technology as of the effective date of the local law that added this section, the department shall propose a surveillance technology impact and use policy and post such proposal on the department's website within 180 days of such effective date.

d. Addendum to surveillance technology impact and use policies. When the department seeks to acquire or acquires enhancements to surveillance technology or uses such surveillance technology for a purpose or in a manner not previously disclosed through the surveillance technology impact and use policy, the department shall provide an addendum to the existing surveillance technology impact and use policy describing such enhancement or additional use.

e. Upon publication of any proposed surveillance technology impact and use policy, the public shall have 45 days to submit comments on such policy to the commissioner.

f. The commissioner shall consider public comments and provide the final surveillance technology impact and use policy to the speaker and the mayor, and shall post it on the department's website no more than 45 days after the close of the public comment period established by subdivision e of this section.

§ 2. Section 803 of the New York city charter is amended by adding a new subdivision c-1 to read as follows:

c-1. The commissioner shall prepare annual audits of surveillance technology impact and use policies as defined in section 14-188 of the administrative code that shall:

1. assess whether the New York city police department's use of surveillance technology, as defined in section 14-188 of the administrative code, complies with the terms of the applicable surveillance technology impact and use policy;

2. describe any known or reasonably suspected violations of the surveillance technology impact and use policy, including but not limited to complaints alleging such violations made by individuals pursuant to paragraph (6) of subdivision c of this section; and

3. publish recommendations, if any, relating to revisions of any surveillance technology impact and use policies.

§ 3. This local law takes effect immediately.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

On motion of the Speaker (Council Member Johnson), 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. 536-B

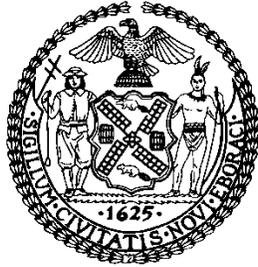
Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the City of New York, in relation to chokeholds and other such restraints.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on February 14, 2018 (Minutes, page 763), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 487-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 536-B:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 536-B

COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to chokeholds and other such restraints.

Sponsor(s): By Council Members Lancman, the Public Advocate (Mr. Williams), Cornegy, Rosenthal, Constantinides, Levin, Cumbo, Dromm, King, Koo, Reynoso, Chin, Barron, Adams, Rose, Menchaca, Ayala, Ampy-Samuel, Miller, Perkins, Rivera, Kallos, Levine, Torres, Van Bramer, Moya, Lander, Salamanca, Richards, Louis, Treyger, Koslowitz, Brannan, Powers, Gjonaj, Gibson, Eugene, Cohen and the Speaker (Council Member Johnson).

SUMMARY OF LEGISLATION: Proposed Int. No. 536-B would establish a misdemeanor for restraining an individual in a manner that restricts the flow of air or blood by compressing the windpipe or the carotid arteries on each side of the neck, or sitting, kneeling, or standing on the chest or back in a manner that compresses the diaphragm, in the course of effecting or attempting to effect an arrest. Any penalties resulting from a violation would not preclude any cause of action available to a person or entity injured or aggrieved by such a violation.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	0	0	0
Net	0	0	0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures from the Police Department's budget as a result of this legislation. While compliance with the legislation is assumed, it is possible that legal claims arising from violations of the legislation could have an impact on the City's overall budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York Police Department

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on February 14th, 2018 as Int. No. 536, and referred to the Committee on Public Safety (Committee). The bill was amended, and the Committee heard the amended version, Proposed Int. No. 536-A, on June 9th, 2020, and the bill was laid over. The legislation was subsequently amended again and that amended version, Proposed Int. No. 536-B, will be considered by the Committee on June 18th, 2020. Upon a successful vote by the Committee, Proposed Int. No. 536-B will be submitted to the full Council for a vote on June 18th, 2020.

DATE PREPARED: June 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 536-B:)

Int. No. 536-B

By Council Members Lancman, the Public Advocate (Mr. Williams), Cornegy, Rosenthal, Constantinides, Levin, Cumbo, Dromm, King, Koo, Reynoso, Chin, Barron, Adams, Rose, Menchaca, Ayala, Ampry-Samuel, Miller, Perkins, Rivera, Kallos, Levine, Torres, Van Bramer, Moya, Lander, Salamanca, Richards, Louis, Treyger, Koslowitz, Brannan, Powers, Gjonaj, Gibson, Eugene, Cohen and the Speaker (Council Member Johnson).

A Local Law to amend the administrative code of the City of New York, in relation to chokeholds and other such restraints

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended by adding a new section 10-181 to read as follows:

§ 10-181 Unlawful methods of restraint. a. Unlawful methods of restraint. No person shall restrain an individual in a manner that restricts the flow of air or blood by compressing the windpipe or the carotid arteries on each side of the neck, or sitting, kneeling, or standing on the chest or back in a manner that compresses the diaphragm, in the course of effecting or attempting to effect an arrest.

b. Penalties. Any person who violates subdivision a of this section shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or a fine of not more than \$2,500, or both.

c. Any penalties resulting from a violation of subdivision a of this section shall not limit or preclude any cause of action available to any person or entity injured or aggrieved by such violation.

§ 2. This local law takes effect immediately.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

On motion of the Speaker (Council Member Johnson), 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. 721-B

Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the right to record police activities.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on March 7, 2018 (Minutes, page 1093), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 487-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 721-B:



THE COUNCIL OF THE CITY OF NEW YORK

FINANCE DIVISION

LATONIA MCKINNEY, DIRECTOR

FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 721-B

COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to the right to record police activities.

Sponsor(s): By the Public Advocate (Mr. Williams) and Council Members Rosenthal, Ampry-Samuel, Reynoso, Rivera, Kallos, Lander, Perkins, Menchaca, Lancman, Chin, Richards, Adams, Rose, Van Bramer, Constantinides, Cumbo, Louis, Moya, Ayala, Brannan, Cornegy, Vallone, and Cohen.

SUMMARY OF LEGISLATION: Proposed Int. No. 721-B would codify a person’s right to record police activities and maintain custody and control of any such recording, and the property or instrument used for recording. The legislation would create a private right of action for persons who experience unlawful interference with recording police activities, including bringing an action for declaratory and injunctive relief, including punitive damages.

EFFECTIVE DATE: This local law would take effect 30 days after becoming law.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	0	0	0
Net	0	0	0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures from the Police Department’s budget. While compliance with the legislation is assumed, it is possible that legal claims arising from violation of the legislation could have an impact on the City’s overall budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York Police Department

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on March 7th, 2018 as Int. No. 721, and referred to the Committee on Public Safety (Committee). The bill was amended, and the Committee heard the amended version, Proposed Int. No. 721-A, on June 9th, 2020, and the bill was laid over. The legislation was subsequently amended again and that amended version, Proposed Int. No. 721-B, will be considered by the Committee on June 18th, 2020. Upon a successful vote by the Committee, Proposed Int. No. 721-B will be submitted to the full Council for a vote on June 18th, 2020.

DATE PREPARED: June 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 721-B:)

Int. No. 721-B

By the Public Advocate (Mr. Williams) and Council Members Rosenthal, Ampry-Samuel, Reynoso, Rivera, Kallos, Lander, Perkins, Menchaca, Lancman, Chin, Richards, Adams, Rose, Van Bramer, Constantinides, Cumbo, Louis, Moya, Ayala, Brannan, Cornegy, Vallone, Cohen, Salamanca, Miller, Barron and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to the right to record police activities

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended by adding a new section 14-189 to read as follows:

§ 14-189 Right to record police activities. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Officer. The term “officer” means any peace officer or police officer as defined in the criminal procedure law who is employed by the city of New York, or any special patrolman appointed by the police commissioner pursuant to section 14-106.

Police activities. The term “police activities” means any activity of an officer acting under the color of law.

Record. The term “record” means to capture or attempt to capture any moving or still image, sound, or impression through the use of any recording device, camera, or any other device capable of capturing audio, moving or still images, or by way of written notes or observations.

b. Right to record police activities. A person may record police activities and maintain custody and control of any such recording and of any property or instruments used in such recording. Nothing in this chapter shall be construed to permit a person to engage in actions that physically interfere with an official and lawful police function, or to prevent the seizure of any property or instruments used in a recording of police activities where the seizure is otherwise authorized by law, or to prohibit any officer from enforcing any other provision of law.

c. Private right of action.

1. A claim of unlawful interference with recording police activities is established under this section when an individual demonstrates that he or she recorded or attempted to record police activities in accordance with subdivision b and an officer interfered with such person’s recording of police activities. Such interference includes but is not limited to the following actions:

(a) preventing or attempting to prevent the recording of police activities;

(b) threatening or making any effort to intimidate a person recording police activities;

(c) stopping, seizing, searching, issuing any summons, or arresting any individual because such individual recorded police activities; or

(d) seizing property or instruments used by any individual to record police activities.

2. It shall be an affirmative defense that (i) a reasonable officer in the position of such officer would have had probable cause to believe that the person recording police activities physically interfered with an official

and lawful police function, or that such officer's actions were otherwise authorized by law or (ii) such officer did not know, and a reasonable officer in the position of such officer would not know, that such person was recording or attempting to record police activities.

3. A person subject to unlawful interference with recording police activities as described in subdivision b of this section may bring an action in any court of competent jurisdiction for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate.

4. In any action or proceeding to enforce this section, the court shall allow a prevailing plaintiff reasonable attorney's fees as part of the costs, and may include expert fees as part of the attorney's fees.

5. Any action or proceeding to enforce this section shall be commenced no later than one year and 90 days after the date on which the violation of this section is committed.

d. Preservation of rights. This section shall be in addition to all rights, procedures, and remedies available under the United States constitution, section 1983 of title 42 of the United States code, the constitution of the state of New York and all other federal laws, state laws, laws of the city of New York including the administrative code, and all pre-existing civil remedies, including monetary damages, created by statute, ordinance, regulation or common law.

e. Reporting. The commissioner shall submit to the speaker of the council, the public advocate and the mayor, and post on the department's website, within 20 days after the beginning of the quarter that commences on January 1, 2021 and each quarter thereafter, a report containing the following information for the previous quarter: the number of arrests, criminal summonses, and civil summonses in which the person arrested or summonsed was recording police activities as defined in subdivision a of this section. Such report shall include this information in total and disaggregated by the following factors: the patrol precinct in which such arrest or summons occurred, the offense charged, and the apparent race, ethnicity, gender, and age of the person arrested or summonsed. The information to be reported pursuant to this section shall be compared with previous reporting periods, shall be permanently stored on the department's website, and shall be stored in alphanumeric form that can be digitally transmitted or processed and not in portable document format or scanned copies of original documents.

§ 2. Severability. If any provision of this bill or any other provision of this local law, or any amendments thereto, shall be held invalid or ineffective in whole or in part or inapplicable to any person or situation, 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 and the application of any such provision to other persons or situations shall not be affected.

§ 3. This local law takes effect 30 days after it becomes law.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

On motion of the Speaker (Council Member Johnson), 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. 760-B

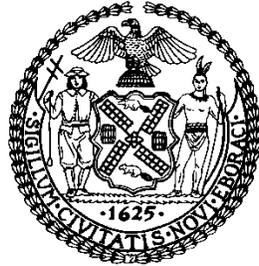
Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to an early intervention system.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on April 11, 2018 (Minutes, page 1452), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 487-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 760-B:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
 LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PROPOSED INT. NO. 760-B
COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to an early intervention system.

Sponsor(s): By Council Members Gibson, Torres, the Public Advocate (Mr. Williams), Cumbo, Ampry-Samuel, Lander, Constantinides, Kallos, Van Bramer, Rosenthal, Menchaca, Louis, Moya, Adams, Brannan, Rivera, Lancman, Ayala, Reynoso, Cornegy, Vallone, Cabrera, Chin, Cohen, Rose, and Powers.

SUMMARY OF LEGISLATION: Proposed Int. No. 760-B would require the Police Department (NYPD) to a maintain a centralized system that is used to record, track, review, and evaluate officer activity and to identify police officers that may be in need of enhanced training or monitoring. By January 31 of each year, NYPD would be required to post on its website and submit to the mayor and the speaker of the council a report on the use of such early intervention system during the previous year.

EFFECTIVE DATE: This local law would take effect September 1, 2020.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY21	FY Succeeding Effective FY22	Full Fiscal Impact FY22
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	0	0	0
Net	0	0	0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would utilize existing resources and existing internal databases to fulfill its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York Police Department

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on April 11th, 2018 as Int. No. 760 and referred to the Committee on Public Safety (Committee). The bill was amended and the Committee heard the amended version, Proposed Int. No. 760-A, on June 9th, 2020, and was laid over. The legislation was subsequently amended again and that amended version, Proposed Int. No. 760-B, will be considered by the Committee on June 18th, 2020. Upon a successful vote by the Committee, Proposed Int. No. 760-B will be submitted to the full Council for a vote on June 18th, 2020.

DATE PREPARED: June 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 760-B:)

Int. No. 760-B

By Council Members Gibson, Torres, the Public Advocate (Mr. Williams), Cumbo, Ampry-Samuel, Lander, Constantinides, Kallos, Van Bramer, Rosenthal, Menchaca, Louis, Moya, Adams Brannan, Rivera, Lancman, Ayala, Reynoso, Cornegy, Vallone, Cabrera, Chin, Cohen, Rose, Powers, Salamanca, Miller, Treyger and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to an early intervention system

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-190 to read as follows:

§ 14-190 Early intervention system. a. The department shall maintain a centralized system that is used to record, track, review, and evaluate officer activity and to identify officers who may be in need of enhanced training, monitoring, or reassignment. Such system shall collect and utilize, at a minimum, the following:

- (i) information reported pursuant to section 7-114;*
- (ii) complaints received and results of investigations conducted by the civilian complaint review board;*
- (iii) complaints received and investigations conducted by the department, including but not limited to investigations conducted by the internal affairs bureau, and any disposition resulting from any such investigation;*
- (iv) complaints received pursuant to section 804 of the charter;*
- (v) use of force incidents and incidents of excessive force, as those terms are defined in section 14-158;*
- (vi) arrests and summonses for violations of sections 240.20, 195.05 and 205.30 of the penal law;*
- (vii) judicial or departmental determinations that detentions of individuals were not legally justified;*
- (viii) criminal arrests or investigations of an officer, to the extent known to the department;*

- (ix) judicial determinations that an officer's testimony is not credible;*
- (x) vehicle pursuits and collisions involving department equipment;*
- (xi) violations of the department's patrol guide;*
- (xii) disciplinary actions and ongoing disciplinary proceedings; and*
- (xiii) non-disciplinary corrective actions.*

b. By January 31 of each year, the department shall post on its website and submit to the mayor and the speaker of the council a report on the department's use of the early intervention system during the previous year, including, but not limited to (i) any additional information, other than the information required to be included in such system by subdivision a of this section, that is collected and utilized through such system; (ii) the process for identifying, through such system, officers who may be in need of enhanced training or monitoring; (iii) the interventions utilized by the department with such officers; (iv) procedures and systems for ongoing monitoring of such officers to ensure improvement; and (v) any information required to be included in such system by subdivision a of this section that the department believes should be eliminated and the reasons why.

§ 2. This local law takes effect on September 1, 2020.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

On motion of the Speaker (Council Member Johnson), 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. 1309-B

Report of the Committee on Public Safety x 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 police department to develop an internal disciplinary matrix.

The Committee on Public Safety, to which the annexed proposed amended local law was referred on December 20, 2018 (Minutes, page 5171), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 487-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1309-B:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT**

PROPOSED INT. NO. 1309

COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to requiring the police department to develop an internal disciplinary matrix.

Sponsor(s): By Council Members Richards, Adams, Lander, Rosenthal, Cumbo, Miller, Salamanca, Van Bramer, Kallos, Chin, Brannan, Rivera ,Ampry-Samuel, Louis, Ayala, Rose, Cornegy, Vallone and Cohen.

SUMMARY OF LEGISLATION: Proposed Int. No. 1309 would require the New York Police Department (NYPD) to develop and post on its website an internal disciplinary matrix that would set forth a schedule of penalties to be imposed in response to violations of NYPD rules of conduct by members of service. In addition, the legislation would require NYPD to post on its website and report, by January 30, 2022, and annually thereafter, the number and percentage of instances within the preceding calendar year in which the commissioner imposed a discipline penalty that deviated from the disciplinary matrix penalty.

EFFECTIVE DATE: This local law would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	0	0	0
Net	0	0	0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation because the relevant City agency would 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 Police Department

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced by the Council on December 20, 2018 and referred to the Committee on Public Safety and the Committee on the Justice System (Committees). The Committees heard the legislation during a joint hearing on February 7, 2019. The legislation will be considered by the Committee on Public Safety on June 18, 2020. Upon a successful vote by the Committee on Public Safety, Proposed Int. No. 1309 will be submitted to the full Council for a vote on June 18, 2020.

DATE PREPARED: June 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1309-B:)

Int. No. 1309-B

By Council Members Richards, Adams, Lander, Rosenthal, Cumbo, Miller, Salamanca, Van Bramer, Kallos, Chin, Brannan, Rivera, Ampry-Samuel, Louis, Ayala, Rose, Cornegy, Vallone, Cohen and Levin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the police department to develop an internal disciplinary matrix

Be it enacted by the Council as follows:

Section 1. Title 14 of the administrative code of the city of New York is amended by adding a new section 14-186 to read as follows:

§ 14-186 Internal disciplinary matrix. a. Internal disciplinary matrix. Within six months of the date this local law takes effect, the department shall post on its website a disciplinary matrix that sets forth an advisory schedule of violations, penalties, and mitigating and aggravating circumstances, or any other factors considered by the commissioner to be relevant to the process of determining the appropriate discipline for police department personnel for substantiated violations of department rules or other policies.

b. Disciplinary matrix development. Within three months of the date this local law takes effect, the department shall prepare and file with the mayor and the speaker of the council, and post on its website:

1. Factors relevant to developing the internal disciplinary matrix and steps undertaken by the department in developing the internal disciplinary matrix, including consultation with outside entities including stakeholders and community groups.

2. The proposed schedule of violations, penalties, and mitigating and aggravating circumstances, or any other factors considered by the commissioner to be relevant to the process of determining appropriate discipline.

c. Nothing in this section shall be construed to limit the discretion of the commissioner to impose discipline, and the commissioner may modify the disciplinary matrix at any time. A description of any such modifications shall be posted on the department website.

d. No later than January 30, 2022, and by each January 30 in each year thereafter, the department shall post on its website and deliver to the speaker of the council a report that includes the number and percentage of instances within the preceding calendar year in which the commissioner imposed a discipline penalty that is different from the disciplinary matrix penalty.

§ 2. Section 14-181 of the administrative code of the city of New York, as added by local law number 220 for the year 2019, relating to the office of nightlife, is renumbered section 14-185.

§ 3. This local law takes effect immediately.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER,

PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

On motion of the Speaker (Council Member Johnson), 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. 1962-B

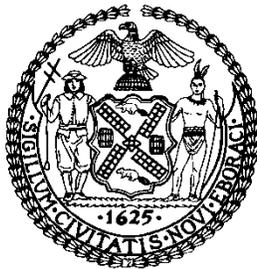
Report of the Committee on Public Safety in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring visible shield numbers and rank designations.

The Committee on Public Safety, to which the annexed preconsidered proposed amended local law was referred on June 18, 2020, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 487-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1962-A:



THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT

PRECONSIDERED PROPOSED INT. NO. 1962-A
COMMITTEE: Public Safety

TITLE: A Local Law to amend the administrative code of the City of New York, in relation to requiring visible shield numbers and rank designations.

Sponsor(s): By Ampry-Samuel, the Public Advocate (Mr. Williams), Rivera, Cumbo, Levin, Chin, Kallos, Van Bramer, Rosenthal, Menchaca, Louis, Moya, Ayala, Brannan, Adams, Lancman, Reynoso, Vallone, Cabrera, Cohen and Rose.

SUMMARY OF LEGISLATION: Preconsidered Proposed Intro. No. -A would require the shield number or rank designation of an uniformed officer to be visible. A private right of action would exist where an individual demonstrates that they requested that an officer make their shield number or rank designation visible and such officer did not comply.

EFFECTIVE DATE: This local law would take effect immediately.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2021

FISCAL IMPACT STATEMENT:

	Effective FY20	FY Succeeding Effective FY21	Full Fiscal Impact FY21
Revenues (+)	\$0	\$0	\$0
Expenditures (-)	0	0	0
Net	0	0	0

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

IMPACT ON EXPENDITURES: It is anticipated that there would be no impact on expenditures resulting from the enactment of this legislation. It is possible however, legal claims from violating the terms set forth in this legislation could have an fiscal impact on the City's overall budget.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division
New York Police Department

ESTIMATE PREPARED BY: Nevin Singh, Financial Analyst

ESTIMATE REVIEWED BY: Regina Poreda Ryan, Deputy Director
Eisha Wright, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Public Safety (Committee), at a hearing as a Preconsidered Introduction on June 9, 2020 and the bill was laid over. The legislation was subsequently amended and the amended legislation, Preconsidered Proposed Int. No. -A, will be considered by the Committee on June 18, 2020. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on June 18, 2020.

DATE PREPARED: June 16, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1962-A:)

Preconsidered Int. No. 1962-A

By Council Members Ampry-Samuel, the Public Advocate (Mr. Williams), Rivera, Cumbo, Levin, Chin, Kallos, Van Bramer, Rosenthal, Menchaca, Louis, Moya, Ayala, Brannan, Adams, Lancman, Reynoso, Vallone, Cabrera, Cohen, Rose, Lander, Constantinides and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to requiring visible shield numbers and rank designations

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-187 to read as follows:

§ 14-187 *Shield numbers and rank designations.* a. *An officer's shield number or rank designation shall be visible at all times while such officer is in uniform and performing any activity under the color of law.*

b. 1. *A claim of refusal to make a shield number or rank designation visible is established under this section when an individual demonstrates that they requested that an officer make their shield number or rank designation visible pursuant to subdivision a of this section and such officer did not comply.*

2. *An individual subject to refusal to make a shield number or rank designation visible as described in paragraph 1 of subdivision b of this section may bring an action in any court of competent jurisdiction for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate.*

3. *In any action or proceeding to enforce this section, the court shall award a prevailing plaintiff reasonable attorney's fees and court costs, and may include expert fees as part of the attorney's fees.*

4. *Any action or proceeding to enforce this section shall be commenced no later than one year and 90 days after the date on which the violation of this section is committed.*

c. *This section does not limit or abrogate any claim or cause of action a person has under common law or by other law or rule. The provisions of this section are in addition to any other remedies that may be provided for under common law or by other law or rule.*

§ 2. *This local law takes effect immediately.*

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

On motion of the Speaker (Council Member Johnson), 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 Transpiration

Report for Int. No. 1354-A

Report of the Committee on Transportation 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 certain spillage prevention equipment on concrete mixer trucks.

The Committee on Transportation, to which the annexed proposed amended local law was referred on January 24, 2019 (Minutes, page 274), respectfully

REPORTS:

INTRODUCTION

On June 18, 2020, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing on Int. No. 1354-A, a local law in relation to requiring certain spillage prevention equipment on concrete mixer trucks. This was the second hearing that the Committee has held on this legislative item. The first hearing on Int. No. 1354 was held on October 24, 2019. At that hearing, the Committee heard testimony from the Department of Transportation (DOT), the New York City Police Department (NYPD), advocates, and other interested stakeholders.

BACKGROUND

Vision Zero

In January 2014, Mayor Bill de Blasio announced that his Administration would commit to a “Vision Zero” initiative aimed at eliminating traffic fatalities from the City’s streets by 2024, especially those involving pedestrians and cyclists.¹ Vision Zero seeks to achieve its goals in a number of ways, including street redesigns and roadway enhancements, more effective enforcement strategies, regulatory and legislative changes, robust public education and awareness, and safety improvements to the City’s vehicle fleet.²

In order to reduce the likelihood of crashes and improve safety for pedestrians and individuals using bicycles, DOT has a toolkit of street redesign features that are meant to, among other things, change driving behavior and increase pedestrian and cyclist visibility. In 2018, DOT completed a total of 139 street redesign projects, 97 of which were located at Vision Zero priority locations, increasing the total number of projects since the start of Vision Zero to 495.³ According to the City’s Vision Zero Year 5 Report, these “engineering projects took a variety of forms in 2018,” including pedestrian plazas, protected bike lanes, pedestrian islands, and raised crosswalks.⁴ Since the inception of Vision Zero in 2014, the city has seen a decline of more than twenty-five percent in the number of traffic fatalities.⁵

¹ N.Y.C. Vision Zero Action Plan of 2014, available at: <http://www.nyc.gov/html/visionzero/assets/downloads/pdf/nyc-vision-zero-action-plan.pdf>

² *Id.*

³ City of New York, *Vision Zero: Year 5 Report* (Mar. 2019), available at <https://www1.nyc.gov/assets/visionzero/downloads/pdf/vision-zero-year-5-report.pdf>.

⁴ *Id.*

⁵ New York City Office of the Mayor, *Vision Zero: De Blasio Administration Announces 2020 Major Projected Bicycle Lane Projects in Brooklyn*, The Official Website of the City of New York, (January 29, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/049-20/vision-zero-de-blasio-administration-2020-major-projected-bicycle-lane-projects-in/#/0>

Bicycling

The popularity of bicycling in New York City is growing faster than both the City’s economy and population, at a pace twice as fast as in other U.S cities between 2010 and 2015.⁶ DOT reports that between 2007 and 2017, daily cycling in the City has grown 134% during that time period, with an estimated 490,000 daily cycling trips, up from 460,000 daily trips occurring in 2016.⁷

Estimates of Daily Cycling Activity by Year

	1980	1990	2000	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017
Bike Commuters (to work)	9,700	9,800	15,000	16,500	18,200	20,900	23,500	24,400	25,000	26,900	31,500	37,600	41,800	45,000	45,800	48,800
Bike Commute Trips (to work)	19,400	19,200	30,000	33,000	36,400	41,800	47,000	48,900	50,000	53,800	63,000	75,200	83,600	90,000	91,600	97,600
Total Daily Cycling Trips	100,000	100,000	150,000	170,000	180,000	210,000	240,000	240,000	250,000	270,000	320,000	380,000	420,000	450,000	460,000	490,000
Total Annual Cycling Trips (in millions)	36.6	36.5	54.8	62.1	65.7	76.7	87.8	87.6	91.3	98.6	117.1	138.7	153.3	164.3	167.9	178.8

Source: N.Y.C. Department of Transportation, *Cycling in the City, May 2019*

However, in 2019, approximately 787,000 New Yorkers rode a bicycle regularly (meaning they reported riding a bicycle at least once a month in a New York City Department of Health and Mental Hygiene Survey), down from the nearly 793,000 in 2018 and 828,000 that was reported in 2017.⁸ Advocates have theorized that this reduction may be due to the lack of bike infrastructure in the outer boroughs.⁹

As of December 2018, there were roughly 1,240 miles of bike lanes in New York City,¹⁰ up from roughly half that in 2006.¹¹ According to DOT, the City installed 20.4 protected bike lane miles in 2018, bringing the number of overall protected bike lane miles in the city to 480.¹² However, the Administration fell short of its stated goal to install 30 miles of protected bike lanes in 2018.¹³ In 2019, the city installed an additional 21.4 of protected bike lane miles.¹⁴

On January 29, 2020, the city announced plans to create an additional thirty miles of protected bike lanes throughout this year, with at least ten of those miles being installed in Brooklyn due to the high number of cycling fatalities that occurred in the borough in 2019.¹⁵ As part of the plan, Manhattan will also get an additional ten miles of protected bike lanes in 2020.¹⁶ Since this announcement was made in January, the city, like so many other jurisdictions around the nation, has been impacted by the effects of the global COVID-19 pandemic. As such, the Mayor announced plans to implement cost saving measures to plug any potential budget gaps. These

⁶ Transportation Alternatives, *BikeNYC 2020* (Nov. 2017), available at https://www.bikenyc2020.org/dl/BikeNYC_2020_Report.pdf.

⁷ N.Y.C. Department of Transportation, *Cycling in the City*, available at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

⁸ Mayor’s Management Report, p.259, September 2019, available at https://www1.nyc.gov/assets/operations/downloads/pdf/mmr2019/2019_mmr.pdf

⁹ David Meyer, *Fewer New Yorkers are cycling: city report*, N.Y. Post, September 17, 2019, available at <https://nypost.com/2019/09/17/fewer-new-yorkers-are-cycling-city-report/>

¹⁰ *Id.*

¹¹ Winnie Hu, *More New Yorkers Opting for Life in the Bike Lane*, N.Y. TIMES, Jul. 30, 2017, available at www.nytimes.com/2017/07/30/nyregion/new-yorkers-bike-lanes-commuting.html

¹² N.Y.C. Department of Transportation, *Cycling in the City*, available at <http://www.nyc.gov/html/dot/downloads/pdf/cycling-in-the-city.pdf>

¹³ Gersh Kuntzman, *De Blasio Built 20.9 Miles Protected Bike Lanes This Year—Yet Falls Short of Record*, STREETBLOG NYC, December 19, 2018, available at <https://nyc.streetsblog.org/2018/12/19/de-blasio-falls-short-of-record-miles-of-protected-bike-lanes/>.

¹⁴ New York City Office of the Mayor, *Mayor de Blasio Announces Major Progress on Green Wave Plan to Make Streets Safer for Cyclists*, The Official Website of the City of New York, (February 19, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/087-20/mayor-de-blasio-major-progress-green-wave-plan-make-streets-safer-cyclists>

¹⁵ New York City Office of the Mayor, *Vision Zero: De Blasio Administration Announces 2020 Major Projected Bicycle Lane Projects in Brooklyn*, The Official Website of the City of New York, (January 29, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/049-20/vision-zero-de-blasio-administration-2020-major-projected-bicycle-lane-projects-in/#/0>

¹⁶ Julianne Caba, *Ten Miles of Protected Bike Lanes Coming To Manhattan This Year*,” STREETBLOG NYC, February 19, 2020, <https://nyc.streetsblog.org/2020/02/19/ten-miles-of-protected-bike-lanes-coming-to-manhattan-this-year/>

measures made cuts to infrastructure and transportation projects including delaying the implementation of the city's "Green Wave" bicycle plan, described below.¹⁷

The National Association of City Transportation Officials defines a protected bike lane as one that offers "physical protection from passing traffic" in the form of "a parking lane or other barrier between the cycle track and the motor vehicle travel lane."¹⁸ The City's definition of a "protected" bike lane has recently been brought into question, making it difficult to track the Administration's progress on building this infrastructure. Streetsblog reported that nearly a quarter of the City's "protected" bike lanes installed in 2018 lacked such a physical barrier, offering cyclists "just green paint and prayer."¹⁹ DOT responded to that criticism with the following statement: "a protected bike lane is a path intended for the use of bicycles that is physically separated from motorized vehicle traffic by an open space, vertical delineation, or barrier."²⁰

Cycling Safety and Green Wave Report

Having a physical barrier that separates cyclists from traffic is imperative to cycling safety. A comprehensive report released by DOT in 2017 revealed that between 2006 and 2014, 3,395 cyclists were either killed or severely injured and that 89 percent of cyclist fatalities occurred on streets without bicycle facilities, like bike lanes.²¹ Research demonstrates that having physically separated bike lanes improves bike safety and can reduce instances of cyclist injuries and death.²² A 2014 DOT report on protected bike lanes found a 74 percent decrease in average risk to a cyclist, a 22 percent reduction in pedestrian injuries, a 17 percent reduction in crashes with injuries, increased travel times and even increased retail sales along corridors with protected lanes.²³

According to Transportation Alternatives' BikeNYC 2020 survey, two-thirds of the City's riders said they would ride more frequently if the City installed more protected bike lanes.²⁴ Of those respondents who had never ridden a bicycle in New York, but would not rule out trying in the future, 80 percent cited fear of drivers as a reason why they have not started riding yet, and 67 percent mentioned the lack of protected bike lanes making them feel unsafe.²⁵

These safety concerns came to the forefront in 2019 when the city experienced an uptick in cycling deaths. In calendar year 2018, there were 10 cycling fatalities reported in the city, the lowest number since 2013 when there were 12.²⁶ However, in 2019 there were 29 cycling deaths in the city.²⁷ So far this year, there have been seven cycling fatalities in the city with three of those deaths occurring in the month June. In the most recent accident, a cyclist was struck and killed by an MTA bus on the corner of 59th street and Fifth Avenue, in Manhattan.²⁸ This recent accident follows a pattern of bicycle collisions that occurred around the city. An

¹⁷ New York City Office of the Mayor, "Facing Unprecedented Crisis, Mayor de Blasio Unveils Budget Plan that Protects New Yorkers by Prioritizing Health, Safety, Shelter and Access to Food," The Official Website of the City of New York, (April 16, 2020), <https://www1.nyc.gov/office-of-the-mayor/news/259-20/facing-unprecedented-crisis-mayor-de-blasio-budget-plan-protects-new-yorkers-by>

¹⁸ National Association of City Transportation Officials, One-Way Protected Cycle Tracks, available at <https://nacto.org/publication/urban-bikeway-design-guide/cycle-tracks/one-way-protected-cycle-tracks/> (last accessed June 7, 2019).

¹⁹ Gersh Kuntzman, *FACT CHECK: City Did Not Build 20.9 Miles of Protected Bike Lanes This Year*, STREETS BLOG NYC, December 20, 2018, available at <https://nyc.streetsblog.org/2018/12/20/fact-check-city-did-not-build-20-9-miles-of-protected-bike-lanes-this-year/>.

²⁰ *Id.*

²¹ N.Y.C. Department of Transportation, *Safer Cycling: Bicycle Ridership and Safety in New York City* (2017), available at <http://www.nyc.gov/html/dot/downloads/pdf/bike-safety-study-fullreport2017.pdf>.

²² Michael Anderson, *The First Major Academic Study of Protected Bike Lanes in the U.S. Is Out*, PEOPLE FOR BIKES, Jun. 2, 2014, available at <https://peopleforbikes.org/blog/the-first-major-academic-study-of-protected-bike-lanes-in-the-u-s-is-out/>.

²³ N.Y.C. Department of Transportation, *Protected Bicycle Lanes in NYC* (Sept. 2014), available at <http://www.streetsblog.org/wp-content/uploads/2014/09/2014-09-03-bicycle-path-data-analysis.pdf>.

²⁴ "Bike NYC 2020: What New York Needs to be a World-Class Bicycling City," Transportation Alternatives, Published November 2017, https://www.bikenyc2020.org/dl/BikeNYC_2020_Report.pdf

²⁵ *Id.*

²⁶ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

²⁷ New York City Office of the Mayor, *Mayor de Blasio Announces Major Progress on Green Wave Plan to Make Streets Safer for Cyclists*, The Official Website of the City of New York, (February 19, 2020) <https://www1.nyc.gov/office-of-the-mayor/news/087-20/mayor-de-blasio-major-progress-green-wave-plan-make-streets-safer-cyclists>

²⁸ Gersh Kuntzman and Steven Vago, "Another Cyclist Killed by Driver — The Third This Month," STREETS BLOG NYC, June 16, 2020, <https://nyc.streetsblog.org/2020/06/16/another-cyclist-killed-by-driver-the-third-this-month/>

analysis conducted by DOT of cycling fatalities since 2014 found that 60% of the fatalities occurred in intersections and that nearly 90% of them occurred in streets that did not have dedicated bike lanes.²⁹ Despite the increase in cycling fatalities last year, according to the Administration the overall risks to cyclists has declined relative to the growth and popularity of cycling.³⁰

Number of Cycling Fatalities in New York City, 2008-2018

BOROUGH	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
Bronx	5	0	3	1	3	1	1	2	3	1	2
Brooklyn	8	8	7	12	5	6	6	4	9	10	2
Manhattan	4	0	4	6	4	3	6	2	2	9	3
Queens	5	4	4	3	5	2	7	5	3	4	3
Staten Island	0	0	1	0	1	0	0	1	1	0	0
CITYWIDE	22	12	19	22	18	12	20	14	18	24	10

Source: New York City Department of Transportation and New York City Police Department, July 2019

In an effort to address cycling fatalities and to further increase cycling safety, on July 25, 2019 the Mayor announced the release of the “Green Wave” Bicycle Plan (Green Wave report).³¹ The plan would cost the city approximately \$58 million over 5 years to implement³² and focuses on increasing the city’s network of protected bike lanes with the goal of having a fully connected network by the year 2030.³³

Additionally, the Green Wave report spells out the plans that the city has for the 10 neighborhoods in Brooklyn and Queens that were designated in 2017 by DOT as Bike Priority Districts. These 10 districts were chosen due to the high number of cycling fatalities in those areas and because they lacked an inadequate amount of dedicated protected bike lanes.³⁴ In these 10 districts, the city plans to install more than 20 miles of protected bike lanes by the end of 2019, with a stated goal of installing 75 miles of protected bike lanes by the end of 2022.³⁵ DOT also plans to increase cycling safety by reducing the number of speeding cars by installing additional traffic calming treatments at 50 intersections throughout the city with a history of a high number of bike injuries in 2019.³⁶ Some of the measures that DOT utilizes to calm traffic include installing raised speed reducers like speed bumps and speed cushions, narrowing or removing lanes, extending or expanding a curb, installing traffic diverters and median barriers, and utilizing raised crossings that enhance visibility.³⁷

On February 19, 2020, the Administration released a Progress Report on the Green Wave plan highlighting their most recent accomplishments. Some of these accomplishments included:

- Completing 21.4 lane-miles of protected bike lanes.
- Installing 22.8 lane-miles of bike lanes in priority districts.
- Having the NYPD stop the general practice of ticketing cyclists immediately following a fatal crash.

²⁹ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

³⁰ *Id.*

³¹ *Vision Zero: Mayor de Blasio Announces "Green Wave" Bicycle Plan to Address Cycling Fatalities -- With Citywide Protected Bike Lane Network and Increased Enforcement*, See <https://www1.nyc.gov/office-of-the-mayor/news/368-19/vision-zero-mayor-de-blasio-green-wave-bicycle-plan-address-cycling-fatalities---/#/0>

³² *Id.*

³³ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

³⁴ *Id.*

³⁵ *Id.* at p. 9.

³⁶ *Id.* at p. 16.

³⁷ *Id.*

- Having the NYPD Deploy Operation Safe Passage, with a focus on truck enforcement
- Expanding the Off-Hour Deliveries Program, as well as Neighborhood Loading Zones.
- Initiating a cargo bike pilot.
- Updating the Vision Zero “Signs” and “Worth It” campaigns to include cycling imagery.³⁸

Cycling Safety and Commercial Trucks

Of the 14 cyclists killed from January 1st through July 3rd of 2019, six were killed by trucks.³⁹ On September 21, 2019, a 14 year-old teenager was also killed when he was struck by a private sanitation truck on Borden Avenue in Long Island City.⁴⁰ On the same day, a 16 year-old teenager was critically injured while riding her bicycle in Staten Island.⁴¹ During the first week of 2020, four pedestrians were killed in vehicular crashes. One of them was a 10-year old boy who was struck and killed by a sanitation truck in Corona, Queens while he was walking to school with his mom, who was also injured but survived.⁴² Another fatality occurred in Borough Park, Brooklyn when a 68 year-old woman was struck and killed by a cement truck while she was crossing the street.⁴³ Then in mid-January within the span of 48 hours, three women were killed in separate traffic incidents in Brooklyn involving an SUV,⁴⁴ a private sanitation truck,⁴⁵ and a city bus.⁴⁶

Since 30% of the city’s cycling fatalities involve trucks, the Green Wave report outlines several initiatives targeted at improving the interactions between the city’s cyclists and the various fleets of commercial trucks driving around our streets.⁴⁷ One of the initiatives includes a Vision Zero Truck Safety Task Force, which will examine improving cycling safety.⁴⁸ Other initiatives would expand the city’s Off-hours Delivery program, develop additional instructional videos and material for the trucking industry, and expand the “Truck’s Eye View” educational program.^{49 50}

Chute Closure Devices on Concrete Mixer Trucks

Concrete mixer trucks are used to carry liquid concrete to jobsites. Concrete is a mixture of cement, water, and aggregate material.⁵¹ Concrete mixer trucks come in various sizes with some weighing as much as 60,000

³⁸ New York City Department of Transportation, *Green Wave Progress Report*, February 2020, <https://www1.nyc.gov/html/dot/downloads/pdf/green-wave-report-feb2020.pdf>

³⁹ Winnie Hu and John Surico, *Cyclist Killed by Cement Truck and 2 Other Deaths Spur ‘Emergency’*, N.Y. TIMES, July 3, 2019, available at <https://www.nytimes.com/2019/07/03/nyregion/nyc-bicycling-deaths.html>

⁴⁰ Gersh Kuntzman, <https://nyc.streetsblog.org/2019/09/21/teen-cyclist-killed-by-uncharged-truck-driver-22nd-biker-death-this-year/>

⁴¹ Jake Offenhartz, *Teenage Cyclist Killed By Truck Driver In Queens, Another Critically Injured On Staten Island*, Gothamist, September 23, 2019, available at <https://gothamist.com/news/teenage-cyclist-killed-truck-driver-queens-another-critically-injured-staten-island>

⁴² Brittany Kriegstein, Kerry Burke and Thomas Tracy, “Boy, 10, walking to school dies after he and mom struck by NYC garbage truck,” New York Daily News, January 7, 2020, available at <https://www.nydailynews.com/new-york/nyc-crime/ny-mom-and-son-mowed-down-by-garbage-truck-queens-20200107-acu2pwn5yfg5zfbldzrocl7wi-story.html>

⁴³ Anna Quinn, “68-Year-Old Killed By Cement Truck In Brooklyn, Cops Say,” Patch.com, January 7, 2020, <https://patch.com/new-york/sunset-park/68-year-old-killed-cement-truck-brooklyn-cops-say>

⁴⁴ Anabel Sosa, “83-year-old man fatally runs over woman with pickup truck in Brooklyn,” NY Post, January 15, 2020, available at <https://nypost.com/2020/01/15/83-year-old-man-fatally-runs-over-woman-with-pickup-truck-in-brooklyn/>

⁴⁵ Olivia Bensimon, Ruth Weissmann and Vincent Barone, “Woman fatally struck by hit-and-run dump truck in Brooklyn,” NY Post, January 16, 2020, available at <https://nypost.com/2020/01/16/woman-fatally-struck-by-hit-and-run-dump-truck-in-brooklyn/>

⁴⁶ Georgett Roberts, Larry Celona and Aaron Feis, “Woman struck and killed after kicking open MTA bus door in Brooklyn,” NY Post, January 16, 2020, available at <https://nypost.com/2020/01/16/woman-struck-and-killed-by-mta-bus-in-brooklyn/>

⁴⁷ N.Y.C. Department of Transportation, *Green Wave, A Plan for Cycling in New York City*, July 2019, available at <https://www1.nyc.gov/html/dot/downloads/pdf/bike-safety-plan.pdf>

⁴⁸ *Id.* at p.17.

⁴⁹ *Id.*

⁵⁰ DOT developed the Trucks Eye View (TEV) program in 2011 to provide education to the public on the blind spots around large trucks. The Trucks Eye View program demonstrates to the public where the blind spots around large trucks are located. At events citywide, participants can sit in the driver’s seat of a truck and learn about the vehicle’s blind spots from a professional truck driver, to increase safety awareness for all roadway users. See <http://www.nyc.gov/html/dot/html/motorist/trucks.shtml/sizewt.shtml>

⁵¹ United States Environmental Protection Agency, <https://www3.epa.gov/npdes/pubs/concretewashout.pdf>

pounds when fully loaded and carrying up 20 cubic yards of concrete.⁵² The basic features of concrete mixer trucks include a driver cab, a mixer drum and mechanical drive, a dispenser chute with extensions, a water tank, additive tanks, and fixed ladders.⁵³

While travelling to a job site loaded with concrete, the mixer drum on the trucks is constantly rotating to mix the concrete. Sometimes if a mixer truck is overloaded with concrete, it can cause spillage onto the streets, which may eventually harden if not removed promptly posing a threat to motorists and cyclists.⁵⁴ After discharging the concrete at a jobsite, the driver should hose down both the inside and outside of the truck to clean any potential concrete residue that may spill on the ground and harden.⁵⁵ During her testimony at the initial Transportation Committee hearing on Int. No. 1354, DOT Commissioner Polly Trottenberg indicated that concrete spillage in the city poses a particular hazard to cyclists and made the following statement:⁵⁶

“DOT does identify in concrete spillage as having a significant detrimental impact on our roadways and posing a particular hazard to cyclists. And it can be prevented with a simple piece of equipment that costs a few hundred dollars that the proposed law would require for all loaded concrete trucks while traveling in New York City.”⁵⁷



Hardened piles of cement dropped on the road by overloaded cement trucks, such as this one on Eastern Ave., [Toronto], can be hard for cyclists to avoid without swinging into fast-moving traffic. Photo and quote by Jack Lakey, *The Toronto Star*

⁵² “Ready Mixed Concrete Truck Drivers: Work-Related Hazards and Recommendations for Controls,” Electronic Library of Construction Occupational Safety and Health, September 2001, <http://elcosh.org/document/1429/d000493/ready-mixed-concrete-truck-drivers%3A-work-related-hazards-and-recommendations-for-controls.html>

⁵³ *Id.*

⁵⁴ Jack Lakey, “Cement spills caused by overloaded mixer trucks that ‘burp’: *The Fixer*,” *The Toronto Star*, August 7, 2017, https://www.thestar.com/yourtoronto/the_fixer/2017/08/07/cement-spills-caused-by-overloaded-mixer-trucks-that-burp-the-fixer.html

⁵⁵ “Ready Mixed Concrete Truck Drivers: Work-Related Hazards and Recommendations for Controls,” Electronic Library of Construction Occupational Safety and Health, September 2001, <http://elcosh.org/document/1429/d000493/ready-mixed-concrete-truck-drivers%3A-work-related-hazards-and-recommendations-for-controls.html>

⁵⁶ See Hearing Transcript of the October 24, 2019 Transportation Committee hearing available for download at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3844833&GUID=FA95BD5C-2008-4CE2-8EEA-F5775552EF56&Options=ID|Text|&Search=1354>

⁵⁷ *Id.*

UPDATE

On June 18, 2020, the Committee on Transportation passed Int. No. 1354-A by a vote of thirteen in the affirmative, none in the negative, with zero abstentions.

Analysis of Int. No. 1354-A

Section one of Int. No. 1354-A would add a new section 19-159.4 to the Administrative Code. Subdivision a of the new section would define the following:

- Chute closure device. The term “chute closure device” means a device attached to the end of the chute of a concrete mixer truck which is used to seal the chute.
- Concrete mixer truck. The term “concrete mixer truck” means a truck used for the transport of liquid concrete.
- Truck. The term “truck” has the same meaning as in section 158 of the vehicle and traffic law.

Subdivision b of the new section would state that no later than June 30, 2021, all concrete mixer trucks driving in or through New York City would be equipped with chute closure devices during the transport of liquid concrete.

Subdivision c of the new section would state that DOT has the authority to promulgate any rules necessary to administer the provisions of this section, including, but not limited to, rules establishing chute closure device specifications as deemed necessary by DOT.

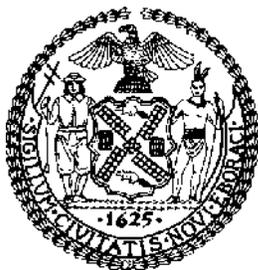
Subdivision d of the new section would state that DOT, the Police Department, and any other agency designated by the Commissioner of DOT to enforce the provisions of this section are authorized to inspect chute closure devices and chute closure device specifications for compliance with the requirements of this section in accordance with rules of the department and any applicable law.

Section two of Int. No. 1354-A would state that this local law would take effect immediately.

Amendments in Int. No. 1354-A

Subdivision a and b of new section 19-159.4 was amended to remove references to volumetric concrete mixer trucks since they tend not to spill wet concrete onto the streets. The date for compliance with the provisions of this bill in subdivision b was changed from January 1, 2020 to June 30, 2021. Additionally, new subdivision d clarifies enforcement capabilities by including the Police Department, and any other agency designated by the Commissioner of DOT to enforce the provisions of this section and provides authorization to inspect chute closure devices and chute closure device specifications for compliance.

(The following is the text of the Fiscal Impact Statement for Int. No. 1354-A:)



**THE COUNCIL OF THE CITY OF NEW
YORK FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR**

**FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1354-A
COMMITTEE: Transportation**

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixing trucks.

SPONSORS: Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins, Maisel, Levin, Adams, Rivera, Kallos, Ampry-Samuel and Ayala.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1354-A would require all concrete mixing trucks operating in New York City to be equipped with chute shutters or similar devices to prevent the spillage of concrete and materials used to mix concrete by no later than June 30, 2021. The legislation would authorize the Department of Transportation, the Police Department, or any other agency designated by the Commissioner of Transportation to inspect chute closure devices and chute closure device specifications for compliance. The Department of Transportation would promulgate any rules necessary to administer the requirement, including but not limited to establishing chute closure device specifications.

EFFECTIVE DATE: This local law would take effect immediately

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1354-A:)

Int. No. 1354-A

By Council Members Holden, Koo, Ulrich, Yeger, Borelli, Deutsch, Vallone, Powers, Richards, Brannan, Salamanca, King, Menchaca, Reynoso, Perkins, Maisel, Levin, Adams, Rivera, Kallos, Ampry-Samuel, Ayala, Miller, Louis and Grodenchik.

A Local Law to amend the administrative code of the city of New York, in relation to requiring certain spillage prevention equipment on concrete mixer trucks

Be it enacted by the Council as follows:

Section 1. Subchapter 1 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-159.4 to read as follows:

§ 19-159.4 Chute closure devices required on concrete mixing trucks. a. Definitions. As used in this section, the following terms have the following meanings:

Chute closure device. The term “chute closure device” means a device attached to the end of the chute of a concrete mixer truck which is used to seal the chute.

Concrete mixer truck. The term “concrete mixer truck” means a truck used for the transport of liquid concrete.

Truck. The term “truck” has the same meaning as in section 158 of the vehicle and traffic law.

b. No later than June 30, 2021, all concrete mixer trucks driven in or through the city of New York shall be equipped with chute closure devices during the transport of liquid concrete.

c. The department may promulgate any rules necessary to administer the provisions of this section, including, but not limited to, rules establishing chute closure device specifications as deemed necessary by the department.

d. The department, the police department and any other agency designated by the commissioner to enforce the provisions of this section are authorized to inspect chute closure devices and chute closure device

specifications for compliance with the requirements of this section in accordance with rules of the department and any applicable law.

§ 2. This local law takes effect immediately

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, ANDREW COHEN, PETER A. KOO, DEBORAH L. ROSE, DONOVAN J. RICHARDS, CHAIM M. DEUTSCH, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN; Committee on Transportation, June 18, 2020.

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

GENERAL ORDER CALENDAR

There were no additional items on the General Order Calendar section of these Minutes.

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

- | | | |
|-----|---------------------|--|
| (1) | Int 487-A - | Creating comprehensive reporting and oversight of New York city police department surveillance technologies. |
| (2) | Int 536-B - | Chokeholds and other such restraints. |
| (3) | Int 721-B - | The right to record police activities. |
| (4) | Int 760-B - | An early intervention system. |
| (5) | Int 1309-B - | Requiring the police department to develop an internal disciplinary matrix. |
| (6) | Int 1354-A - | Requiring certain spillage prevention equipment on concrete mixer trucks. |
| (7) | Int 1962-A - | Requiring visible shield numbers and rank designations. |

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

The following was the vote recorded for **Int. No. 487-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **44**.

Negative – Borelli, Deutsch, Holden, Ulrich, Yeger, and the Minority Leader (Council Member Matteo) – **6**.

The following was the vote recorded for **Int. No. 536-B**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Borelli, Holden, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **Int. No. 721-B**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **47**.

Negative – Borelli, Yeger, and the Minority Leader (Council Member Matteo) – **3**.

The following was the vote recorded for **Int. No. 760-B**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. No. 1309-B**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Barron and Ulrich – **2**.

The following was the vote recorded for **Int. No. 1354-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

Abstention – Lander – **1**.

The following was the vote recorded for **Int. No. 1962-A**:

Affirmative – Adams, Ampy-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, King, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, Yeger, the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Borelli and the Minority Leader (Council Member Matteo) – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 487-A, 536-B, 721-B, 760-B, 1309-B, 1354-A, and 1962-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:

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

Report for voice-vote item Res. No. 1343

Report of the Committee on Public Safety in favor of approving, a Resolution calling upon the United States Congress to pass, and the President to sign, the Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), which would prohibit police chokeholds and other tactics that result in asphyxiation.

The Committee on Public Safety, to which the annexed preconsidered resolution was referred on June 18, 2020, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Public Safety for Int. No. 487-A printed in the Reports of the Standing Committees section printed in these Minutes)

Accordingly, this Committee recommends its adoption.

(The following is the text of Res. No. 1343:)

Preconsidered Res. No. 1343

Resolution calling upon the United States Congress to pass, and the President to sign, the Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), which would prohibit police chokeholds and other tactics that result in asphyxiation.

By Council Members Rivera, Ampry-Samuel, Constantinides, Kallos, Van Bramer, Rosenthal Menchaca, Louis, Ayala, Brannan, Adams, Reynoso, Rose, Moya, Cabrera, Cohen, Chin, Powers, Miller, Grodenchik and Levin.

Whereas, On July 17, 2014, Eric Garner, an unarmed Black man, died after being choked by a New York City (“NYC” or “City”) Police Department (“NYPD” or “Department”) officer as a witness filmed him crying out “I can’t breathe” 11 times; and

Whereas, The death of Eric Garner launched protests across the City and the United States (U.S.); and

Whereas, These protests energized the #BlackLivesMatter movement, which grew rapidly after the fatal police shooting of Michael Brown, an unarmed Black teenager in Ferguson, Missouri; and

Whereas, Driven by those events and the deaths of numerous other Black men and women in police custody, this movement elevated a national discussion on police use of force and other law enforcement tactics that disproportionately impact communities of color; and

Whereas, Nearly six years later, on May 25, 2020, George Floyd, an unarmed Black man, died in the custody of Minneapolis police as witnesses filmed him repeatedly crying out “I can’t breathe” while an officer kneeled on his neck for eight minutes and 46 seconds; and

Whereas, This incident and other recent high profile cases of police killings of unarmed Black civilians has sparked days of protests in the City and across the country; and

Whereas, These protests have largely demanded, in part, accountability for officers such as those involved in the death of George Floyd, one of whom has been arrested and is being prosecuted by a local District Attorney; and

Whereas, However, historically local District Attorneys have failed to successfully prosecute and hold accountable officers involved in the killings of unarmed Black civilians, including the officer who choked Eric Garner; and

Whereas, Federal prosecutors have fewer ties to local law enforcement entities and should be given the power to use their greater independence to investigate, prosecute, and hold accountable police officers who kill unarmed civilians; and

Whereas, The Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), sponsored by U.S. Representative Hakeem Jeffries, would amend section 242 of title 18, U.S. Code, to forbid the use of chokeholds as a civil rights violation; and

Whereas, This law would enable federal authorities to hold accountable police officers involved in the killing of George Floyd and similar tragic incidents; and

Resolved, That the Council of the City of New York calls upon the upon the United States Congress to pass, and the President to sign, the Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), which would prohibit police chokeholds and other tactics that result in asphyxiation.

DONOVAN J. RICHARDS, *Chairperson*; YDANIS A. RODRIGUEZ, FERNANDO CABRERA, VANESSA L. GIBSON, ANDREW COHEN, RORY I. LANCMAN, CARLOS MENCHACA, I. DANEEK MILLER, PAUL A. VALLONE, ADRIENNE E. ADAMS, JUSTIN L. BRANNAN, KEITH POWERS; Committee on Public Safety, June 18, 2020.

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

The following 2 Council Members formally noted their intention to vote negative against this item:
Council Members Borelli and the Minority Leader (Council Member Matteo).

Adopted by the Council by voice-vote.

INTRODUCTION AND READING OF BILLS

Preconsidered Int. No. 1962-A

By Council Members Ampry-Samuel, the Public Advocate (Mr. Williams), Rivera, Cumbo, Levin, Chin, Kallos, Van Bramer, Rosenthal, Menchaca, Louis, Moya, Ayala, Brannan, Adams, Lancman, Reynoso, Vallone, Cabrera, Cohen, Rose, Lander, Constantinides and Miller.

A Local Law to amend the administrative code of the city of New York, in relation to requiring visible shield numbers and rank designations

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 14 of the administrative code of the city of New York is amended to add a new section 14-187 to read as follows:

§ 14-187 Shield numbers and rank designations. a. An officer's shield number or rank designation shall be visible at all times while such officer is in uniform and performing any activity under the color of law.

b. 1. A claim of refusal to make a shield number or rank designation visible is established under this section when an individual demonstrates that they requested that an officer make their shield number or rank designation visible pursuant to subdivision a of this section and such officer did not comply.

2. An individual subject to refusal to make a shield number or rank designation visible as described in paragraph 1 of subdivision b of this section may bring an action in any court of competent jurisdiction for any damages, including punitive damages, and for declaratory and injunctive relief and such other remedies as may be appropriate.

3. In any action or proceeding to enforce this section, the court shall award a prevailing plaintiff reasonable attorney's fees and court costs, and may include expert fees as part of the attorney's fees.

4. Any action or proceeding to enforce this section shall be commenced no later than one year and 90 days after the date on which the violation of this section is committed.

c. This section does not limit or abrogate any claim or cause of action a person has under common law or by other law or rule. The provisions of this section are in addition to any other remedies that may be provided for under common law or by other law or rule.

§ 2. This local law takes effect immediately.

Adopted by the Council (preconsidered and approved as amended by the Committee on Public Safety).

Int. No. 1963

By Council Members Cabrera and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to entrepreneurship training for formerly incarcerated persons

Be it enacted by the Council as follows:

Section 1. Chapter 10 of title 22 of the administrative code of the city of New York is amended by adding a new section 22-1006 to read as follows:

§ 22-1006 Entrepreneurship training for formerly incarcerated persons. a. The commissioner, in collaboration with the mayor's office of criminal justice or other agency as necessary and as designated by the mayor, shall design and implement a program that provides formerly incarcerated individuals with entrepreneurship counseling and training. For the purposes of this section, the term "formerly incarcerated

individuals” means individuals who are not incarcerated, but who were released from incarceration within the past five years.

b. The program operated pursuant to subdivision a of this section shall be provided at no cost and shall include trainings and individualized mentoring sessions that instruct on the following topics, at a minimum:

1. Planning a business, including but not limited to drafting a business plan, conducting competitive market research and identifying sources of funding;

2. Registering a business and applying for licenses and permits for such business; and

3. Operating a business, including but not limited to hiring and managing employees.

c. By August 31, 2021 and annually thereafter, the commissioner shall report to the mayor and the speaker of the council on the performance of the program operated pursuant to this section during the previous fiscal year unless otherwise specified, including the following information:

1. Total number of covered individuals served; and

2. Total number of covered individuals who have started their own businesses within the previous two fiscal years, disaggregated by categories indicating which stage of entrepreneurship set forth below each covered individual has successfully reached:

(a) Creating a business plan, securing funding and registering a business; or

(b) Operating a business; or

(c) Attaining profitability.

d. The commissioner shall promulgate rules as necessary to fulfill the requirements of this section.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of small business services shall take any measures necessary for the timely implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Criminal Justice.

Res. No. 1334

Resolution calling on the United States Congress to provide national funding for the Cure Violence program.

By Council Members Cabrera, Kallos and Chin.

Whereas, According to a New York Times investigation from December 2019, gun violence has doubled in concentrated neighborhoods of New York City, attributing the rise of violence to revenge and retaliation in gang-based activities; and

Whereas, The New Jersey State Police noted in their 2017 Statewide Gang Assessment, that transnational criminal organizations have been actively conducting gang activities from New Jersey into New York City; and

Whereas, In 2018, the Governors of New York, New Jersey, Connecticut and Rhode Island announced the formation of the "States for Gun Safety" coalition to track and combat gun violence in the Tri-State area; and

Whereas, In addition to New York City, gun violence is afflicting neighborhoods in other cities across the country such as Baltimore, Chicago, and Philadelphia, as reported by the Brennan Center for Justice, underlining the need for smart solutions to urban violence; and

Whereas, According to the Mayor’s Office of Criminal Justice, the Cure Violence program is an evidence-informed public health approach that identifies and engages individuals most likely to be involved in gun violence and deploys interventions aimed at curbing that behavior before it occurs; and

Whereas, Since 2012, the Cure Violence Program has been used in New York City as a model to address gang violence and reduce retaliatory killings by including community-based organizations and outreach workers to act as “violence interrupters” from the community, who have themselves experienced violence and can mediate on behalf of victims; and

Whereas, John Jay College of Criminal Justice conducted an evaluation of the program in 2017, which found that the introduction of a Cure Violence program in New York City led to a substantial decline of around 63% in shooting incidents; and

Whereas, According to the Mayor’s Office to Prevent Gun Violence, the Cure Violence model is used as part of New York City’s anti-gun violence crisis management system; and

Whereas, Original funding for Cure Violence came from contributions from federal and state grants, which have dwindled over time to where the organization now operates on service fees and intermittent grants; and

Whereas, Given the success of Cure Violence in cities across the world, including cities in Brazil and the United Kingdom, municipalities across our country that wish to implement the program should be able to access the Cure Violence program through federal support; and

Whereas, Increased funding for Cure Violence will help New York City stem gun-related activities and cross-border violence in the Tri-State area, fostering an environment to protect our youth, local communities, and public safety; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to provide national funding for the Cure Violence program.

Referred to the Committee on Public Safety.

Preconsidered Int. No. 1964

By Council Member Chin.

A Local Law in relation to the deferral of property tax liability on real property with an assessed value exceeding two hundred fifty thousand dollars owned by certain property owners impacted by COVID-19

Be it enacted by the Council as follows:

Section 1. a. As used in this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Department. The term “department” means the department of finance.

Deferral agreement. The term “deferral agreement” means an agreement between the department and a property owner to defer the payment of real property tax for the installment of real property tax otherwise due and payable as of July 1, 2020 by the terms of this section.

Income. The term “income” means the amount that would be reported by the property owner on an income and expense statement required pursuant to section 11-208.1 of the administrative code of the city of New York; provided that if no income and expense statement is required to be filed for the subject property “income” means the amount that would be so reported if such an income and expense statement were required.

b. Notwithstanding any inconsistent provision of law or rule, a property owner whose real property has an assessed value exceeding two hundred fifty thousand dollars, and who satisfies the requirements described in subdivision d of this local law, may enter into a deferral agreement.

c. For purposes of this section, property held in the cooperative form of ownership shall be deemed to have an assessed value of over two hundred fifty thousand dollars if the property’s assessed value divided by the number of residential dwelling units is more than two hundred fifty thousand dollars per unit.

d. To be eligible to enter into a deferral agreement, an applicant must demonstrate that the following requirements are met: 1. the applicant is a property owner and the subject property was occupied by an active business or trade on March 7, 2020 that became subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor or mayor between March 7, 2020 and June 30, 2020; or

2. Experienced an unexpected decline in income during any length of time no shorter than 30 days during the period March 1, 2020 through June 30, 2020 as compared to a period of the same length at any point since March 1, 2019, that was greater than or equal to the real property tax liability thereon due on July 1, 2020.

e. The interest rate imposed on the property tax liability deferred pursuant to a deferral agreement shall be the same as the interest rate set by the commissioner of finance pursuant to paragraph 5 of section 11-687 of the

administrative code of the city of New York for the underpayment of taxes due pursuant to chapter 6 of title 11 of the administrative code of the city of New York.

f. The deferral agreement shall require:

1. that the property owner pay 25 percent of the taxes due on July 1, 2020 by October 1, 2020 and the remainder of the such taxes due by May 1, 2021, with applicable interest;

2. if applicable, that the property owner provides any commercial, residential, or institutional tenant or lessee at the subject property, irrespective of any lease terms to the contrary, the option for a forbearance on rent with an interest rate on late lease payments that shall not exceed one-quarter the rate applicable to the property owner's own unpaid deferred taxes, and no late payment penalties, starting at any point of tenant or lessee's choosing during the period commencing April 1, 2020 and continuing until three months after the property owner becomes current with outstanding real property taxes and sewer rents, sewer surcharges, and water rents on the subject property; and

3. if applicable, that the property owner provides notice to all tenants of the interest rates on late lease payments and the suspension of late payment penalties within 15 days of the department's approval of the deferral agreement application for the subject property, and a second notice advising tenants of the end of such interest rate and of the restoration of any late payment penalties at least 30 days before the property owner is eligible to do so.

g. A property owner's failure to adhere to the requirements of this subdivision will result in application of the otherwise applicable interest rate on unpaid real property taxes, in accordance with section 11-224.1 of the administrative code of the city of New York, until the owner has cured any missed payments to the city and refunded any tenant overcharges.

h. A complete application must be submitted to, and approved by, the department. Upon the submission of a deferral agreement application, the department shall provide the applicant with a notice that the application has been received by the department.

i. The department shall conduct outreach to advertise the availability of the deferral agreements that are subject of this section.

j. The department shall provide information regarding the availability of the installment agreements provided for in section 11-322 of the administrative code of the city of New York to all applicants for a deferral agreement under this section.

k. The department shall issue a report on the deferral agreements established pursuant to this section. Such reports shall be submitted to the speaker of the council and published on the department's website no later than November 1, 2020 and shall include, but not be limited to, the following information, disaggregated by borough:

1. the total number of applications received;
2. the total number of applications approved;
3. the total number of applications denied;
4. the aggregate value of property tax liability deferred by all approved deferral agreements.

§ 2. This local law takes effect immediately, except that if it becomes law after July 1, 2020, it is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

Referred to the Committee on Finance (preconsidered but laid over by the Committee on Finance).

Int. No. 1965

By Council Members Constantinides and Kallos.

A Local Law in relation to requiring the emergency management department to report on its response to COVID-19 and the expiration and repeal thereof

Be it enacted by the Council as follows:

Section 1. Report. a. By no later than January 1, 2021, the commissioner of emergency management shall report to the mayor and the speaker of the council on the emergency management department's response to the 2019 novel coronavirus, COVID-19, and shall post such report on the emergency management department's

website. The report shall include, but need not be limited to, the following:

1. The efforts that the emergency management department has taken in response to COVID-19; and
2. The efforts that the emergency management department plans to take in response to COVID-19.

b. After the initial report required by subdivision a, the commissioner of emergency management shall continue to assess the emergency management department's COVID-19 response and provide an updated report to the mayor and the speaker of the council and post such report on the emergency management department's website no later than 30 days after any sustained increase in the number of COVID-19 cases in the city over a period of two weeks.

§ 2. This local law takes effect immediately and remains in effect for 5 years, when it is deemed repealed.

Referred to the Committee on Fire and Emergency Management.

Int. No. 1966

By Council Members Constantinides, Powers, Torres, Kallos and Yeger.

A Local Law to amend the administrative code of the city of New York, in relation to creating a pilot program to test sewage for COVID-19 RNA

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 24-531 to read as follows:

§ 24-531 Wastewater testing program. *a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Metagenomic next generation sequencing. The term "metagenomic next generation sequencing" means running all nucleic acids in a sample that may contain mixed populations of microorganisms and assigning them to their reference genomes to understand which microbes are present and in what proportions.

Rate of infection. The term "rate of infection" means the probability or risk of an infection in a population, used to measure the frequency of occurrence of new instances of infection within a population over a specific period of time.

SARS-CoV-2. The term "SARS-CoV-2" means severe acute respiratory syndrome coronavirus 2, which is the strain of coronavirus that causes the novel coronavirus, COVID-19.

Wastewater-based epidemiology. The term "wastewater-based epidemiology" means the chemical analysis of pollutants and biomarkers in raw wastewater to obtain qualitative and quantitative data on the activity of inhabitants within a given wastewater catchment.

b. The commissioner of environmental protection, in consultation with the commissioner of health and mental hygiene, shall establish a pilot sampling program to test for the presence of SARS-CoV-2 in sewage at each city wastewater treatment plant in accordance with this section. Such sampling program shall include, but not be limited to the following:

1. *The composition of each species detected in each sample collected;*
2. *The proportion of each species detected in each sample collected; and*
3. *Use of metagenomic next generation sequencing to test samples.*

c. No less than once per every seven days, and for no less than six months, the commissioner, in consultation with the commissioner of health and mental hygiene, shall collect sewage samples in an amount determined by the commissioner of health and mental hygiene that is enough to conduct wastewater-based epidemiology of such samples.

d. No later than June 1, 2021, the commissioner shall submit to the mayor and speaker of the council a report, which shall include, but not be limited to the following:

1. *Sampling results disaggregated by the site where the sample was collected, date sample was collected, date sample was tested, and composition and proportion of each species in the samples collected;*
2. *The total cost of such pilot program;*
3. *Analysis of the effectiveness of the pilot program in testing for SARS-CoV-2;*
4. *Recommendations to expand the pilot program to include sampling at manhole sites if wastewater-based epidemiology detects SARS-CoV-2 in an amount, as determined by the commissioner of health and mental hygiene, that indicates a localized concentration of COVID-19;*
5. *Extending the pilot program for up to an additional six months if more testing is necessary, as determined by the commissioner, in consultation with the commissioner of health and mental hygiene;*
6. *A plan for weekly testing at each city wastewater treatment plant if the commissioner of health and mental hygiene or state commissioner of health declares that the SARS-CoV-2 rate of infection is at least 1.1 or if the centers for disease control and prevention issues a SARS-CoV-2 pandemic declaration; and*
7. *Recommendations for making the pilot program permanent.*

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of environmental protection and commissioner of health and mental hygiene may 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.

Int. No. 1967

By Council Members Cumbo, Van Bramer, Kallos, Brannan, Perkins, Ayala, Rose, Gibson, Louis and Barron.

A Local Law in relation to a report regarding post-COVID-19 reopening plans for art and cultural institutions in New York city

Be it enacted by the Council as follows:

Section 1. Report on post-COVID-19 reopening plans for cultural institutions in New York city. a. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means New York city.

Commissioner. The term “commissioner” means the commissioner of the department of cultural affairs.

COVID-19. The term “COVID-19” means the disease caused by the severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2).

Cultural institution. The term “cultural institution” means a New York city-based art and cultural group, organization, gallery, venue, or institution.

Department. The term “department” means the department of cultural affairs.

b. No later than 60 days after the effective date of this local law, the department shall submit to the mayor, the speaker of the council, and post online a report detailing cultural institutions’ plans for reopening, post-COVID-19. Such report shall document a sample of such reopening plans, and related information, to serve as a planning resource for other such cultural institutions.

c. In developing the report required by subdivision b of this section, the department shall consider the following:

1. The steps that at least five cultural institutions, of various types and sizes, have taken to prepare to reopen, including example reopening plans from at least one institution from each of the following areas: education arts, performing arts, gardens and outdoor spaces, and museums;

2. How federal, state, and city safety guidelines related to COVID-19 should be incorporated into reopening plans;

3. Strategies for the continuation of digital platforms and remote programming developed during COVID-19 closures; and

4. Any other considerations deemed by the department to be relevant to reopening plans for cultural institutions.

d. The commissioner shall include with any such report a recommendation to the mayor and the speaker of the council about whether continued reporting on such topic is necessary and appropriate.

§ 2. This local law takes effect immediately.

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

Int. No. 1968

By Council Members Eugene, Kallos and Chin.

A Local Law in relation to providing mental health counseling to healthcare professionals who provided healthcare services during the COVID-19 pandemic, and providing for the expiration and repeal of such requirement

Be it enacted by the Council as follows:

Section 1. Mental health counseling for COVID-19 healthcare professionals. a. Definitions. For purposes of this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Healthcare professional. The term “healthcare professional” means any physician, physician assistant, specialist assistant, nurse practitioner, licensed registered professional nurse, licensed practical nurse, certified first responder or emergency medical technician who provided healthcare services in the city of New York at any time during which an executive order of the governor of the state of New York declaring a state disaster emergency to address COVID-19 was in effect, or any time during which an order of the mayor of the city of New York declaring a local state of emergency to address COVID-19 was in effect.

b. Subject to appropriation, the mayor shall establish a program for the purpose of providing mental health counseling at no cost to healthcare professionals, or reimbursements to healthcare professionals for the unreimbursed expenses of such counseling.

c. Upon establishment of the program pursuant to subdivision b of this section, the mayor shall designate an administering agency for the purpose of administering such program. Such agency shall have the authority to promulgate rules to administer such program. In promulgating such rules, such agency shall take into account barriers to access to mental health counseling and demonstrated financial need among healthcare professionals. Such rules shall include, but need not be limited to, the following:

1. Procedures to receive and address requests from healthcare professionals to participate in such program; and

2. Criteria, in addition to those set forth in this section, to establish eligibility for participation in such program, including criteria relating to the ongoing eligibility of participating healthcare professionals in such program.

d. The program established pursuant to subdivision b of this section shall terminate upon the mayor’s determination that the program is no longer necessary to promote access to mental health counseling among healthcare professionals who may be dealing with the negative mental health effects, including but not limited to post-traumatic stress disorder, of providing healthcare services at any time during which an executive order of the governor of the state of New York declaring a state disaster emergency to address COVID-19 was in effect, or any time during which an order of the mayor of the city of New York declaring a local state of emergency to address COVID-19 was in effect.

§ 2. This local law takes effect 120 days after it becomes law and expires and is deemed repealed upon the mayor’s determination to terminate the program pursuant to subdivision d of this local law. Upon such

determination, the mayor shall notify the city clerk for the purpose of transmitting the fact of such repeal to the New York state legislative bill drafting commission in furtherance of effectuating the provisions of section 70-b of the public officers law, and the mayor shall notify the corporation counsel for the purpose of effectuating the provisions of section 7-111 of the administrative code of the city of New York. The failure to provide the notifications described in this section shall not affect the effective date of any provision of this local law.

Referred to the Committee on Mental Health, Disabilities and Addiction.

Int. No. 1969

By Council Member Gjonaj.

A Local Law to amend the administrative code of the city of New York, in relation to suspending the schedule change premium when a state of emergency modifies fast food restaurant operations

Be it enacted by the Council as follows:

Section 1. Subdivision c of section 20-1222 of the administrative code of the city of New York, as added by local law number 107 for the year 2017, is amended to read as follows:

c. Notwithstanding subdivisions a and b of this section, a fast food employer is not required to provide a fast food employee with the amounts set forth in such subdivision in the event that:

1. The employer's operations cannot begin or continue due to:

(a) Threats to the employees or the employer's property;

(b) The failure of a public utility or the shutdown of public transportation;

(c) A fire, flood or other natural disaster; *or*

(d) [A state of emergency declared by the president of the United States, governor of the state of New York, or mayor of the city; or

(e)] Severe weather conditions that pose a threat to employee safety, although where a fast food employer adds shifts to an employee's schedule to cover for or replace another employee who cannot safely travel to work, such employer shall provide the replacing or covering employee with the amounts set forth in subdivision a of this section;

2. The employee requested in writing a change in schedule;

3. Two employees voluntarily traded shifts with one another, subject to any existing employer policy regarding required conditions for employees to exchange shifts; [or]

4. The employer is required to pay the employees overtime pay for a changed shift[.]; *or*

5. *The employer is required to substantially modify its operations pursuant to a state of emergency declared by the president of the United States, governor or mayor.*

§ 2. This local law takes effect 60 days after it becomes law, except that the director of the office of labor standards may promulgate any rules necessary to implement this local law on or before its effective date.

Referred to the Committee on Civil Service and Labor.

Res. No. 1335

Resolution calling upon the New York State Legislature to pass, and Governor to sign, A.10226-B/S.8211-A, requiring certain perils be covered under business interruption insurance during the COVID-19 pandemic.

By Council Members Gjonaj, Brannan, Rivera, Levine, Powers and Chin.

Whereas, The outbreak of COVID-19 in the United States has caused governors across the country to implement stay-at-home orders; and

Whereas, On March 20th, Governor Cuomo signed the New York State (NYS) on PAUSE executive order, which mandated the closure of all non-essential businesses statewide; and

Whereas, Essential businesses were allowed to remain open but were required to implement strict social distancing rules; and

Whereas, As New Yorkers have stayed home to comply with the Governor’s executive order, many small businesses in New York City (NYC) have been devastated by steep declines in revenue; and

Whereas, According to Governor Cuomo, over 100,000 small businesses have closed permanently across NYS due to their inability to pay their fixed costs throughout the pandemic, including rent and employee payrolls; and

Whereas, Many business owners in NYC have an insurance policy to provide their business with coverage for situations in which their normal business operations are disrupted; and

Whereas, Businesses buy this business interruption insurance to ensure they will be compensated for lost revenue when their business is forced to close unexpectedly; and

Whereas, When a business owner’s claim for business interruption insurance is approved, the insurance company typically covers all profits the business is estimated to have made during non-interrupted times and the operating expenses the business must pay while it is closed; and

Whereas, Business interruption insurance policies typically require the business to cite direct property loss or damage to qualify for coverage; and

Whereas, Many insurance companies have specifically excluded pandemics from their coverage due to previous global pandemics, such as SARS; and

Whereas, According to David A. Sampson, President and CEO of American Property Casualty Insurance Association, “many commercial insurance policies, including those that include business interruption coverage, do not include coverage for communicable diseases or viruses such as COVID-19”; and

Whereas, Because of the spread of COVID-19, NYC businesses have experienced property loss as business owners are unable to operate their business without violating Governor Cuomo’s PAUSE order; and

Whereas, State legislators from eight states and Washington D.C. have introduced bills that would retroactively require insurers to pay excluded business interruption claims due to COVID-19; and

Whereas, A.10226-B, introduced by NYS Assembly Member Robert Carroll, and S.8211-A, introduced by NYS Senator Andrew Gounardes, would require every insurance policy insuring against loss or damage to property to include among the covered perils coverage for business interruption during the state of emergency due to COVID-19; and

Whereas, The legislation would also render void all clauses or provisions of a business interruption insurance policy that exclude pandemics from their coverage; and

Whereas, This legislation would apply to all businesses with fewer than 250 full-time employees; and

Whereas, As New York small businesses received disproportionately less aid from the Small Business Administration’s Paycheck Protection Program than small businesses from other states, this legislation would provide necessary relief to NYC small businesses; and

Whereas, If businesses in NYC had their claims for business interruption insurance accepted, they could pay rent and their employee payrolls, which would minimize retail vacancies and unemployment in the City; and

Whereas, As small businesses are the economic engine of NYC, employing over half of the City’s private sector workforce, the survival of the City’s small business economy is important to the City’s economic recovery from the COVID-19 pandemic; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and Governor to sign, A.10226-B/S.8211-A, requiring certain perils be covered under business interruption insurance during the COVID-19 pandemic.

Referred to the Committee on Small Business.

Int. No. 1970

By Council Members Holden, Richards and Powers.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of health and mental hygiene to report on the number of cases of communicable disease during a state of emergency

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 17 of the administrative code of the city of New York is amended by adding a new section 17-199.14 to read as follows:

§ 17-199.14 Reporting cases of communicable disease during a state of emergency. a. Definitions. For purposes of this section, the following terms have the following meanings:

Communicable disease. The term “communicable disease” means an illness caused by an infectious agent or its toxins that occurs through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector or the inanimate environment to a susceptible animal or human host.

Local state of emergency. The term “local state of emergency” means the period of time during which a proclamation issued by the mayor, declaring a local state of emergency pursuant to section 24 of the executive law, is in effect.

Public health emergency. The term “public health emergency” means the period of time during which a declaration issued by the commissioner, declaring a public health emergency pursuant to section 3.01 of the New York city health code, is in effect.

b. During a local state of emergency or a public health emergency related to an outbreak of a communicable disease, the department shall, as soon as practicable, publish on its website and regularly update the following information regarding cases of such communicable disease in the city:

1. The total number of diagnosed cases of such communicable disease, disaggregated by borough and zip code of residence; and

2. The total number of diagnostic tests performed for such communicable disease, disaggregated by borough and zip code of residence.

c. No information that is otherwise required to be reported pursuant to subdivision b of this section shall be reported if the commissioner determines that such reporting would compromise the privacy of personally identifiable information or would interfere with, delay or otherwise affect the department’s ability to take such actions necessary to address a local state of emergency or a public health emergency.

d. Within 24 hours of making a determination pursuant to subdivision c of this section, the commissioner shall provide notice of such determination, including the basis for such determination, by electronic mail to the mayor and the speaker of the council.

§ 2. This local law takes effect immediately.

Referred to the Committee on Health.

Res. No. 1336

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation that creates statewide guidelines on closing schools during a biological crisis.

By Council Member Holden.

Whereas, On March 7, 2020, New York State Governor Andrew Cuomo declared a state of emergency to help the State of New York more rapidly and effectively contain the spread of the 2019 novel coronavirus, COVID-19; and

Whereas, According to the New York City Department of Education, there are 1,126,501 students in 1,866 schools in the New York City school system, the largest school district in the United States; and

Whereas, Recognizing the role of social distancing in reducing COVID-19 contraction and transmission, on March 16, 2020, Governor Cuomo issued Executive Order No. 202.4, directing every public school in the State of New York to close no later than Wednesday, March 18, 2020; and

Whereas, Before Executive Order No. 202.4, schools in other states and urban school districts such as Los Angeles and Seattle closed, teachers in New York City organized sick outs, student attendance in New York City schools plummeted, and elected officials, public health experts, parents, and educators in New York City called for school closings; and

Whereas, A March 15, 2020 article in The New York Times reported that closing public schools in New York City would alter the lives and routines of 75,000 teachers and over 1 million parents in addition to the over 1.1 million children; and

Whereas, School closures alter students' routines and obligate parents to arrange technology for remote learning, child care for children staying home, and food for children who access it through schools, making notice of school closures critical to students and families; and

Whereas, An April 22, 2020 New York Times article reported that 63 employees of the New York City Department of Education have died due to COVID-19 at the time of publication; and

Whereas, As demonstrated by the COVID-19 pandemic, where over half of COVID-19 cases and almost three-quarters of COVID-19 deaths in the State of New York have occurred in New York City as of May 27, 2020, the impact of an infectious disease may vary by region; and

Whereas, Deciding to close schools during a biological crisis involves understanding health, emergency management, safety, and education issues, school closure guidelines should be based on consultation with government, public health and education experts; and

Whereas, According to a Centers for Disease Control and Prevention study, "Evidence-based Tool for Triggering School Closures during Influenza Outbreaks, Japan," evidence-based guidelines may provide a straightforward and practical tool for deciding to close schools; and

Whereas, Guidelines on closing schools that include consultation with government, public health and education experts and a consideration of evidenced-based criteria would, amid a biological crisis, promote public health and provide predictability and facilitate the lives of school employees, students and their families in their home and work lives; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, legislation that creates statewide guidelines on closing schools during a biological crisis.

Referred to the Committee on Education.

Int. No. 1971

By Council Members Menchaca and Kallos.

A Local Law in relation to requiring the department of consumer affairs to study access to financial services

Be it enacted by the Council as follows:

Section 1. Study on access to financial services. a. Definitions. As used in this section, the following terms have the following meanings:

Department. The term "department" means the department of consumer affairs.

Unbanked. The term “unbanked” means a household in which no individual has a checking or savings account.

Underbanked. The term “underbanked” means a household in which at least one individual has a checking or savings account and has used one of the following products or services from an alternative financial services provider in the past 12 months: money orders, check cashing, international remittances, payday loans, refund anticipation loans, rent-to-own services, pawn shop loans or auto title loans.

b. The department shall conduct a study on access to financial services. In completing such study, the department shall:

1. Identify areas of the city of New York with unbanked and underbanked households;
2. Identify the issues related to opening branches of small and large commercial banks in areas with unbanked and underbanked households;
3. Identify the barriers that individuals, particularly low-income individuals and immigrants, face in accessing banking and other financial services; and
4. Recommend methods for public banks to obtain capital.

c. The department shall report the study’s findings and recommendations to the mayor and the speaker of the council no later than 1 year after the effective date of this local law. Such report shall include a recommendation as to whether any additional studies would further the objective of improving access to financial services.

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing.

Int. No. 1972

By Council Members Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to suspending demolition permits for properties under consideration for landmark or historic district designation

Be it enacted by the Council as follows:

Section 1. Article 105 of chapter 1 of title 28 of the administrative code of the city of New York is amended by adding a new section 28-105.10.3 to read as follows:

§ 28-105.10.3 Immediate suspension in cases of potential designation as a landmark. *The commissioner shall immediately suspend any permit for a full or partial demolition without prior notice to the permit holder when the landmarks preservation commission adopts a motion to calendar the property for consideration of designation as a landmark site, interior landmark or as part of a historic district. The commissioner shall notify the permit holder, without delay, that the permit has been suspended and the reasons for the suspension, that it is proposed to be revoked and that the permit holder has the right to present to the commissioner or the commissioner’s representative within 10 business days of delivery of the notice by hand or 15 calendar days of the posting of notice by mail information as to why the permit should not be revoked.*

§ 2. This local law takes effect on the same date that a local law for the year 2020 amending the administrative code of the city of New York, relating to construction documents for properties under consideration for landmark or historic district designation, as proposed in introduction number 1046, takes effect.

Referred to the Committee on Housing and Buildings.

Int. No. 1973

By Council Members Menchaca and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of transportation to conduct an annual study on bicycle activity

Be it enacted by the Council as follows:

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-187.1 to read as follows:

§ 19-187.1 Study on bicycle activity. No later than February 1, 2021, and annually thereafter, the department shall conduct and submit to the mayor and the speaker of the council and post conspicuously on the department's website an annual study on bicycle activity during the previous calendar year. In completing such study, the department shall:

- a. Identify the streets most frequently biked that have protected bike lanes and the streets most frequently biked that do not have protected bike lanes;*
- b. Identify the bridges most frequently biked that have protected bike lanes and the bridges most frequently biked that do not have protected bike lanes; and*
- c. Propose recommendations for improving bicycle safety and flow on the streets and bridges identified pursuant to subdivisions a and b of this section and any other locations suitable for biking in the city.*

§ 2. This local law takes effect 30 days after it becomes law.

Referred to the Committee on Transportation.

Res. No. 1337

Resolution opposing the U.S. Department of Homeland Security's proposed increases to filing fees for immigration status adjustments, including but not limited to, Citizenship, Permanent Legal Residence, Deferred Action for Childhood Arrivals, Asylum, and Temporary Protected Status and urging the federal government not to move forward with its adoption.

By Council Members Menchaca and Kallos.

Whereas, On November 14, 2019, the Department of Homeland Security ('DHS') proposed a rule, entitled "U.S. Citizenship and Immigration Services Fee Schedule and Changes to Certain Other Immigration Benefit Request Requirements," which recommends, among other changes, an 83 percent increase to the citizenship application fee, a 79 percent increase to the permanent legal residence application fee, and a 55 percent increase in the renewal fee for Deferred Action for Childhood Arrivals ('DACA'); and

Whereas, The rule would also eliminate certain fee waivers for individuals experiencing financial hardship; and

Whereas, Periodic fee schedule adjustments are standard practice for the United States Citizenship and Immigration Services ('USCIS') to cover its administrative costs and the last fee adjustments were made in 2016; and

Whereas, However, the 2019 proposed fee adjustment is unprecedented as it creates new fees for asylum seekers and Temporary Protected Status applicants; and

Whereas, Only three other countries in the world charge fees for commensurate humanitarian visas: Iran, Fiji and Australia, and all three offer waivers for extenuating circumstances; and

Whereas, New York City is home to 3.2 million immigrants - 660,000 of whom are lawful permanent residents and could be eligible for citizenship - and approximately 15,000 TPS recipients and 30,000 DACA recipients, with an estimated 45,000 more eligible for these benefits; and

Whereas, New York City’s Mayor’s Office of Immigrant Affairs (‘MOIA’) has determined that at least 280,000 currently naturalization-eligible New Yorkers fall below 200 percent of the Federal Poverty Level and as such would qualify for a fee waiver or reduced fee under the current rule; and

Whereas, A 2015 Pew Research Center survey of naturalization-eligible individuals found that 19 percent of those who chose not to naturalize cited financial hardship as a significant barrier to seeking U.S. Citizenship; and

Whereas, Further analysis by MOIA has identified a relationship between rising USCIS fees and lower rates of naturalization applications over time; and

Whereas, This proposed rule will diminish immigrant New Yorkers’ access to lawful immigration status by imposing a financial burden; and

Whereas, USCIS claims the following cost projections justify the proposed fee increases: (1) a more than \$100 million transfer to Immigration and Customs Enforcement (‘ICE’) for immigration enforcement, and (2) a 44 percent staffing increase at USCIS; and

Whereas, These budgetary and staffing maneuvers appear to be shifting USCIS’ ministerial role to that of an enforcement agency; and

Whereas, For example, an October 2019 USCIS press release announced increased staffing levels for individuals with “prior military and law enforcement expertise” in their Asylum Division, in addition to deploying USCIS Asylum Division officers alongside U.S. Border Patrol agents in detention facilities and Border Patrol stations; and

Whereas, Actions like shrinking eligibility criteria and increasing fees such as those in this proposed rule create an ‘invisible’ wall that decreases access to lawful status for eligible immigrants; and

Whereas, While DHS claims these proposed fee changes will make the process of immigration more equitable, it will necessarily disadvantage vulnerable immigrants who are currently eligible and entitled to immigration status adjustment; and

Whereas, The proposed rule will invariably lead to a chilling effect, as individuals choose to abandon their legitimate immigration applications whether due to financial hardship or lack of trust in the objectivity of USCIS; now, therefore, be it

Resolved that the Council of the City of New York opposes the U.S. Department of Homeland Security’s proposed increases to filing fees for immigration status adjustments, including but not limited to, Citizenship, Permanent Legal Residence, Deferred Action for Childhood Arrivals, Asylum, and Temporary Protected Status and urges the federal government not to move forward with its adoption.

Referred to the Committee on Immigration.

Res. No. 1338

Resolution calling upon the New York State Legislature to override Governor Andrew Cuomo’s veto of S6427A/A8060A, legislation relating to the standards of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment.

By Council Member Menchaca.

Whereas, On December 13, 2019, Governor Andrew Cuomo vetoed S6427A/A8060A, legislation to make certain changes to the Statewide Central Register of Child Abuse and Maltreatment (SCR) as it relates to the sealing of maltreatment records and standard of proof to determine indicated and unfounded reports of abuse or maltreatment; and

Whereas, As it stands, anonymous callers to the SCR can generate allegations that are deemed “indicated” if there is “some credible evidence”—considered a “bare minimum” standard, yet sufficient to list parents on the SCR for up to 28 years, even if allegations are never proven; and

Whereas, The vast majority of allegations made to the SCR involve poverty-related neglect—such as lack of adequate housing, failure to provide childcare, failure to provide adequate education, and parental substance abuse—and not child abuse, according to the New York City Bar Association; and

Whereas, Under current law, New Yorkers accused of child abuse or neglect have their names added to the SCR before the charges even receive a hearing, and names can remain accessible to employers and others for up to 28 years; and

Whereas, Many employers are required to do SCR background checks before hiring, including entities that serve adults and children, and an indicated report can severely limit a person’s ability to obtain employment for up to 28 years; and

Whereas, It is time to create fairness in the employment consequences faced by caregivers accused of poverty-related neglect, versus caregivers accused of the most heinous types of physical and sexual abuse, which the law currently allows no distinction between; and

Whereas, S6427A/A8060A, sponsored by Senator Velmanette Montgomery and Assemblywoman Ellen Jaffee, respectively, would improve equity in the system, especially among low-income New Yorkers accused of poverty-related neglect, by creating a distinction between abuse and neglect, and the consequences associated with each; facilitating the sealing of maltreatment records; and raising the standard of proof to determine indicated and unfounded reports of abuse or maltreatment; and

Whereas, Given that nearly 50,000 indicated cases are added to the SCR every year, this bill has the potential to drastically increase access to employment for thousands of New York families every year, by updating fair hearing rights as it relates to employment for subjects of maltreatment reports; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to override Governor Andrew Cuomo’s veto of S6427A/A8060A, legislation relating to the standards of proof for unfounded and indicated reports of abuse or maltreatment and the admissibility of reports of child abuse and maltreatment.

Referred to the Committee on General Welfare.

Res. No. 1339

Resolution expressing a loss of confidence in Mayor de Blasio and calling upon the Governor of the State of New York to bring charges to effectuate the removal of the Mayor for failing to protect the safety and promote the general welfare of the public, in accordance with section 33 of the Public Officers Law and section 9 of the Charter.

By Council Member Menchaca.

Whereas, The most essential functions of the Mayor of New York City are to provide for the safety, promote the general welfare, and protect the rights of every New Yorker; and

Whereas, The Mayor must ensure that the City’s police force functions to protect people from harm, not brutalize them for exercising their rights peacefully; and

Whereas, On April 16, 2020, in his Fiscal Year 2021 executive budget, Mayor de Blasio failed to commit resources appropriately to help the City recover from the global COVID-19 pandemic, proposing a miniscule cut to the New York Police Department’s (NYPD) nearly 6 billion dollar budget, while making drastic cuts to social service agencies like the Department of Youth and Community Development, and

Whereas, In his Fiscal Year 2021 executive budget, the Mayor eliminated the Summer Youth Employment Program that provided summer jobs to 70,000 young people last year, and

Whereas, In making these drastic cuts to education and employment opportunities while prioritizing the needs of a militarized and unaccountable police department, Mayor de Blasio contradicted his own promises to ensure a just and equitable recovery for all New Yorkers; and

Whereas, On May 25, 2020, George Floyd was murdered by police in Minneapolis, dying after Officer Derek Chauvin held his knee on Mr. Floyd's neck for eight minutes and forty-six seconds; and

Whereas, The killing of Mr. Floyd occurred around the same time as other high-profile racist acts against Black people – the killing of Ahmaud Arbery by two white men while he was jogging two miles from his Georgia home, the killing of Breonna Taylor by police while she was sleeping in her home in Louisville, the killing of Tony McDade, a Black trans man, by police in Tallahassee, and the unwarranted 911 call placed by Amy Cooper, a white woman, against Christian Cooper, a Black man, after he asked her to leash her dog in Central Park; and

Whereas, During the week of May 25, protests and demonstrations against police brutality and the nation's systemic racism sprang up, starting in Minneapolis and spreading to other cities across the country; and

Whereas, The response to the police killings of Eric Garner, Amadou Diallo, Lamarley Graham, and other high-profile cases in New York City demonstrated that New Yorkers shared grievances being expressed by the national protests and demonstrations against police brutality and unaccountability, leading to protests and demonstrations in New York City; and

Whereas, According to news reports and documented video evidence, the NYPD engaged in many instances of unprovoked aggression against peaceful protestors, including pepper-spraying New York State Senator Zellnor Myrie and New York State Assemblywoman Diana Richardson, as they demonstrated alongside peaceful protestors at the Barclays Center in Brooklyn on Friday, May 29; and

Whereas, On Saturday, May 30, there were also reports and documented video evidence of an NYPD SUV driving into a crowd of protestors on Flatbush Avenue in Brooklyn, ramming at least half a dozen people and knocking several people to the ground; and

Whereas, On Monday, June 1, Mayor Bill de Blasio announced a citywide curfew from 11 p.m. to 5 a.m., which the Mayor subsequently extended to 8 p.m. to 5 a.m. through the evening of Saturday, June 6; and

Whereas, By failing to explain the curfew's parameters, limits, and guidance to the City Council, the Mayor endangered the public welfare and the City Council's ability to oversee the curfew's effectiveness; and

Whereas, According to news reports and documented video evidence, the NYPD enforced this curfew, at times violently, on peaceful protesters and members of the press exercising their First Amendment rights, using aggressive and violent tactics such as encircling to eliminate exit routes, charging at them with batons, beating them, and throwing them to the ground; and

Whereas, There were news reports and documented video and photo evidence of NYPD officers covering their badge numbers and other identifying markers, violating New Yorkers' right to identify and file complaints against police officers engaged in misconduct; and

Whereas, There were news reports and documented video evidence of essential workers, including food delivery workers, a healthcare worker, and journalists, being detained by police, despite their exemption from the curfew; and

Whereas, There were also news reports and testimony of public defenders and legal aid organizations, who were classified as essential workers, being denied from helping detained New Yorkers to exercise their due process rights, either by detaining New Yorkers for longer than 24 hours, or by preventing essential workers from providing legal assistance; and

Whereas, The NYPD confirmed that Immigration and Customs Enforcement (ICE) agents were providing security outside NYPD precincts during the protests, raising questions about whether the NYPD is complying with city law that limits cooperation with ICE, and whether immigrants are being put in unnecessary danger; and

Whereas, At least one NYPD officer was charged with misdemeanor assault for shoving a 20-year-old female protester to the ground and causing a concussion, and law enforcement officials have said misconduct or criminal charges are being considered for as many as 40 additional officers in connection with their clashes with protesters; and

Whereas, Despite these documented instances of police brutality and the violation of constitutional rights, Mayor de Blasio failed to immediately and unequivocally acknowledge and condemn the use of unnecessary aggression and violence against peaceful protestors, instead consistently praising the performance of the NYPD overall in its handling of the protests; and

Whereas, Mayor de Blasio won his first mayoral election in 2013 on a democratic mandate to reform the police and criminal justice system, but has consistently impeded reforms that would hold police officers more accountable to the public, including by failing to fire NYPD Officer Daniel Pantaleo for murdering Eric Garner

in a chokehold in 2014 and dramatically expanding the interpretation of section 50-a of the Civil Rights Law, which curtailed transparency of police misconduct complaints; and

Whereas, By failing to protect the public from police abuses, endangering immigrants through cooperation with ICE, and failing to allocate adequate resources to social services to ensure a just and equitable recovery from the COVID-19 pandemic, Mayor de Blasio has failed to perform the most fundamental duties of his office and cannot be trusted to do so in the future; now, therefore, be it

Resolved, That the Council of the City of New York has lost confidence in Mayor de Blasio and calls upon the Governor of the State of New York to bring charges to effectuate the removal of the Mayor for failing to protect the safety and promote the general welfare of the public, in accordance with section 33 of the Public Officers Law and section 9 of the Charter.

Referred to the Committee on Governmental Operations.

Res. No. 1340

Resolution calling on Congress to pass, and the President to sign, the Emergency Community Supervision Act (S 3579/ HR 6400), which would require the Bureau of Prisons to immediately release vulnerable individuals to home confinement or other community supervision outside of prison to stop the spread of COVID-19.

By Council Member Powers and Chin.

Whereas, Federal prisons are incubators and amplifiers of COVID-19 because social distancing is impossible to practice inside these facilities; and

Whereas, As of June 5, 2020, there are nearly 2,000 individuals in federal custody and about 180 staff members who have been confirmed positive for COVID-19, according to the Federal Bureau of Prisons (BOP); and

Whereas, The BOP also reported 77 incarcerated people in BOP facilities and 1 BOP staff member have died due to COVID-19; and

Whereas, According to the Center of Disease Control and Prevention (CDC), people who are 65 and older and people with serious underlying medical conditions, such as chronic kidney disease, diabetes, and liver disease, are at higher risk for severe illness from COVID-19; and

Whereas, Federal prisons house large numbers of people with chronic health problems and medical needs who are vulnerable to COVID-19; and

Whereas, According to the *State*, a third of the incarcerated people at the Metropolitan Correctional Center (MCC) in Manhattan and Metropolitan Detention Center (MDC) in Brooklyn—roughly 800 people—are highly vulnerable to severe effects of COVID-19 due to age or medical condition; and

Whereas, In March 2020, Congress passed the CARES Act, which grants the Department of Justice (DOJ) and BOP the power to expand home confinement eligibility to reduce the number of people held at BOP facilities during the COVID-19 crisis; and

Whereas, The DOJ and BOP have since then done little more than issue conflicting guidance about who is eligible for release to home confinement, according to the American Civil Liberties Union, which stymies effort to reduce the federal prison population; and

Whereas, As of April 2020, the BOP had released merely 1,300 people to home confinement in response to the COVID-19 crisis, which is a small fraction of the roughly 170,000 people in BOP custody; and

Whereas, The Emergency Community Supervision Act (S 3579/HR 6400) introduced by U.S. Representative Hakeem Jeffries and U.S. Senators Cory Booker and Kamala Harris in Congress, would require BOP to immediately place vulnerable individuals – those who are pregnant, those with underlying health conditions, and those who are age 50 or older – in community supervision outside prison unless they pose a violent threat to the community; and

Whereas, The passage of this Act could save the lives of thousands of incarcerated people at BOP facilities, including those who are vulnerable to COVID-19 and are housed in BOP facilities in New York City, by drastically reducing the prison population in the wake of COVID-19; and now, therefore, be it

Resolved, That the Council of the City of New York calls on Congress to pass, and the President to sign, the Emergency Community Supervision Act (S 3579/ HR 6400), which would require the Bureau of Prisons to immediately release vulnerable individuals to home confinement or other community supervision outside of prison to stop the spread of COVID-19.

Referred to the Committee on Criminal Justice.

Res. No. 1341

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.7658A/S.6276, in relation to providing telephone calls to persons incarcerated in state correctional facilities at no cost.

By Council Members Powers, Grodenchik and Chin.

Whereas, In 2018, New York City passed Local Law 144, providing telephone calls at no cost to individuals in custody in city correctional facilities, which was implemented in 2019; and

Whereas, According to a May 1, 2020 fact sheet from the New York State Department of Corrections and Community Supervision (DOCCS), 40,956 people are currently incarcerated in a DOCCS facility; and

Whereas, 16,670 of those incarcerated in a DOCCS facility are New York City residents; and

Whereas, New York City residents imprisoned in a New York State correctional facility are not covered by Local Law 144, and must still bear the costs of telephone calls; and

Whereas, Numerous studies have demonstrated that maintaining regular contact with family members while in prison can drastically reduce the likelihood of recidivism; and

Whereas, The cost of telephone calls can be highly burdensome to inmates and their families, as a 2015 survey from the Prison Policy Initiative found that 34% of families surveyed had gone into debt to cover telephone and visitation-related costs; and

Whereas, A.7658-A, sponsored by State Assembly Member Harvey Epstein, and its companion bill S.6276, sponsored by State Senator Jamaal T. Bailey, would eliminate the cost of phone calls for those imprisoned in state correctional facilities; and

Whereas, On March 14, 2020, Governor Andrew M. Cuomo implemented restrictions on visitations to state correctional facilities, in order to reduce in-person contact in light of the COVID-19 pandemic; and

Whereas, The Federal Bureau of Prisons began providing free telephone calls to all inmates in all of the 122 federal facilities it oversees as of April 9, 2020; and

Whereas, By similarly providing free telephone calls in DOCCS correctional facilities, the State of New York would help persons incarcerated in these facilities by offering them a method of maintaining contact with their families, particularly while visitation continues to be restricted; 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, A.7658A/S.6276, in relation to providing telephone calls to persons incarcerated in state correctional facilities at no cost.

Referred to the Committee on Criminal Justice.

Preconsidered Int. No. 1974

By The Public Advocate (Mr. Williams) and Council Members Kallos, Lander, Adams, Ayala and Grodenchik.

A Local Law in relation to the deferral of property tax liability on real property with an assessed value of two hundred fifty thousand dollars or less owned by certain property owners impacted by COVID-19.

Be it enacted by the Council as follows:

Section 1. a. As used in this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

COVID-19 state disaster emergency. The term “COVID-19 state disaster emergency” means the state disaster emergency declared by the governor in executive order number 202 issued on March 7, 2020.

Department. The term “department” means the department of finance.

Deferral agreement. The term “deferral agreement” means an agreement between the department and a property owner to defer real property tax liability without interest or penalty for the installment of real property tax otherwise due and payable as of July 1, 2020, until October 1, 2020.

Income. The term “income” means the adjusted gross income for federal income tax purposes as reported on an applicant's most recently filed federal or state income tax return, subject to any subsequent amendments or revisions; provided that if no such return was filed, “income” means the adjusted gross income that would have been so reported if such a return had been filed.

b. Notwithstanding any inconsistent provision of law or rule, a property owner whose real property has an assessed value of two hundred fifty thousand dollars or less, and who satisfies the requirements described in subdivision d of this section, may enter into a deferral agreement.

c. For purposes of this section, property held in the cooperative form of ownership shall be deemed to have an assessed value of two hundred fifty thousand dollars or less if the property's assessed value divided by the number of residential dwelling units is two hundred fifty thousand dollars or less per unit.

d. To be eligible to enter into a deferral agreement, an applicant must demonstrate that the following requirements are met: 1. The applicant is a property owner and the subject property is such owner's primary residence. Hospitalization or a temporary stay in a nursing home or rehabilitation facility for a period of not more than three years shall not be considered a change in primary residence.

2. (a) Between March 7, 2020 and June 30, 2020 the property owner experienced two or more weeks in which (i) the property owner claimed federal or state unemployment insurance benefits in connection with a claim that was filed on or after March 7, 2020 or (ii) the property owner worked fewer than three days and earned less than \$504 because of one or more of the following situations:

(1) the property owner was diagnosed with COVID-19 or was experiencing symptoms of COVID-19 and seeking a medical diagnosis;

(2) a member of the property owner's household was diagnosed with COVID-19;

(3) the property owner was providing care for a family member or a member of the property owner's household who was diagnosed with COVID-19;

(4) the property owner became unemployed, partially unemployed, or could not commence employment as a direct result of COVID-19 or the state disaster emergency;

(5) a member of the property owner's household for whom the person had primary caregiving responsibility was unable to attend school or another facility that was closed as a direct result of the COVID-19 state disaster emergency and such school or facility care was required for the person to work;

(6) the property owner was unable to reach the person's place of employment because of a quarantine imposed as a direct result of the COVID-19 state disaster emergency;

(7) the property owner was unable to reach the person's place of employment because the person had been advised by a health care provider to self-quarantine due to concerns related to COVID-19;

(8) the property owner was scheduled to commence employment and did not have a job or was unable to reach the job as a direct result of the COVID-19 state disaster emergency;

(9) the property owner became primarily responsible for providing financial support for the household of such person because the previous head of the household died as a direct result of COVID-19;

(10) the property owner quit a job as a direct result of COVID-19; or

(11) the property owner's place of employment was or is closed as a direct result of the COVID-19 state disaster emergency;

(b) the property owner is being held liable for a debt or other obligation of a business that was subject to seating, occupancy or on-premises service limitations pursuant to an executive order issued by the governor or mayor between March 7, 2020 and the June 30, 2020; or

(c) the property owner was not paid rental income which was due to such property owner on a dwelling unit within the property for which the property owner is applying for a deferral agreement because the tenant of such dwelling unit claimed loss of income as a result of COVID-19.

3. The combined income of the applicant and of all the additional property owners shall not exceed \$200,000.

4. For residential property held in the cooperative form of ownership, the cooperative must demonstrate that at least 20 percent of the dwelling units held in such common ownership meet the criteria enumerated in paragraphs 1 through 3 of this subdivision.

e. A complete application must be submitted to, and approved by, the department. Upon the submission of a deferral agreement application, the department shall provide the applicant with a notice that the application has been received by the department.

f. An applicant whose application is denied by the department must pay all real property taxes otherwise due on July 1, 2020 within 15 days of notification of such denial. If such liability is not paid in full within the 15 days, interest shall be imposed on any unpaid amounts in accordance with 11-224.1 of the administrative code of the city of New York beginning on July 15, 2020.

g. If a property owner has not paid the tax liability that was subject to the deferral agreement in full by October 15, 2020, interest shall be imposed on any unpaid amounts in accordance with 11-224.1 of the administrative code of the city of New York, unless such property owner has (i) entered into an installment agreement pursuant to sections 11-322 or 11-322.1 of the administrative code of the city of New York with the department for the payment of the delinquent amounts, or (ii) or submitted an application for such an installment agreement that is pending with the department. In the event that the department subsequently denies such application, the applicant shall have 15 days from notification that such application has been denied to pay all unpaid deferred tax liability without interest thereon before interest will be imposed.

h. The department shall conduct outreach to advertise the availability of the deferral agreements that are subject of this section.

i. The department shall provide information regarding the availability of the installment agreements provided for in sections 11.322 and 11-322.1 of the administrative code of the city of New York to all applicants for a deferral agreement under this section.

j. The department shall issue a report on the deferral agreements established pursuant to this section. Such reports shall be submitted to the speaker of the council and published on the department's website no later than November 1, 2020 and shall include, but not be limited to, the following information, disaggregated by borough:

1. the total number of applications received;
2. the total number of applications approved;
3. the total number of applications denied;
4. the aggregate value of property tax liability deferred by all approved deferral agreements.

§ 2. Paragraph 3 of subdivision c of section 11-322.1 of the administrative code of the city of New York, as added by local law 45 for the year 2019, is amended to read as follows:

3. The combined income of the applicant and of all the additional property owners may not exceed \$58,399 for the income tax year immediately preceding the date of the application for the installment agreement, *except that the combined income for purposes of an extenuating circumstances income-based installment agreement pursuant to subdivision n of this section where the qualifying extenuating circumstance is as a result of circumstances relating to the 2019 novel coronavirus or 2019-nCoV shall not exceed \$200,000.* The department shall promulgate rules that establish a process for an applicant to seek an exception from the requirement that income information from all additional property owners be provided in cases of hardship.

§ 3. Subparagraph b of paragraph 2 of subdivision h of section 11-322.1 of the administrative code of the city of New York, as added by local law 45 for the year 2019, is amended to read as follows:

(b) the combined income of such applicant and of all the additional property owners does not exceed \$58,399, or \$200,000 for an extenuating circumstances income-based installment agreement pursuant to subdivision n of this section where the qualifying extenuating circumstance is as a result of circumstances relating to the 2019 novel coronavirus or 2019-nCoV, for the income tax year immediately preceding the date of the renewal of such installment agreement, except that an applicant for the renewal of a fixed length income-based installment agreement pursuant to subdivision m of this section is not required to submit income information.

§ 4. Paragraph 6 of subdivision j of section 11-322.1 of the administrative code of the city of New York, as added by local law 45 for the year 2019, is amended to read as follows:

6. If the combined income of all of the property owners exceeds \$58,399, or \$200,000 for an extenuating circumstances income-based installment agreement pursuant to subdivision n of this section where the qualifying extenuating circumstance is as a result of circumstances relating to the 2019 novel coronavirus or 2019-nCoV, for the income tax year immediately preceding the date of making a renewal application pursuant to subdivision h of this section, the applicant shall pay all taxes and charges imposed against the property after the date of such renewal application as such taxes and charges become due, in addition to the payment amount set forth in such installment agreement.

§ 5. This local law takes effect immediately, except that if it becomes law after July 1, 2020, it is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

Referred to the Committee on Finance (preconsidered and approved by the Committee on Finance).

Int. No. 1975

By the Public Advocate (Mr. Williams) and Council Members Cornegy, Ampry-Samuel, Kallos and Chin.

A Local Law in relation to guidelines for cleaning and disinfecting multiple dwellings

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

High-touch surface. The term “high-touch surface” means a surface or object that is likely to be frequently touched, including, without limitation, elevator buttons, handrails, doorknobs, hopper doors and washers and dryers in common laundry rooms.

Multiple dwelling. The term “multiple dwelling” means a multiple dwelling as defined in section 27-2004 of the administrative code of the city of New York.

§ 2. The commissioner of housing preservation and development, in collaboration with the commissioner of health and mental hygiene, shall develop guidelines regarding best practices to clean and disinfect multiple dwellings to reduce the risk of infection with COVID-19. Such guidelines shall include:

- a. How to identify high-touch surfaces and examples of high-touch surfaces likely to be found in common areas of multiple dwellings;
- b. Frequency of cleaning;
- c. Cleaning methods;
- d. How to sanitize cleaning implements such as mops and cloths; and
- e. Any other information the commissioner of housing preservation and development and the commissioner of health and mental hygiene deem appropriate.

§ 3. No later than 30 days after the effective date of this local law, the guidelines required by section two of this local law shall be made available on the websites of the department of housing preservation and development and the department of health and mental hygiene and shall be delivered to each owner and managing agent of a

multiple dwelling identified on a registration statement pursuant to section 27-2098 of the administrative code of the city of New York.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1342

Resolution calling on the State Legislature to pass, and the Governor to sign, A.10430/S.8184-A, which would establish tiers of essential employees during a state of emergency.

By the Public Advocate (Mr. Williams).

Whereas, On March 20, 2020, New York Governor Andrew M. Cuomo signed the ‘New York State On PAUSE’ Executive Order 202.6 mandating all non-essential businesses statewide to close due to the outbreak of the new coronavirus, COVID-19; and

Whereas, The issuance of Executive Order 202.6 caused confusion as to who qualified as an essential worker, prompting the New York Department of Economic Development to publish guidance on what businesses and services are deemed essential; and

Whereas, According to the New York Times Editorial Board, workers who are fundamental to serving communities such as transit employees, grocers and pharmacists, lack personal protective equipment and deserve more attention for their high risk of exposure to COVID-19 when working to keep our city operating; and

Whereas, The Brookings Institution observed that quarantine and social distancing practices revealed an increased dependency on workers not traditionally seen as first responders to keep essential services operating; and

Whereas, According to the New York City Department of Small Business Services, limited child care and lack of proper safety supplies have been obstacles for workers that New Yorkers rely on to continue working during a time of crisis; and

Whereas, Within the transit industry alone for example, nearly 100 workers have died amid lack of personal protections according to the Metropolitan Transportation Authority Chairman Pat Foye; and

Whereas, The lack of safety protections and hazardous working conditions have led to nationwide calls to demand that protective supplies be distributed across various industries; and

Whereas, A.10430, introduced by Assembly Member Catalina Cruz and its companion bill, S.8184-A, introduced by New York State Senator Jessica Ramos, establish tiers of essential employees during a state of emergency, to ensure that a wider range of workers have access to federal, state and local mandated medical assistance, benefits and protections that would help maintain such employee positions including, but not limited to, child care, medical supplies and/or personal protective equipment; and

Whereas, The necessity of educators, child care workers, transit employees, information technology personnel, correctional employees, substance disorder treatment workers, in-store food personnel, delivery workers, street vendors, janitorial, custodial and cleaning staff, in addition to first responders and many others in times of emergency is apparent to keep New York City functioning; and

Whereas, By codifying such workers as essential, the state formally recognizes workers' contributions to society, affirming their right to access services, benefits and protections to help maintain their positions, as such workers risk their lives to keep New York City running; now therefore, be it

Resolved, That the Council of the City of New York calls on the State Legislature to pass, and the Governor to sign, A.10430/S.8184-A, which would establish tiers of essential employees during a state of emergency.

Referred to the Committee on Economic Development.

Preconsidered Int. No. 1976

By Council Members Rivera and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring booking services to report short-term housing rental transactions

Be it enacted by the Council as follows:

Section 1. Section 26-2101 of the administrative code of the city of New York, as added by local law number 146 for the year 2018, is amended by adding a new definition of “qualifying listing” in alphabetical order to read as follows:

Qualifying Listing. The term “qualifying listing” means a listing or advertisement that offers a short-term rental via a booking service, and:

- 1. such listing or advertisement offers or appears to offer the short-term rental of an entire dwelling unit or housing accommodation, or*
- 2. such listing or advertisement offers or appears to offer a short-term rental for three or more individuals at the same time.*

§ 2. Section 26-2102 of the administrative code of the city of New York, as added by local law number 146 for the year 2018, is amended to read as follows:

§ 26-2102 Requirements for booking services. a. A booking service shall periodically submit to the administering agency a report of transactions *associated with a qualifying listing* for which the booking service charged, collected or received a fee, directly or indirectly, for activity described in the definition of booking service. Each short-term rental associated with such fee is considered to be a separate transaction. The report shall be submitted in a time, manner and form established by such agency, including but not limited to, electronic submission in a format established by such agency. The report shall be submitted on a [monthly] *quarterly* basis, or less frequently as determined by such agency. *A booking service need not report any information for transactions associated with a qualifying listing when all such transactions within a reporting period result in the rental of a dwelling unit or housing accommodation for an aggregate of four days or less.* Such report shall include the following information for each such transaction or, in instances where such information is unavailable to the booking service, an explanation of why such information is unavailable:

- (1) The physical address of the short-term rental associated with such transaction, including the street name, street number, apartment or unit number, borough or county, and zip code;
- (2) The full legal name, physical address, phone number and email address of the host of such short-term rental and the uniform resource locator (URL) and the individualized name and number of such host on such booking service’s platform;
- (3) The individualized name and number and the URL of [such advertisement or] *the associated qualifying listing*;
- (4) A statement as to whether such short-term rental transaction involved (i) short-term rental of the entirety of a dwelling unit or housing accommodations in a building or (ii) short-term rental of part of such unit or housing accommodations;
- (5) The total number of days that the dwelling unit, part thereof or housing accommodations in a building were rented as a short-term rental through such booking service’s platform;
- [(6) The total amount of fees received by such booking service for such short-term rental;] and
- [(7)] (6) If such booking service collects rent for short-term rentals on behalf of such host, (i) the total amount of such rent received by such booking service and transmitted to such host and (ii) the account name and consistently anonymized identifier for the account number for the account used by such host to receive payments from such booking service or, if such booking service provides an explanation why such anonymized identifiers are unavailable, the account name and account number for such account.

b. A booking service shall obtain, from each host using such booking service to offer, manage or administer a short-term rental, lawful consent to provide the information described in subdivision a to the administering

agency. Obtaining lawful consent may include, but is not limited to, advising or providing notice to a user of the booking service that new or continuing use of such booking service as a host constitutes consent to such disclosure. It shall not be a defense to a violation of subdivision a that the booking service did not obtain consent.

§ 3. Section 26-2104 of the administrative code of the city of New York, as added by local law number 146 for the year 2018, is amended to read as follows:

§ 26-2104 Penalties. A booking service that fails to submit a report in compliance with subdivision a of section 26-2102 shall be liable for a civil penalty, to be assessed once per reporting period for each [set of records corresponding to a listing which] *qualifying listing for which any of the information required pursuant to section 26-2102 is missing, incomplete or inaccurate*. The civil penalty shall not be more than the greater of \$1,500 or the total fees collected during the preceding year by the booking service for transactions related to the qualifying listing. The civil penalties established by this section may be recovered in a proceeding before the office of administrative trials and hearings or a court of competent jurisdiction.

§ 4. This local law takes effect 180 days after it becomes law, except that (i) the head of the administering agency, as such term is defined in section 26-2101 of the administrative code of the city of New York, may take such measures as are necessary for its implementation, including the promulgation of rules, before such effective date and (ii) the mayor may designate an administering agency, as such term is defined in such section, before such effective date.

Referred to the Committee on Housing and Buildings (preconsidered but laid over by the Committee on Housing and Buildings).

Int. No. 1977

By Council Members Rivera, Reynoso, Kallos, Ampry-Samuel and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to giving qualified entities a first opportunity to purchase and an opportunity to submit an offer to purchase certain residential buildings when offered for sale

Be it enacted by the Council as follows:

Section 1. Title 26 of the administrative code of the city of New York is amended by adding a new chapter 9-a to read as follows:

CHAPTER 9-a
FIRST OPPORTUNITY TO PURCHASE

§ 26-851 *Definitions. For the purposes of this section, the following terms have the following meanings:*

Bona fide purchaser. The term “bona fide purchaser” means a person that has tendered a bona fide offer to purchase a residential building.

Bona fide offer to purchase. The term “bona fide offer to purchase” means an offer to purchase a residential building, which offer is made in writing, in good faith and without fraud.

Commissioner. The term “commissioner” means the commissioner of housing preservation and development or the head of a successor agency charged with the administration of this chapter.

Department. The term “department” means the department of housing preservation and development or a successor agency charged with administration of this chapter.

First opportunity to purchase. The term “first opportunity to purchase” means an opportunity for a qualified entity to purchase, in good faith and without fraud, a residential building at list price before such residential building becomes available for sale in the public market.

Opportunity to submit an offer to purchase. The term “opportunity to submit an offer to purchase” means the right of a qualified entity to submit to the owner of a residential building, in writing, in good faith and without fraud, an offer to purchase such building at the higher of either the list price or the identical price, terms and conditions offered by another person that has submitted a bona fide offer to purchase.

Owner. The term “owner” means any person or entity, or combination of such persons or entities, or any agent of such persons or entities, that has a controlling interest in a residential building that is offered for or subject to sale.

Qualified entity. The term “qualified entity” means any entity that meets the criteria set forth in section 26-852, an entity on the department’s Qualified Preservation Buyers List or similar department list, or an organization that has received funding to operate or implement a community land trust program.

Residential building. The term “residential building” means a building with three or more dwelling units which are rented, leased, let or hired out to be occupied, or are occupied, as the residence or home of three or more families living independently of each other.

§ 26-852 *Qualified entity.* a. The commissioner shall promulgate rules establishing a process for certifying, on an annual basis, not-for-profit organizations that meet the following criteria:

1. The organization is exempt from federal income tax under paragraph (3) of subsection (c) of section 501 of title 26 of the United States code;

2. The organization has demonstrated a commitment to the provision of affordable housing for low- and moderate-income city residents, and to preventing the displacement of such residents;

3. The organization has demonstrated a commitment to community engagement as evidenced by relationships with neighborhood-based organizations or tenant counseling organizations; and

4. The organization has demonstrated the capacity, including but not limited to the legal and financial capacity, to effectively acquire and manage residential real property at multiple locations in the city.

b. The commissioner shall review new applications for qualified entity status at least three times each calendar year. A qualified entity that has been certified under this section shall remain qualified for two years, so long as it continues to meet the eligibility criteria set forth in subdivision a. Any such qualified entity may apply for renewed certification when the commissioner accepts new applications for qualified entity status.

c. The commissioner shall post on the department’s website and provide in hard copy on request, a list of qualified entities and their contact information, including but not limited to a mailing address, electronic mail address, and a telephone number.

d. The commissioner shall investigate any complaint alleging that a qualified entity has not complied with this chapter. If after providing the qualified entity with notice and opportunity to be heard, the department determines that a not-for-profit organization listed as a qualified entity failed to comply with this chapter, the department may suspend or revoke that not-for-profit organization’s certification as a qualified entity.

§ 26-853 *Notice of sale.* a. An owner of a residential building shall provide notice to the department of such owner’s action that will result in the sale of the residential building.

b. The owner shall provide such notice of sale no less than 180 days before taking such action. The notice may be provided fewer than 180 days before the owner takes such action where the owner shows good cause for delay, including but not limited to the owner’s death or financial hardship.

c. A notice of sale shall include the following information:

1. The name and address of each owner of the residential building;

2. All addresses and names of the residential building;

3. The action that will result in a sale;

4. The date on which such action is anticipated to take place;

5. The provision of law, rule or regulation pursuant to which such action is authorized, if any;

6. The total number and type of dwelling units subject to a sale;

7. The rent collected for each dwelling unit as of the date of the notice;

8. The income and expense report for the 12-month period before the notice of sale, including capital improvements, real property taxes and other municipal charges;

9. The amount of the outstanding mortgage as of the date of the notice;

10. The two most recent inspection reports of comprehensive building-wide inspections conducted by the department or the department of buildings, if any;

11. A statement that a qualified entity holds the opportunity to submit an offer to purchase, as required by section 26-855 and the first opportunity to purchase as required by section 26-856; and

12. Such other information as the department may require.

d. An owner may withdraw a notice of sale, subject to the terms of any accepted offer to purchase or executed purchase and sale agreement, and to applicable statutory and common law remedies. In such event, the owner shall give notice of withdrawal to the department and to any qualified entity that submitted an offer. However, if the owner decides at any time to take an action that will result in a sale, such owner shall comply with subdivisions a, b and c of this section and with all other applicable requirements of this chapter.

e. Notwithstanding any provision of this section to the contrary:

1. A person shall be deemed to have complied with the requirement to provide notice of sale or notice of withdrawal under this section if such person has complied with a substantially similar notice requirement imposed pursuant to a superseding statute or program; and

2. If the notice of sale or notice of withdrawal is required by this section to include more information than is required by any applicable superseding city, state or federal statute or program, the additional information required by this section shall be provided within the time period established by the superseding statute or program.

§ 26-854 Notice of bona fide offer to purchase. a. If the owner receives a bona fide offer to purchase such building and intends to consider or respond to such offer, then the owner shall provide a notice of bona fide offer to purchase to all qualified entities and the department no more than 15 days from the date such bona fide offer to purchase is delivered to the owner.

b. A notice of bona fide offer to purchase shall include the following information:

1. The name and address of the person who made the offer; and

2. The price and terms and conditions of the offer.

c. Within 15 days of completing the sale of such building, the owner shall provide a notice of sale to the department and any qualified entity that submitted an offer to purchase such building.

§ 26-855 Opportunity to submit an offer to purchase. a. Each qualified entity shall have an opportunity to submit an offer to purchase as defined in section 26-851.

b. A qualified entity shall provide notice of intent to exercise an opportunity to submit an offer to purchase to the owner of a residential building and the department within 60 days after the notice of sale pursuant to subdivision a of section 26-853 has been made.

c. Following notice of sale by the owner in compliance with subdivision a of section 26-853, a qualified entity shall have 120 days from the date of such notice to submit its offer to purchase, during which time the owner may not accept any other offer to purchase.

d. Following notice of bona fide offer to purchase by the owner in compliance with section 26-854, a qualified entity shall have 120 days from the date of such notice to submit its offer to purchase, during which time the owner may not accept any other offer to purchase.

e. The commissioner may extend any time limit set forth in this section upon application and for good cause shown, provided that the party applying for the extension was not at fault in causing the need for the extension.

f. If a qualified entity does not submit an offer in writing to the owner and the department within the time periods stated in subdivisions b or c of this section following provision of notice of sale by the owner under subdivision a of section 26-853 or notice of bona fide offer to purchase by the owner under subdivision a of section 26-854, then such opportunity to submit an offer to purchase shall be deemed waived and the owner shall have no further obligations under this section.

g. A qualified entity that has submitted a notice of intent to exercise an opportunity to submit an offer to purchase under subdivision a of this section may withdraw such notice by submitting a written notice of waiver of rights to the owner and to the department.

§ 26-856 First opportunity to purchase. a. Each qualified entity shall have a right of first opportunity to purchase as defined in section 26-851. The owner may not accept any other offer to purchase before the expiration of the time for the first opportunity to purchase pursuant to subdivisions b and c of this section.

b. A qualified entity shall provide notice to the owner and the department of its intent to exercise its right of first opportunity to purchase within 60 days after the notice of sale pursuant to subdivision a of section 26-853 has been made.

c. A qualified entity shall have 120 days from the date of the notice of sale pursuant to subdivision a of section 26-853 to submit its offer to purchase, during which time the owner may not accept any other offer to purchase.

d. The commissioner may extend any time limit set forth in this section upon application and for good cause shown, provided that the party applying for the extension was not at fault in causing the need for the extension.

e. If a qualified entity does not submit an offer in writing to the owner and the department within the time periods stated in subdivision b of this section following notice of sale by the owner under subdivision a of section 26-853, then such right of first opportunity to purchase shall be deemed waived and the owner shall have no further obligations under this section.

f. A qualified entity that has submitted a notice of intent to exercise a first opportunity to purchase under subdivision a of this section may withdraw such notice by submitting a written notice of waiver of rights to the owner and to the department.

§ 26-857 Prior notification. Notwithstanding any other provision of this chapter, where an owner has listed a residential building for sale before the effective date of this chapter and such listing was properly posted under any other applicable provision of law and more than 45 days remain before the expiration of the time period applicable to such listing, a qualified entity may complete any action authorized by sections 26-855 and 26-856 at any time before the expiration of such time period.

§ 26-858 Notice requirements, generally. a. Wherever this chapter requires provision of notice, such notice shall be in writing and shall be provided to each recipient as required by this chapter through posting on a website designated by the commissioner and one or more of the following methods:

- 1. First class and registered mail;*
- 2. Personal delivery; or*
- 3. E-mail.*

b. The commissioner shall designate a website through which a person may provide notice to another under this chapter. The commissioner shall update the website at least daily and shall include disclaimers to the effect that (i) where a notice is provided on the website, such notice usually will not be provided in any other manner and (ii) it is the responsibility of any person interested in receiving any notice under this chapter to monitor the website for such notices.

c. Each such notice shall be deemed to have been given upon the deposit of such first class and registered mail in the custody of the United States postal service, upon receipt of personal delivery, upon delivery of e-mail or upon posting of such notice on the website approved by the commissioner, as applicable.

§ 26-859 Penalty. An owner found to have violated any provision of this chapter shall be liable for a civil penalty of \$30,000. Nothing in this section prohibits a qualified entity from seeking injunctive relief against a non-compliant owner in a court of competent jurisdiction.

§ 26-860 Exclusions; construction. a. The provisions of this chapter do not apply:

1. To any existing agreement regarding the transfer of a residential building to a qualified entity in effect on the effective date of this chapter, except that any renewal, modification or amendment of such agreement occurring on or after the effective date of this local law is subject to the provisions of this chapter;

2. To an owner or purchaser who refinances a residential building in order to maintain ownership of such building;

3. To any transfer of property effected by (i) a government entity implementing its powers of eminent domain, (ii) a judicial proceeding, including a judicially supervised sale, (iii) a bankruptcy proceeding, or (iv) other operation of law; or

4. Where a listing as described in section 26-857 was properly posted in accordance with any other applicable provision of law and 45 or fewer days remain before the expiration of such applicable notice of sale period.

b. Nothing in this chapter shall be construed as requiring an owner to give preference to any particular offer to purchase a residential building, or to accept any such offer.

§ 2. This local law takes effect 120 days after it becomes law, except that the commissioner of housing preservation and development 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 Housing and Buildings.

Preconsidered Res. No. 1343

Resolution calling upon the United States Congress to pass, and the President to sign, the Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), which would prohibit police chokeholds and other tactics that result in asphyxiation.

By Council Members Rivera, Ampry-Samuel, Constantinides, Kallos, Van Bramer, Rosenthal Menchaca, Louis, Ayala, Brannan, Adams, Reynoso, Rose, Moya, Cabrera, Cohen, Chin, Powers, Miller, Grodenchik and Levin.

Whereas, On July 17, 2014, Eric Garner, an unarmed Black man, died after being choked by a New York City (“NYC” or “City”) Police Department (“NYPD” or “Department”) officer as a witness filmed him crying out “I can’t breathe” 11 times; and

Whereas, The death of Eric Garner launched protests across the City and the United States (U.S.); and

Whereas, These protests energized the #BlackLivesMatter movement, which grew rapidly after the fatal police shooting of Michael Brown, an unarmed Black teenager in Ferguson, Missouri; and

Whereas, Driven by those events and the deaths of numerous other Black men and women in police custody, this movement elevated a national discussion on police use of force and other law enforcement tactics that disproportionately impact communities of color; and

Whereas, Nearly six years later, on May 25, 2020, George Floyd, an unarmed Black man, died in the custody of Minneapolis police as witnesses filmed him repeatedly crying out “I can’t breathe” while an officer kneeled on his neck for eight minutes and 46 seconds; and

Whereas, This incident and other recent high profile cases of police killings of unarmed Black civilians has sparked days of protests in the City and across the country; and

Whereas, These protests have largely demanded, in part, accountability for officers such as those involved in the death of George Floyd, one of whom has been arrested and is being prosecuted by a local District Attorney; and

Whereas, However, historically local District Attorneys have failed to successfully prosecute and hold accountable officers involved in the killings of unarmed Black civilians, including the officer who choked Eric Garner; and

Whereas, Federal prosecutors have fewer ties to local law enforcement entities and should be given the power to use their greater independence to investigate, prosecute, and hold accountable police officers who kill unarmed civilians; and

Whereas, The Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), sponsored by U.S. Representative Hakeem Jeffries, would amend section 242 of title 18, U.S. Code, to forbid the use of chokeholds as a civil rights violation; and

Whereas, This law would enable federal authorities to hold accountable police officers involved in the killing of George Floyd and similar tragic incidents; and

Resolved, That the Council of the City of New York calls upon the upon the United States Congress to pass, and the President to sign, the Eric Garner Excessive Use of Force Prevention Act of 2019 (H.R. 4408), which would prohibit police chokeholds and other tactics that result in asphyxiation.

Adopted by the Council *via* voice-vote (preconsidered and approved by the Committee on Public Safety).

Int. No. 1978

By Council Members Rodriguez, Kallos and Holden.

A Local Law in relation to the establishment of a COVID-19 economic recovery task force

Be it enacted by the Council as follows:

Section 1. Definitions. For purposes of this local law, the following terms have the following meanings:

City. The term “city” means the city of New York.

COVID-19. The term “COVID-19” means the 2019 novel coronavirus or 2019-nCoV.

Task force. The term “task force” means the COVID-19 economic recovery task force established by this local law.

§ 2. Task force established. There is hereby established a task force to be known as the COVID-19 economic recovery task force.

§ 3. Duties. The task force shall identify and assess the effects of COVID-19 on the city economy, and make recommendations for legislation and policy for the purpose of facilitating and supporting the safe reopening of businesses and the recovery of the city economy.

§ 4. Membership. a. The task force shall be composed of the following members:

1. Two members appointed by the mayor;
2. Two members appointed by the speaker of the council;
3. One member appointed by each borough president;
4. One member appointed by the comptroller; and
5. One member appointed by the public advocate.

b. The mayor may invite officers and representatives of relevant federal, state and local agencies and authorities to participate in the work of the task force.

c. Each member of the task force shall have demonstrated expertise relevant to the purpose and duties of the task force.

d. All appointments required by this section shall be made no later than 30 days after the effective date of this local law.

e. The mayor shall appoint a chair from among the members of the task force. Each member of the task force shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy on the task force, a successor shall be appointed in the same manner as the original appointment for the remainder of the unexpired term. All members of the task force shall serve without compensation.

§ 5. Meetings. a. The chair shall convene the first meeting of the task force no later than 30 days after the last member has been appointed, except that where not all members of the task force have been appointed within the time specified in section four, the chair shall convene the first meeting of the task force within 10 days of the appointment of a quorum.

b. The task force may invite experts and stakeholders to attend its meetings and to provide testimony and information relevant to its duties.

c. The task force shall meet no less than once monthly to carry out the duties described in this local law.

d. The meeting requirement of subdivision c shall be suspended when the task force submits its final report as required by section six.

§ 6. Reports. a. The task force shall submit an interim report of findings, which at a minimum shall include an initial assessment of the effects on New York city businesses of COVID-19 and related government policies, and any recommendations for legislation or policy to the mayor and the speaker of the council, no later than 6 months after the effective date of this local law.

b. The task force shall submit a final report of findings and any recommendations for legislation or policy to the mayor and the speaker of the council no later than 12 months after the effective date of this local law. Such report shall include, but not be limited to, an assessment of the relief available to New York city businesses and the employees of such businesses, and an assessment of the need for relief among businesses in specific sectors or industries that, as determined by the task force, have been most affected by COVID-19. Such report shall identify opportunities to promote and ensure the fair and equitable distribution of available economic relief among all affected businesses and communities.

c. The task force’s reports shall be published electronically on the website of the mayor no later than 10 days after receipt of such reports by the mayor.

§ 7. Agency support. Each agency affected by this local law shall provide appropriate staff and resources to support the work of such agency related to the task force.

§ 8. Termination. The task force shall terminate 1 year after submission of the final report as required by section six of this local law.

§ 9. Effective date. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 1979

By Council Members Rosenthal and Kallos.

A Local Law in relation to a public information and outreach campaign on domestic violence during the COVID-19 emergency, and the repeal thereof

Be it enacted by the Council as follows:

Section 1. Public information and outreach campaign on domestic violence during the COVID-19 emergency. a. Definitions. For purposes of this local law, the following terms have the following meanings:

COVID-19 emergency. The term “COVID-19 emergency” means the state disaster emergency declared by the governor of the State of New York on March 7, 2020 as a result of the 2019 novel coronavirus or 2019-nCoV.

ENDGBV. The term “ENDGBV” means the mayor’s office to end domestic and gender-based violence.

b. Campaign. Within two weeks of the effective date of this local law, ENDGBV shall implement a public information and outreach campaign designed to inform the public of the resources available to survivors of domestic violence during the COVID-19 emergency. Such campaign shall at a minimum (i) include collaboration with domestic violence empowerment initiatives; (ii) address the specific needs of each borough; and (iii) include strategies to reach people who do not have ready access to computers or the internet.

c. Reporting. 1. Within two weeks of the effective date of this local law, ENDGBV shall provide the speaker of the city council with a written plan for the campaign required by subdivision b.

2. After the submission of such written plan, ENDGBV shall provide the speaker of the city council with a weekly report concerning steps taken to implement such plan and relevant data, including but not limited to the number of calls received by the New York city domestic violence hotline; the number of hits to ENDGBV’s website; and, to the extent practicable, the total number of domestic violence complaints made to the New York city police department, disaggregated by precinct.

§ 2. This local law takes effect immediately and is deemed repealed 1 year after it becomes law.

Referred to the Committee on Women and Gender Equity.

Int. No. 1980

By Council Members Torres, Kallos and Chin.

A Local Law in relation to establishing a special inspector within the department of investigation to review contracts that were entered into in response to the 2019 novel coronavirus, and providing for the repeal of such provision upon the expiration thereof

Be it enacted by the Council as follows:

Section 1. Special inspector of contracts in relation to COVID-19. a. The commissioner of investigation shall appoint a special inspector who shall monitor city emergency procurement contracts that, in the judgment of such special inspector, are or were entered into in response to the COVID-19 pandemic. The special inspector shall collect and review, with the cooperation of the agency or agencies executing such procurement contracts and the mayor’s office of contract services, the details of such procurement contracts.

b. Within 30 days of the effective date of the local law that added this section, and continuing in real-time thereafter until this local law expires, the special inspector shall report in a publicly available online database

about the city emergency procurement contracts the special inspector has reviewed pursuant to subdivision a of this section. The special inspector shall continually evaluate such contracts to identify potential or actual deficiencies in monitoring and integrity, and shall notify the affected agency or agencies and the mayor's office of contract services of any such deficiencies along with recommendations for remedying them going forward, in addition to publishing such deficiencies and recommendations in the online database.

c. Such online database shall also include, but not be limited to, the following information:

1. The requirements of the contract;
2. The dollar value of the contract;
3. The type of business in which the vendor engages;
4. The vendor's inventory of any goods included in the contract;
5. The timeline for delivery of the agreed upon goods or services to the city;
6. Whether the vendor has a record of previously doing business with the city;
7. Whether the vendor has a record of providing the goods or services required by the contract;
8. Whether the contractor has provided the agreed upon goods or services to date to the city; and
9. Any other information that the mayor or commissioner of investigation may require.

§ 2. This local law takes effect 30 days after it becomes law, except that the commissioner of investigation may take such measures as are necessary for its implementation before such date. This local law remains in effect until 1 year after the declaration of a state of emergency contained in mayoral executive order number 98 for the year 2020, as extended, has expired, at which time this local law expires and is deemed repealed.

Referred to the Committee on Oversight and Investigations.

Res. No. 1344

Resolution expressing a loss of confidence in Mayor Bill de Blasio and calling upon the Governor of the State of New York to bring charges to effectuate the removal of the Mayor for failing to maintain public order and safety during this period of persistent social unrest, in accordance with section 33 of the Public Officers Law and section 9 of the Charter.

By Council Member Ulrich.

Whereas, On May 25, 2020, George Floyd was murdered by police in Minneapolis, dying after Officer Derek Chauvin held his knee on Mr. Floyd's neck for eight minutes and forty-six seconds; and

Whereas, Officer Chauvin was not charged with any criminal act until four days later, on May 29; and

Whereas, The killing of Mr. Floyd occurred shortly after other high-profile racist acts against African Americans – the killing of Ahmaud Arbery by two white men while he was jogging two miles from his Georgia home, the killing of Breonna Taylor by police while she was sleeping in her home in Louisville, and the unwarranted 911 call placed by Amy Cooper, a white woman, against Christian Cooper, a black man, after he asked her to leash her dog in Central Park; and

Whereas, During the week of May 25, violent protests and demonstrations against police brutality and racism sprang up, starting in Minneapolis and spreading to other cities across the country, including New York City; and

Whereas, By Sunday, May 31, the New York Police Department (NYPD) reported that 47 police vehicles had been damaged in the demonstrations, including 13 that had been burned; and

Whereas, At least four people were charged with conducting Molotov cocktail attacks against police vehicles, in one instance with police officers inside; and

Whereas, On the night of Sunday, May 31, SoHo, Greenwich Village, and many other neighborhoods experienced widespread violent looting; and

Whereas, Mayor Bill de Blasio and the NYPD failed to deploy enough police officers to control the rioting and looting that night, only deploying 4,000 officers out of a force of 36,000; and

Whereas, According to a New York Times report of the Sunday looting in SoHo, police at one point appeared to abandon their enforcement efforts and sat in their cars idly as looters walked in and out of stores; and

Whereas, On the night of Monday, June 1, despite the issuance of an 11 p.m. citywide curfew, looting and destruction of businesses continued, primarily concentrated in midtown Manhattan and parts of the Bronx; and

Whereas, In the Bronx on Monday night, at least 27 businesses were broken into and looted along Fordham Road and the surrounding neighborhood; and

Whereas, According to news reports, on Monday night, several businesses in the Bronx made repeated calls to 911 that their businesses were being looted, from approximately 11:30 p.m. to 6 a.m., and the NYPD failed to respond; and

Whereas, According to experts at the Manhattan Institute, businesses large and small suffered an estimated tens of millions of dollars in damages as a result of the destruction and looting that took place; and

Whereas, According to experts at the Center for Urban Future and Bronx businesses themselves, small businesses that were already suffering due to the months-long coronavirus shut-down could permanently close as a result of the additional damages suffered from looting; and

Whereas, Mayor de Blasio rejected calling for the National Guard to restore order; and

Whereas, On Tuesday, June 2, Mayor de Blasio imposed a citywide curfew from 8 p.m. to 5 a.m. that lasted through Saturday night; and

Whereas, Governor Cuomo expressed his dismay over what happened in New York City on Sunday and Monday nights, declaring that the NYPD and the Mayor did not do their job; and

Whereas, On Sunday, June 7, caving under public pressure, Mayor de Blasio committed to cutting the NYPD's budget, despite having refused to do so days before; and

Whereas, The most essential function of a Mayor is to maintain order and public safety in the City he or she governs; and

Whereas Mayor de Blasio has not effectively maintained public order during this period of social unrest, resulting in the looting and destruction of businesses large and small and chaos on the streets for many days; and

Whereas, Mayor de Blasio demonstrated poor judgment and lack of resolve in his failure to call in the National Guard to restore order when the NYPD failed to maintain it; and

Whereas, Mayor de Blasio has shown further lack of judgment and resolve in his recent decision to cut the budget of the NYPD, which could lead to a further erosion of public order and safety; and

Whereas, By failing to maintain order and exercise good judgment to ensure public safety, Mayor de Blasio has failed to perform the most fundamental duty of his office and cannot be trusted to do so in the future; now, therefore, be it

Resolved, That the Council of the City of New York has lost confidence in Mayor Bill de Blasio and calls upon the Governor of the State of New York to bring charges to effectuate the removal of the Mayor for failing to maintain public order and safety during this period of persistent social unrest, in accordance with section 33 of the Public Officers Law and section 9 of the Charter.

Referred to the Committee on Governmental Operations.

There were no Land Use applications introduced at this Stated Meeting.

NEW YORK CITY COUNCIL

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

Monday, June 22, 2020

Committee on Cultural Affairs, Libraries & International Intergroup Relations

James Van Bramer, Chairperson

Oversight - DCLA, COVID-19 and Cultural Organizations in New York City.

Int 1967 - By Council Members Cumbo and Van Bramer - **A Local Law** in relation to a report regarding post-COVID-19 reopening plans for art and cultural institutions in New York city.

Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Governmental Operations

Fernando Cabrera, Chairperson

Oversight - Complete 2020 Census Count More Critical than Ever.

Remote Hearing (Virtual Room 1).....11:00 a.m.

Committee on Standards and Ethics

Steven Matteo, Chairperson

Oversight – Disciplinary Hearing Concerning Council Member Andy King.

Remote Hearing (Virtual Room 3).....11:00 a.m.

Tuesday, June 23, 2020

Committee on Contracts jointly with the
Committee on Youth Services and the
Committee on Aging

Ben Kallos, Chairperson
Deborah Rose, Chairperson
Margaret Chin, Chairperson

Oversight - Youth and Senior Services Nonprofit Contracting during a Pandemic.

Remote Hearing (Virtual Room 1).....12:00 p.m.

Wednesday, June 24, 2020

Committee on Hospitals

Carlina Rivera, Chairperson

Oversight -: New York City Hospitals' Reopening Plans.

Remote Hearing (Virtual Room 2).....9:30 a.m.

Committee on Economic Development

Paul Vallone, Chairperson

Oversight - NYCEDC's Relief Efforts During the COVID-19 Crisis.

Remote Hearing (Virtual Room 1).....12:00 p.m.

Thursday, June 25, 2020

Stated Council Meeting.....*Agenda – 1:30 p.m.*

During the Communication from the Speaker segment of this Meeting, the Speaker (Council Member Johnson) made the following comments:

The Speaker (Council Member Johnson) acknowledged the upcoming June 23, 2020 primaries and reminded everyone about the absentee ballot postmark deadlines and the mask and social distancing precautions one should take for in-person voting. He also wished a Happy Father's Day to everyone celebrating on Sunday.

The Speaker (Council Member Johnson) wished everyone a Happy Pride Month. He acknowledged the recent U.S. Supreme Court decision on June 15, 2020 that banned employment discrimination against LGBT workers. He emphasized that transgender Americans were also protected under this decision. He also reiterated the intersectionality of black lives and queer lives in the ongoing fight for fair treatment under the law.

The Speaker (Council Member Johnson) acknowledged the upcoming Juneteenth holiday which commemorates the end of slavery in the United States. He recognized that this year's Juneteenth would be coming at a pivotal moment as protests over police brutality and racist policies triggered by the death of George Floyd continue across the country. He emphasized that we could no longer continue to sit on the sidelines as the names of black women and men who have been killed by police are read out-- and we needed to say that black lives matter.

* * *

At different points during the proceedings, the Speaker (Council Member Johnson) thanked all his colleagues for the day's moving Stated Meeting. He thanked the members of the Black Latino and Asian Caucus (BLAC) for their input and friendship. He especially thanked Council Members Barron, Rose, and BLAC co-chairs Adams and Miller. He also thanked Council Member Donovan Richards in his role as chair of the Public Safety committee and the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) for her leadership.

The Speaker (Council Member Johnson) announced that the City Council was sending a letter to the Mayor and the Public Design Commission requesting that that statue of Thomas Jefferson be removed from the Council Chambers. He praised Council Members Barron, Rose, and BLAC co-chairs Adams and Miller for being at the forefront of this proposal. He also mentioned a previous effort to remove the statue made years earlier by Assembly Member and former Council Member Charles Barron. The Speaker (Council Member Johnson) offered his support for the proposal and acknowledged that he would be signing the letter.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these proceedings to meet again for the Stated Meeting on Thursday, June 25, 2020.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

