

THE COUNCIL

Minutes of the Proceedings for the

STATED MEETING

of

Thursday, October 15, 2020, 1:34 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	Keith Powers
Alicia Ampry-Samuel	Barry S. Grodenchik	Antonio Reynoso
Diana Ayala	Robert F. Holden	Donovan J. Richards
Inez D. Barron	Ben Kallos	Carlina Rivera
Joseph C. Borelli	Peter A. Koo	Ydanis A. Rodriguez
Justin L. Brannan	Karen Koslowitz	Deborah L. Rose
Fernando Cabrera	Rory I. Lancman	Helen K. Rosenthal
Margaret S. Chin	Bradford S. Lander	Rafael Salamanca, Jr
Andrew Cohen	Stephen T. Levin	Ritchie J. Torres
Costa G. Constantinides	Mark D. Levine	Mark Treyger
Robert E. Cornegy, Jr	Farah N. Louis	Eric A. Ulrich
Laurie A. Cumbo	Alan N. Maisel	Paul A. Vallone
Chaim M. Deutsch	Steven Matteo	James G. Van Bramer
Ruben Diaz, Sr.	Carlos Menchaca	Kalman Yeger
Daniel Dromm	I. Daneek Miller	
Mathieu Eugene	Francisco P. Moya	
Vanessa L. Gibson	Bill Perkins	

At the time of this virtual Stated Meeting, there were two vacant seats on the Council pending the swearing-in of the certified winners of the following elections: the special general election to be held on November 3, 2020 for the vacant seat in the 37th District (Brooklyn); and the special non-partisan election to be held on December 22, 2020 for the vacant seat in the 12th District (The Bronx).

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

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

There were 49 Council Members marked present at this Stated Meeting held remotely.

INVOCATION

The Invocation was delivered by Pastor Roderick Caesar III and Bishop Dr. Roderick Caesar, serving as spiritual leaders at Bethel Gospel Tabernacle, located at 110-25 Guy Brewer Blvd, Jamaica, NY, 11433.

The opening of the Invocation as delivered by Bishop Doctor Roderick Caesar:

Our gracious heavenly Father,
 we honor you for the blessing
 that you have bestowed upon us
 by allowing us to awaken this morning
 and to gather together
 to accomplish something
 that will be of great benefit
 to the residents of the region.
 Look upon us as we engage
 in the proceedings of this day
 and bless us with your divine wisdom and knowledge,
 which will enable us to make decisions
 that are in the best interests of our constituents.
 And I pray that that we will work
 in the spirit of bipartisan cooperation
 and that at the end of the day
 let us conclude with the knowledge
 that we have made a difference
 in the lives of many people
 through our action and our legislation.
 In the name of Jesus, the one who empowers us to serve,
 Amen.

The conclusion of the Invocation was delivered by Pastor Roderick Caesar III:

Amen.
 And Lord we thank you
 for the gift of life, of health and strength,
 and the ability to work together
 for the benefit of our communities.
 I pray oh Lord, that you would strengthen us,
 particularly in this election season
 as our nation has been polarized and fractured
 by the effects of COVID-19 and racial injustices.
 I pray Lord that you would help us to look
 to the hills from where our help comes from
 and trust you in this season of uncertainty.
 We will not fail to give you
 the praise, the honor, and the glory.

We pray these things in Jesus's name.
Amen.

Council Member Adams 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) noted that in response to the financial devastation of the COVID-19 pandemic, the Council would vote shortly on bills to help the struggling taxi and restaurant industries. The Speaker (Council Member Johnson) acknowledged that the number of coronavirus deaths in New York had reached 23,905 as of October 14, 2020. On behalf of the Council, the Speaker (Council Member Johnson) wished to send his thoughts and prayers to the families and loved ones of those who had succumbed to the virus.

The Speaker (Council Member Johnson) acknowledged the death of former New York City First Lady Joyce B. Dinkins. Ms. Dinkins passed away on October 11, 2020 at the age of 89. The Speaker (Council Member Johnson) described her as a champion and an advocate for causes that helped make the City of New York a better place. He added that her life and legacy would serve as an inspiration to many. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to Mayor Dinkins, to their children and grandchildren, and to the entire Dinkins family.

The Speaker (Council Member Johnson) acknowledged the death of former FDNY Commissioner Carlos Rivera. He noted that Commissioner Rivera bravely led the Fire Department's response to the 1993 World Trade Center terrorist bombing. Mr. Rivera, the first Latino Fire Commissioner of New York City, passed away on October 12, 2020 at the age of 86.

At this point, a Moment of Silence was observed.

* * *

ADOPTION OF MINUTES

Council Member Louis moved that the Minutes of the Stated Meeting of September 23, 2020 be adopted as printed.

MESSAGES & PAPERS FROM THE MAYOR

M-253

Communication from the Mayor - Submitting the name of Kenseth Armstead to the Council for its advice and consent regarding his appointment as a member of the New York City Art Commission, known as the Public Design Commission, pursuant to Sections 31 and 851 of the New York City Charter.

October 8, 2020

The Honorable Corey Johnson
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 851 of the New York City Charter, I am pleased to present the name of Kenseth Armstead to the City Council for advice and consent in anticipation of his appointment as the painter member of the New York City Art Commission, known as the Public Design Commission.

When appointed, Mr. Armstead will serve for the remainder of a three-year term expiring on December 31, 2020. Subsequently, Mr. Armstead will serve an additional three-year term commencing on January 1, 2021 and expiring December 31, 2023.

I send my thanks to you and all Council members for reviewing this Public Design Commission appointment.

Sincerely,

Bill de Blasio
Mayor

BDB:dl

cc: Kenseth Armstead
Vicki Been, Deputy Mayor for Housing & Economic Development
Justin Moore, Executive Director, New York City Public Design Commission
Signe Nielsen, President, New York City Public Design Commission

Referred to the Committee on Rules, Privileges and Elections.

M-254

Communication from the Mayor - Submitting the name of Deborah Marton to the Council for its advice and consent regarding her appointment as a member of the New York City Art Commission, known as the Public Design Commission, pursuant to Sections 31 and 851 of the New York City Charter.

October 8, 2020

The Honorable Corey Johnson
Council Speaker
City Hall
New York, NY 10007

Dear Speaker Johnson:

Pursuant to Sections 31 and 851 of the New York City Charter, I am pleased to present the name of Deborah Marton to the City Council for advice and consent in anticipation of her appointment as a lay member of the New York City Art Commission, known as the Public Design Commission.

When appointed, Ms. Marton will serve for the remainder of a three-year term expiring on December 31, 2021.

I send my thanks to you and all Council members for reviewing this Public Design Commission appointment.

Sincerely,

Bill de Blasio
Mayor

BDB:dl

cc: Deborah Marton
Vicki Been, Deputy Mayor for Housing & Economic Development
Justin Moore, Executive Director, New York City Public Design Commission
Signe Nielsen, President, New York City Public Design Commission

Referred to the Committee on Rules, Privileges and Elections.

COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES

Preconsidered M-255

Stanley Richards, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the New York City Charter.

(For test of Committee Report and coupled resolution, please see the Report of the Committee on Rules, Privileges, and Elections for M-255 & Res. No. 1467 printed in the Reports of the Standing Committees section of these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

Preconsidered M-256

Communication from the Queens County Democratic Committee recommending the name of José M. Araujo to the Council regarding his re-appointment to the New York City Board of Elections.

(For test of Committee Report and coupled resolution, please see the Report of the Committee on Rules, Privileges, and Elections for M-256 & Res. No. 1468 printed in the Reports of the Standing Committees section of these Minutes)

Referred to the Committee on Rules, Privileges and Elections.

REPORTS OF THE STANDING COMMITTEES

Report of the Committee on Aging

Report for Int. No. 2030

Report of the Committee on Aging in favor of approving and adopting, a Local Law to amend local law number 19 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, and to amend local law number 39 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, in relation to extending certain provisions thereof.

The Committee on Aging, to which the annexed proposed local law was referred on August 27, 2020 (Minutes, page 1655), respectfully

REPORTS:

I. INTRODUCTION

On October 13, 2020, the Committee on Aging, chaired by Council Member Margaret Chin held a vote on Proposed Int. No. 2030, sponsored by Council Member Margaret Chin, regarding increasing the maximum income qualifying level for those applying to New York State's Senior Citizen Rent Increase Exemption (SCRIE) and Disability Rent Increase Exemption (DRIE) programs. The Committee on Aging previously heard this bill at a hearing on September 21, 2020. During that hearing, the Committee heard testimony from the Department for the Aging (DFTA) and various Aging advocates, stakeholders, and members of the public.

On October 13, 2020, the Committee passed Int. 2030 by a vote of five in the affirmative, zero in the negative, with zero abstentions.

II. BACKGROUND

The Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) programs, collectively referred to as the NYC Rent Freeze Program, provide rent exemptions from all or part of certain rent increases for senior citizens and persons with disabilities who live in rent-controlled, rent-stabilized, rent-regulated, Mitchell-Lama, and other qualifying subsidized housing. The programs reimburse landlords with real property tax credits equal to the amount in forgone rent and are established by New York state law.¹

State law allows municipalities the option to provide the SCRIE/DRIE programs locally and to decide on income eligibility requirements. In order for the program to be amended and extended, the State must first pass the extension of the law and New York City must then reauthorize that extension. In March 2014, the State passed a law authorizing the City to increase the income threshold for the SCRIE/DRIE programs to \$50,000 per household.² In May and July 2014, the City Council passed a local law authorizing this increase for SCRIE and DRIE, respectively.³

The 2014 maximum income eligibility level increase expired in June 2020. New York State reauthorized the increase in June 2020, extending it through June 2022,⁴ and now the City must also do the same. Int. No. 2030 would thus amend Local Law number 19 of 2014 and Local Law number 39 of 2015, which increase the maximum level of income allowed for senior citizens and those with disabilities to qualify for rent increase

¹ *Freeze Your Rent*, New York City Government, available at <https://www1.nyc.gov/site/rentfreeze/index.page>.

² NYC Department of Taxation and Finance, *Current status of property tax-related legislation Passed both Houses in 2020*, see <https://www.tax.ny.gov/research/property/legal/legis/20bills.htm>

³ Local Law 19 of 2014.

⁴ NYC Department of Taxation and Finance, *Current status of property tax-related legislation Passed both Houses in 2020*, see <https://www.tax.ny.gov/research/property/legal/legis/20bills.htm>

exemptions. The bill matches the New York State law and extends the current qualifying maximum level of income through June 30, 2022.

III. ANALYSIS OF LEGISLATION

Analysis of Int. No. 2030

Int. No. 2030 would authorize extending the current income eligibility limits for the Senior Citizen Rent Increase Exemption (SCRIE) and the Disability Rent Increase Exemption (DRIE) until June 30, 2022.

Section 1 of this bill amends section 5 of local law number 19 for the year 2014 to expire on June 30, 2022.

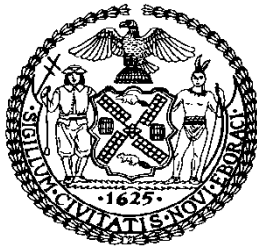
Section 2 of Int. No. 2030 amends local law number 39 for the year 2014 by increasing the maximum income qualifying level for the SCRIE and DRIE programs and extends the new sunset date for this legislation to June 30, 2022.

The bill provides that the local law would take effect immediately and would be retroactive to and deemed to have been in full force and effect as of July 1, 2020.

UPDATE

On October 13, 2020, the Committee passed Int. 2030 by a vote of five in the affirmative, zero in the negative, with zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2030:)



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

PROPOSED INT. NO: 2030

COMMITTEE: Aging

TITLE: A Local Law to amend local law number 19 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, and to amend local law number 39 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, in relation to extending certain provisions thereof.

SPONSORS: By Council Members Chin, Yeger, Kallos, Maisel, Brannan, Vallone, Ayala, Gjonaj and Louis (by request of the Mayor).

SUMMARY OF LEGISLATION: Proposed Int. No. 2030 would extend the current income eligibility limits of \$50,000 for the Senior Citizen Rent Increase Exemption and Disability Rent Increase Exemption until June 30, 2022. Without the extension, the income limits would revert to \$29,000.

EFFECTIVE DATE: This local law would take effect immediately, and would be retroactive to and deemed to

have been in full force and effect as of July 1, 2020.

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 estimated that there would be no impact on revenues resulting from the enactment of this legislation as the current exemption limits are assumed in the Financial Plan.

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

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Daniel Kroop, Senior Financial Analyst

ESTIMATED REVIEWED BY: Emre Edev, Assistant Director
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the full Council as Int. No. 2030 on August 27, 2020 and was referred to the Committee on Aging (Committee). A hearing was held by the Committee on September 21, 2020, and the bill was laid over. The legislation will be considered by the Committee on October 13, 2020. Following a successful vote by the Committee, Proposed Int. No. 2030 will be submitted to the full Council for a vote on October 15, 2020.

DATE PREPARED: October 11, 2020.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 2030:)

Int. No. 2030

By Council Members Chin, Yeger, Kallos, Maisel, Brannan, Vallone, Ayala, Gjonaj, Louis, Rosenthal, Powers, Rivera and Barron (by request of the Mayor).

A Local Law to amend local law number 19 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, and to amend local law number 39 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, in relation to extending certain provisions thereof

Be it enacted by the Council as follows:

Section 1. Section 5 of local law number 19 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, as amended by local law number 24 for the year 2017, is amended to read as follows:

§ 5. This local law shall take effect July 1, 2014 and shall expire and be deemed repealed June 30, [2020] 2022; provided that the amendment to section 26-509 of the administrative code of the city of New York made by section three of this local law shall not affect the expiration of such section and shall be deemed to expire therewith.

§ 2. Section 5 of local law number 39 for the year 2014, amending the administrative code of the city of New York relating to increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, as amended by local law number 24 for the year 2017, is amended to read as follows:

§ 5. This local law shall take effect on the same date as a chapter of the laws of 2014 amending the real property tax law relating to the tax abatement and exemption for rent regulated and rent controlled property occupied by persons with disabilities; and providing for the repeal of certain provisions upon expiration thereof, as proposed in legislative bill number A. 9744, takes effect, and shall expire and be deemed repealed on June 30, [2020] 2022; provided that, notwithstanding any other provision of law, any renewal application that was received before the effective date of this local law and that would have been timely if received on or after such effective date, pursuant to paragraph (6) of subdivision m of section 26-405, paragraph (6) of subdivision b of section 26-509, or subdivision (c) of section 26-605 of the administrative code of the city of New York, shall be deemed to have been received on or after such effective date; and provided further that the amendment to section 26-509 of the administrative code of the city of New York made by section two of this local law shall not affect the expiration of such section and shall be deemed to expire therewith.

§ 3. This local law takes effect immediately and is retroactive to and deemed to have been in full force and effect as of July 1, 2020.

MARGARET S. CHIN, *Chairperson*; DIANA AYALA, CHAIM M. DEUTSCH, RUBEN DIAZ, Sr., PAUL A. VALLONE; Committee on Aging, October 13, 2020 (Remote Hearing).

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 Consumer Affairs and Business Licensing

At this point, the Speaker (Council Member Johnson) announced that the following items had been **preconsidered** as amended by the Committee on Consumer Affairs and Business Licensing and had been favorably reported for adoption.

Report for Int. No. 2127-A

Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law in relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program.

The Committee on Consumer Affairs and Business Licensing, to which the annexed preconsidered as amended proposed local law was referred on October 15, 2020, respectfully

REPORTS:

I. INTRODUCTION

On October 13, 2020, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Cohen, will vote on Preconsidered Introduction Bill Number -A (Preconsidered Int 2127-A), in relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program. The Committee previously heard testimony on this and other bills at a remote hearing on September 30, 2020. At this hearing, which was joint with the Committee on Transportation, testimony was received by the Department of Transportation (DOT), the Department of Consumer and Worker Protections (DCWP), business and trade associations, transportation advocates and other interested parties. This feedback informed the final version of the bill.

II. BACKGROUND

In late December of 2019, a new virus, SARS-CoV-2, was detected in Wuhan, China and by January 30, 2020, the World Health Organization (WHO) declared that COVID-19, the disease caused by the SARS-CoV-2 virus, was now a Public Health Emergency of International Concern (PHEIC).¹ As of October 9, 2020, COVID-19 has infected nearly 37 million people across 214 countries and territories, and has killed over one million people.² In the United States alone, there have been more than 7.6 million infections and over 213,000 deaths.³ As of October 9, 2020, New York State has had over 470,000 infections and over 33,000 deaths, many of which took place in New York City.⁴

The progressive nature by which the virus spreads has caused governments across the globe to shut down businesses, schools, religious and cultural institutions, and mandate various levels of social isolation. While this has seemingly helped to limit the spread of the virus, stay-at-home orders have had a catastrophic impact on economic markets, in particular small businesses such as restaurants and bars, which only thrive through regular patronage from their customers.

The Impact on Restaurants and Bars Amid the COVID-19 Crisis

In New York, Governor Andrew Cuomo issued an executive order – New York State on PAUSE (PAUSE) – that closed all on-site, non-essential businesses, effective March 22, 2020, to help stop the spread of SARS-CoV-2.⁵ Restaurants and bars were permitted to operate statewide; however, they were only allowed to make sales through take-out and delivery.⁶

As New Yorkers stayed home to stop the spread of the virus, consumer spending declined in the City. While restaurants were open for take-out and delivery, they experienced drastic revenue declines. According to an April 2020 report from the New York State Restaurant Association, sales declined 79 percent in the first ten days of April compared to the same period in 2019, and New York State restaurants were expected to lose \$3.6 billion in sales revenue in April alone.⁷ Just over half (51 percent) of all restaurants had been able to move their operations online, yet unemployment rates in this sector skyrocketed, as 80 percent of restaurant workers lost their jobs.⁸

¹ World Health Organization “Rolling updates on coronavirus disease (COVID-19)”, Updated April 18, 2020, available at: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019/events-as-they-happen>.

² Worldometer “Countries where COVID-19 has spread”, Updated August 11, 2020 at 14:24 GMT, available at: <https://www.worldometers.info/coronavirus/countries-where-coronavirus-has-spread/>.

³ Johns Hopkins University of Medicine, Coronavirus Resource Center, updated September 23, 2020, available at: <https://coronavirus.jhu.edu/>.

⁴ Johns Hopkins University of Medicine, Coronavirus Resource Center, “New York: State overview”, updated September 23, 2020, available at: <https://coronavirus.jhu.edu/region/us/new-york>.

⁵ Governor Andrew Cuomo “Governor Cuomo signs the ‘New York State on PAUSE’ executive order”, March 20, 2020, available at: <https://www.governor.ny.gov/news/governor-cuomo-signs-new-york-state-pause-executiveorder>

⁶ “Guidance for Determining Whether a Business Enterprise is Subject to a Workforce Reduction under Recent Executive Orders”, Empire State Development, <https://esd.ny.gov/guidance-executive-order-2026>

⁷ New York State Restaurant Association “Restaurant industry impact survey: New York State”, April, 2020, available at: https://www.nysra.org/uploads/1/2/1/3/121352550/restaurant_industry_impact_survey_new_york_state_2_.pdf

⁸ *Id.*

The experiences of individual restaurant owners exemplify the challenges the industry faces to remain stable throughout the pandemic. For instance, business for all of the month of June at the Nugget Spot, a restaurant on East 14th Street in Manhattan, equaled “one good Thursday” before the pandemic.⁹ Meanwhile, Havana Central’s takeout and delivery business in Times Square equaled about three percent of its former revenue.¹⁰ Outdoor dining provided only a small boost to the restaurant industry, as revenue is up to ten percent of its pre-COVID total.¹¹ According to Mark Fox, owner of The Ragtrader, a restaurant on 36th Street in the Garment District, 70 percent of his customer base were commuters on their way home from their jobs, 20 percent were tourists, and ten percent were those shopping at retail stores in the area.¹² Notably, the number of commuters, tourists and those shopping has markedly declined during the pandemic. The future of this industry, after the impact of COVID-19 remains precarious and uncertain. According to Eater NY writer Tanay Warkerkar, “This is definitely a life-altering situation for the restaurant industry in New York and I don’t think things will probably ever go back to the way they were, even though things may normalize to some extent.”¹³

Even as New York City has advanced through Governor Cuomo’s phased re-openings, restaurants continue to struggle. As restaurants have experienced drastic revenue declines, a majority of restaurant owners have been unable to pay their commercial rents. The Hospitality Alliance recently surveyed more than 450 New York City restaurants, bars and nightclubs about their rent obligations in August. The findings showed that 87 percent of respondents were unable to pay their full August rent and 34 percent were unable to pay any amount toward their rent burden.¹⁴ The survey also found that 90 percent of businesses were unable to renegotiate their lease agreements, which could explain why the percentage of those unable to pay full rent increased from 80 percent in June, to 83 percent in July and 87 percent in August.¹⁵

As restaurants continue to face challenges paying their fixed monthly expenses without their pre-COVID-19 revenues, many across the City have had to permanently close down. Although exact figures are difficult to calculate, according to an August 2020 report by the City Comptroller, 1,289 restaurants closed permanently between March 1 and July 10, 2020.¹⁶ These closures have affected restaurants of all sizes across the City, including Lucky Strike, a Soho “neighborhood institution,” and the four-story McDonald’s flagship store in Times Square.¹⁷ Iconic City restaurants that have been in business in their respective neighborhoods for many years have closed permanently, including: Sarabeth’s on the Upper East Side (20 years), the Copacabana (80 years), kosher deli Jay and Lloyd’s (28 years), La Caridad 78 (52 years) and the Irish Cottage (60 years).¹⁸

Even as phased reopenings continue, restaurants across the State are struggling. According to a survey of eateries by the NY State Restaurant Association (NYSRA), more than 60 percent of restaurants expect to close by the end of the year, unless they receive some form of financial assistance, with more than half saying they may have to close by November.¹⁹ Furthermore, barely ten percent of those surveyed by NYSRA felt that they would actually be profitable in the next six months.²⁰

As restaurants shut their doors, the livelihoods they generate for both the restaurant workers and business owners have disappeared. A May 2020 report from the New York City Independent Budget Office projected that

⁹ Greg David “NYC restaurants struggle to stay open with loans – and time – running out”, *The City*, July 19, 2020, available at: <https://www.thecity.nyc/2020/7/19/21330266/new-york-restaurants-closing-ppp-loans-food>.

¹⁰ *Id.*

¹¹ *Id.*

¹² *Id.*

¹³ Josh Russel, “New York City’s Iconic Restaurant Industry Struggles to Survive the Pandemic”, *Courthouse News Service*, May 31, 2020, available at: <https://www.courthousenews.com/new-york-citys-iconic-restaurant-industry-struggles-to-survive-the-pandemic/>

¹⁴ Hospitality Alliance “August rent report”, September 21, 2020, available at: <https://www.thenycalliance.org/information/august-rent-report>.

¹⁵ *Id.*

¹⁶ New York City Comptroller Scott M. Stringer “Save Main Street: A Crash Program to Help Save NYC Small Businesses”, August 5, 2020, available at: https://comptroller.nyc.gov/wp-content/uploads/documents/Save_Main_Street_8_5_20.pdf, p. 8.

¹⁷ Eater Staff, “A Running List of NYC Restaurants That Have Permanently Closed during the COVID-19 Crisis”, *Eater, NY*, Updated August 27, 2020, <https://ny.eater.com/2020/5/8/21248604/nyc-restaurant-closings-coronavirus>; see also Nikko Duren, “NYC Restaurant Closings”, *The Infatuation*, September 21, 2020, available at: <https://www.theinfatuation.com/features/nyc-restaurant-closings>.

¹⁸ *Id.*

¹⁹ New York State Restaurant Association State Restaurant Association Survey: Nearly Two-Thirds of New York’s Restaurants Likely to Close by Year’s End Without Government Support“, September 3, 2020, available at: https://www.nysra.org/uploads/1/2/1/3/121352550/state_restaurant_association_survey_results_090320.pdf.

²⁰ *Id.*

a total of 115,000 leisure and hospitality jobs would be lost by October 2020,²¹ and that, even if distancing restrictions are relaxed, industries with “strong ties to tourism,” such as hospitality, would continue to lose jobs due to a decline in foreign tourists.²² The Partnership for New York City issued a report in July 2020 that classifies an estimated 679,000 accommodation and food service jobs as “vulnerable to loss”—the most of any sector in the city.²³ Meanwhile, a report from the City Comptroller determined that 187,000 of the 758,000 private sector jobs that have been lost in the City through June came from the food services industry.²⁴

The closure of City businesses will leave households “struggling to feed their families and pay rent,”²⁵ and the impact of job loss in the City may disproportionately fall on Black, Hispanic and Asian residents, with one report estimating that 40-50 percent of jobs held by people of color are at risk of loss, as opposed to 30 percent for white residents.²⁶

In addition to providing employment opportunities to New Yorkers, the restaurant industry generates tens of millions of dollars for the City through tax collection. In Fiscal Year 2019, the City gained over \$21.95 million from general sales taxes at restaurants and other eating establishments.²⁷ Twenty percent of the City’s revenue came from personal income tax, which may be significantly lower in future years than it was in FY19 due to the job losses caused by the closure of many City restaurants.²⁸

The City’s COVID-19 Response and the Open Restaurants Programs

Until restaurants can reopen to full-capacity indoor seating, they are unlikely to generate the revenue they produced pre-COVID-19, and therefore government action is necessary to help save the restaurant industry. In fact, if mandatory social distancing measures on restaurants continue, one model suggests that in 2021, revenue would be 53 percent lower than the same time in 2019.²⁹ Meanwhile, less severe restrictions would result in a 43 percent reduction in revenue in 2021 for the industry as compared with 2019.³⁰

In response, the City has implemented several initiatives to assist the restaurant and hospitality industry make it through this pandemic. In May, the City Council enacted Local Law 54, which required the City to waive and refund consent fees related to sidewalk cafe licenses for the duration of the COVID-19 emergency. Last month, the Council also passed Int. No. 823-B, which would allow food service establishments to charge a temporary surcharge (maximum ten percent) of a customer’s total bill during the COVID-19 emergency. This bill is currently at the Mayor’s desk waiting further action. The City Council has also passed a number of measures to limit the fees that third-party delivery platforms, such as GrubHub, can charge restaurants that use their services. Local Law 88 of 2020 restricts the fees that third-party food delivery services may charge restaurants during the emergency. Under this law, fees charged to restaurants for delivery orders are capped at 15 percent, while the apps are only permitted to charge restaurants up to five percent for other types of services. Local Law 87 of 2020, meanwhile, prohibits third-party platforms from charging restaurants for phone calls that

²¹ New York City Independent Budget Office “Tumbling Tax Revenues, Shrinking Reserves, Growing Budget Gaps: New York City Faces Substantial Fiscal Challenges in the Weeks and Months Ahead”, May 2020, available at: <https://ibo.nyc.ny.us/iboreports/tumbling-tax-revenues-shrinking-reserves-growing-budget-gaps-new-york-city-faces-substantial-fiscal-challenges-in-the-weeks-and-months-ahead-may-2020.pdf>, p. 5.

²² *Id.*, p. 6.

²³ “A Call for Action and Collaboration”, Partnership for New York City, July 2020, pg. 34, <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>. See also McKinsey & Company, “Lives and livelihoods: Assessing the near-term impact of COVID-19 on US workers,” April 2, 2020, available at: <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/lives-and-livelihoods-assessing-the-near-term-impact-of-covid-19-on-us-workers> (projecting that the food services industry has the highest number of vulnerable jobs nationwide – Exhibit 3).

²⁴ New York City Comptroller Scott M. Stringer “Save Main Street: A Crash Program to Help Save NYC Small Businesses”, August 5, 2020, available at: https://comptroller.nyc.gov/wp-content/uploads/documents/Save_Main_Street_8_5_20.pdf, p. 8.

²⁵ Partnership for New York City, “A Call for Action and Collaboration”, July 2020, available at: <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>, p. 58.

²⁶ *Id.*

²⁷ *Id.*, p. 39

²⁸ *Id.*

²⁹ Partnership for New York City “A Call for Action and Collaboration”, July 2020, available at: <https://pfnyc.org/wp-content/uploads/2020/07/actionandcollaboration.pdf>, p. 15.

³⁰ *Id.*

did not result in a food order. This restriction applies during the period when restaurants are prohibited from operating at their maximum indoor capacity, plus 90 days after these restrictions are eased.

In June, the Mayor announced that the City would begin temporarily allowing restaurants to offer outdoor dining on city streets and sidewalk, a process normally requiring a sidewalk café license and several layers of bureaucratic approvals. In conjunction with the announcement, the City Council passed Local Law 77, which permitted restaurants to operate temporary outdoor dining areas during the COVID-19 emergency through a no-fee self-certification process. This came to be known as the Open Restaurants Program.

Open Restaurants Program

The City's Open Restaurants program is an effort to implement citywide expanded outdoor seating options for food establishments, while ensuring that people are adequately social distancing.³¹ Currently, there are two options under this program for temporary expanded outdoor dining: "Open Restaurants" and "Open Streets: Restaurants."³² Since its inception, the number of restaurants enrolled in the Open Restaurants Program has grown substantially. However, the program was set to expire at the end of October, leading to many in the industry to call for an extension of the program with modifications. Initially, the Mayor indicated that he would like to see the program become a permanent seasonal program. However, after much pressure, the Mayor announced on September 25 that the City's outdoor dining program, along with the Open Streets program, would be made permanent.³³ The lack of certainty over the program and conflicting statements and advice from City agencies had been a frustrating aspect of the program for business owners. Preconsidered Int. 2127-A aims to provide some certainty for the restaurants participating in the open restaurants program.

Open Restaurants allows for individual food establishments to utilize the sidewalk or curb lane adjacent to their business for outdoor seating.³⁴ As part of this program, food establishments can apply and self-certify that they meet program requirements to utilize these spaces.³⁵ In addition to this option, the Open Streets: Restaurants option allows community-based organizations, Business Improvement Districts or groups of three or more restaurants on a single block to apply for outdoor dining on streets closed to traffic, as part of the Open Streets program.³⁶

As of September 26, 2020, there were 10,365 Open Restaurants.³⁷ Of these restaurants, 936 have only roadway seating, 3,708 have only sidewalk seating, and 5,373 have both roadway and sidewalk seating.³⁸ In addition, 348 exist on Open Streets, as part of the Open Streets: Restaurants program.³⁹ Establishments participating in the Open Restaurants program exist throughout the five boroughs. As of September 26, 2020, there are:⁴⁰

- 585 Open Restaurants in the Bronx, of which include 20 with roadway-only seating, 264 with sidewalk only seating, 289 with both roadway and sidewalk seating, and 12 being on Open Streets;
- 2,521 in Brooklyn, of which includes 212 with roadway-only seating, 991 with sidewalk-only seating, 1,227 with both roadway and sidewalk seating, and 91 being on Open Streets
- 4,936 in Manhattan, of which includes 535 with roadway-only seating, 1,571 with sidewalk-only seating, 2,637 with both roadway and sidewalk seating, and 193 being on Open Streets
- 2,149 in Queens, of which includes 161 with roadway-only seating, 796 with sidewalk-only seating, 1,144 with both roadway and sidewalk seating, and 48 being on Open Streets; and

³¹ New York City Department of Transportation "Pedestrians: Open Restaurants," Accessed September 27, 2020, available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml>.

³² *Id.*

³³ Luke Fortnoy and Erika Adams, "Outdoor Dining is Now a Permanent NYC Fixture, Mayor Announces," *NY Eater*, September 26, 2020, available at: <https://ny.eater.com/2020/9/25/21450844/outdoor-dining-permanent-restaurants-nyc>.

³⁴ *Id.*

³⁵ *Id.*

³⁶ *Id.*

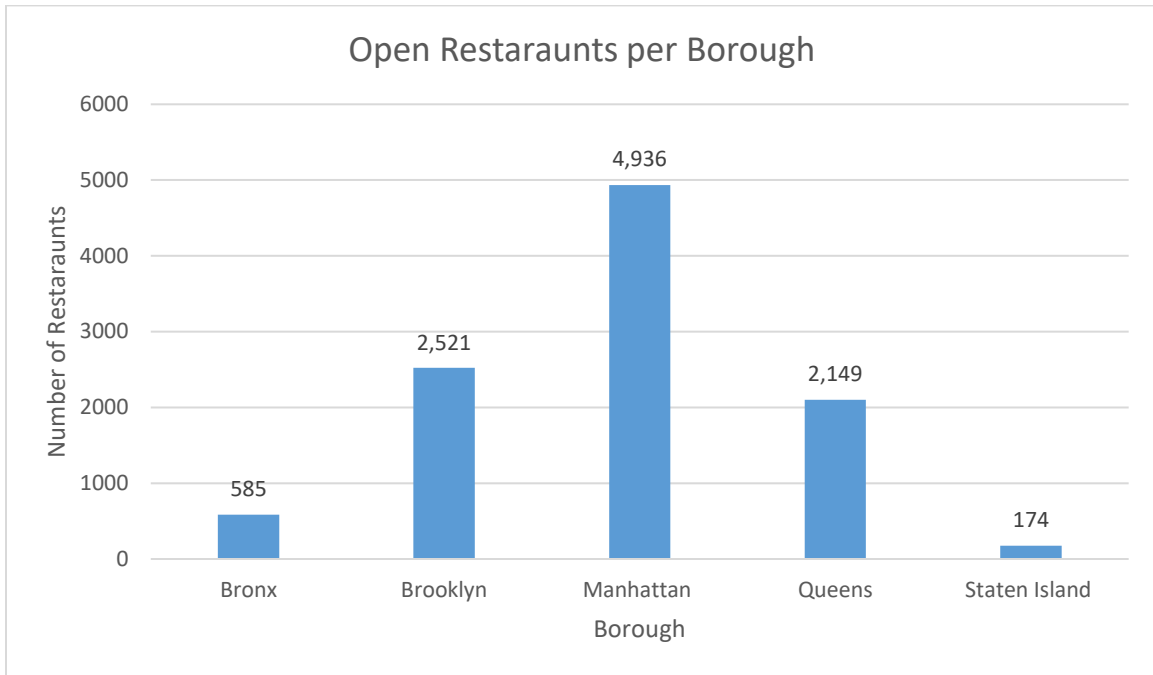
³⁷ New York City Department of Transportation "NYC Open Restaurants Portal," Accessed September 26, 2020, available at: <https://experience.arcgis.com/experience/ba953db7d541423a8e67ae1cf52bc698>.

³⁸ *Id.*

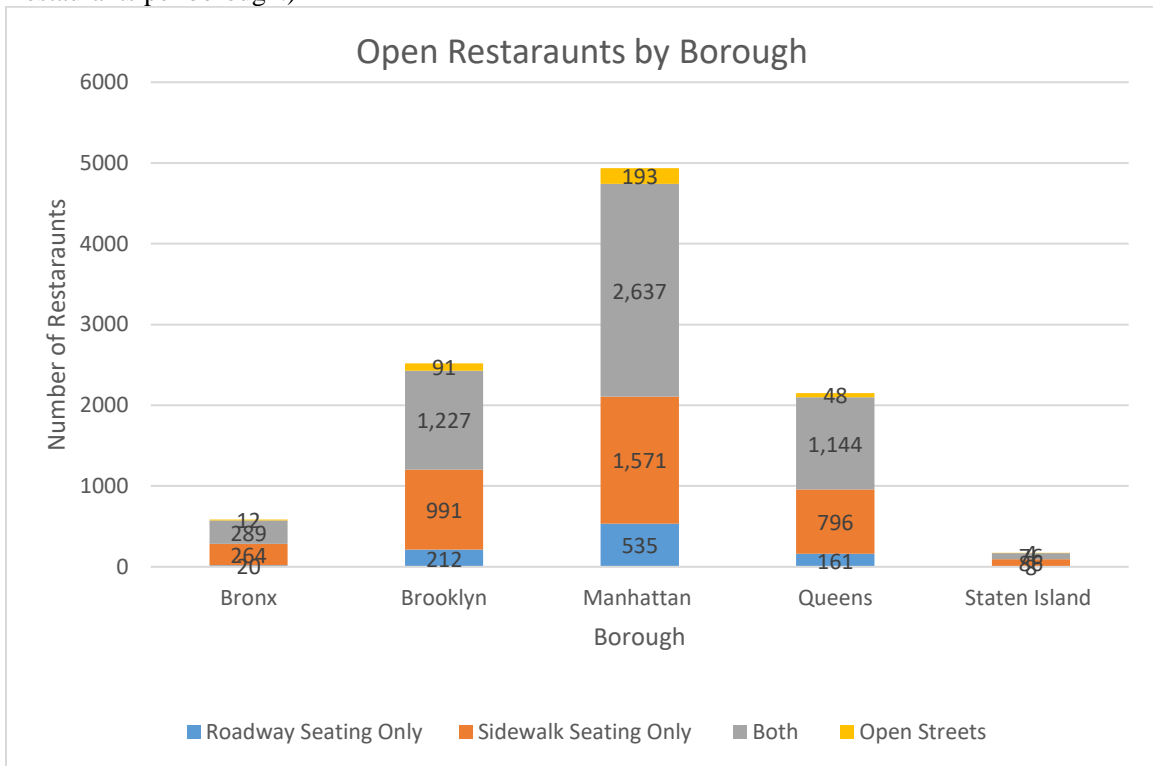
³⁹ *Id.*

⁴⁰ *Id.*

- 174 in Staten Island, of which includes eight with roadway-only seating, 86 with sidewalk-only seating, 76 with both roadway and sidewalk seating, and 4 being on Open Streets.



Source: NYC Open Restaurants Portal. (Caption: The graph above shows the total number of Open Restaurants per borough.)



Source: NYC Open Restaurants Portal. (Caption: The graph above shows a breakdown of Open Restaurants per borough, by: having Roadway Seating only; having Sidewalk Seating only; having Both Roadway and Sidewalk Seating; or existing on an Open Street.)

Winter Heating

While outdoor dining makes sense during warmer weather, winter will pose new challenges for restaurant owners. Outdoor heating is a dire necessity, and restaurateurs have called upon the City to modify existing regulations that severely restrict such heating. Clear and concise regulations will alleviate some of the uncertainty regarding outdoor dining in winter, and give confidence to business owners who need to invest in this new equipment. As outdoor dining picks up in other parts of the Country, there have been upticks in outdoor heating sales, which are already causing shortages.⁴¹

According to the Mayor's changes allowing outdoor dining permanently, "[e]lectrical heaters will be allowed on both sidewalk and roadway. Propane and natural gas heaters will be allowed on sidewalks only; they will remain prohibited in roadway seating. Propane will require a permit from FDNY and compliance with FDNY regulations for outdoor use, handling and secure outdoor tank storage overnight."⁴²

Restaurants will also be allowed to use enclosures, such as tents or plastic domes, to keep diners warm, with both partial and full tent enclosures allowed to utilize electrical heaters.⁴³ In partial tent enclosures, at least 50 percent of the tent's side wall surface area must remain open, while in full tent enclosures, the tent's side walls may be closed but occupancy limitations will be capped at 25 percent of capacity, and indoor dining guidelines must be followed.⁴⁴ Other enclosed structures, like plastic domes, will be allowed for individual parties and must have adequate ventilation to allow for air circulation in an effort to ensure proper safety measures are taken.⁴⁵ In addition, to ensure that roadway safety is maintained year-round, particularly during the winter months with snowy conditions, the City will engage the restaurant industry and other stakeholders to develop additional safety features to further strengthen roadway barriers, which will be required by November 15, 2020.⁴⁶ Notably, significant snow events may necessitate temporary removal of certain barriers from the roadway.⁴⁷ Ultimately, the criteria in place by DOT looks to ensure that the safety and accessibility of pedestrians, including customers, is maintained, while allowing for cyclists, pedestrians and traffic to effectively and safely access roadways.

Under existing law, in New York City, outdoor space heaters are only authorized if fueled by electricity or piped natural gas.⁴⁸ The specific Fire Code (FC) provisions related to portable space heaters are contained within FC 313.3(2) which prohibits the "[s]tor[ing], handl[ing] or us[ing] for space heating . . . any portable fueled equipment that utilizes a flammable liquid as a fuel, or . . . that utilizes a combustible liquid as a fuel."⁴⁹ An exception to this general prohibition is included to allow for the outdoor use of portable heaters fueled with piped natural gas,⁵⁰ permanent installations that are further regulated by safety precautions and installation requirements contained within the Fire and Building Codes.⁵¹

Propane, a form of Liquefied Petroleum Gas (LP Gas or LPG), can be used to fuel portable heaters. However, as a highly flammable liquid under high pressures, the use of propane for space heating is prohibited by the above-mentioned Fire Code provisions. Additionally, Fire Code regulations generally governing the handling and use of LP Gas explicitly prohibit its use as fuel for space heating purposes.⁵²

There are two main safety concerns related to the use of LPG space heaters are: 1) emission of unsafe Carbon Monoxide (CO) levels, which can ultimately result in asphyxia; and 2) compromised tanks resulting in combustion/explosion. Propane space heaters are generally prohibited for *indoor* use in all Fire Codes examined, in part due to concerns with CO emissions. In an outdoor environment, however, the risk of CO poisoning is

⁴¹ Aaron Mak "Heat lamps are a must-have for restaurants this winter. There's already a shortage", *Slate*, September 2, 2020, available at: https://slate.com/business/2020/09/restaurants-heaters-shortage-coronavirus.html?mc_cid=0c764938b1&mc_eid=17b3db3df6.

⁴² Department of Transportation "Open Restaurants", available at: <https://www1.nyc.gov/html/dot/html/pedestrians/openrestaurants.shtml>, last accessed October 12, 2020.

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Department of Consumer Affairs "Frequently asked questions: Sidewalk café heaters", May, 2013, available at: <https://www1.nyc.gov/assets/dca/downloads/pdf/businesses/Sidewalk-Cafe-Heaters-FAQs.pdf>.

⁴⁹ FC 313.3 (2)

⁵⁰ FC 313.5.2.1

⁵¹ See FC 313.6 et seq.

⁵² FC 3805.3(12)

strongly mitigated. The most serious concern related to asphyxia is that a flameout (where the LPG consistently expels in the environment without proper burn-off) could occur during high winds.

The second concern is with regard to the combustibility and failure of propane tanks; however, these events are extremely uncommon. On these rare occasions where this does occur, explosions have usually transpired in an indoor setting, caused by tank failure resulting in leaked gas, which was subsequently inadvertently ignited by a lit cigarette. Reports of outdoor explosions of propane tanks that cause serious damage to life or property appear to be highly infrequent.

The International Fire Code (IFC), adopted by the International Code Council, establishes widely accepted standards for fire safety and serves as the model for New York City's Fire Code, and that of many other jurisdictions. The 2018 version of the IFC, as well as previously published editions, authorizes the outdoor use of gas fueled heaters, including propane, and includes detailed regulations on safe operations of such devices.⁵³ This provision is adopted without amendment in the Fire Code for both Philadelphia⁵⁴ and Washington DC.⁵⁵ Boston's Fire Prevention Code similarly authorizes outdoor use of gas fueled heaters,⁵⁶ as does Chicago.⁵⁷ Ultimately, while the NYC Fire Code has generally adopted the IFC provisions without amendment, the regulations authorizing the outdoor use of gas fueled portable heaters are omitted.⁵⁸ New York City is an outlier in prohibiting LPG space heaters in outdoor portions of restaurants.

Propane-fueled space heaters are preferred over electric or piped natural gas heaters by restaurant operators due to both practical and economic considerations. Practically, propane-fueled heaters provide restaurants with greater flexibility than heating devices with other fuel sources that are currently authorized in New York City. First, heaters fueled by piped natural gas and electricity tend to need professional installation with permanent hardwiring or piping. This in turn, limits the flexibility in placement of such heaters. In contrast, propane heaters can be easily and temporarily placed and moved.

Economically, the use of propane fuel, in addition to potential installation costs, tends to be less expensive and it produces a more efficient heat when compared to using electric space heaters. Depending on electrical cost per kilowatt, cost per gallon of propane, size of the heating area, and upkeep/storage, propane-fueled space heaters can be up to four times cheaper than using electrical space heaters.

ADA Compliance

The ADA prohibits private employers, state and local governments, employment agencies and labor unions from discriminating against qualified individuals with disabilities in job application procedures, hiring, firing, advancement, compensation, job training, and other terms, conditions, and privileges of employment.⁵⁹ As the law requires that most businesses and facilities provide reasonable access and accommodation for all disabled customers, clients, and members of the public, this has been an issue regarding the City's outdoor dining program. At a recent Committee on Transportation hearing regarding the City's Open Streets program, concerns were shared regarding ADA compliance and capacity issues for outdoor dining establishments.⁶⁰ Existing wheelchair accessible ramp requirements can take up a full table's worth of space in what amount to already

⁵³ IFC 2018 603.4.2; available at: <https://www.ci.independence.mo.us/userdocs/ComDev/2018%20INTL%20FIRE%20CODE.pdf>

⁵⁴ Philadelphia Fire Code 603.4.2; available at: <https://up.codes/viewer/philadelphia/ifc-2018/chapter/6/building-services-and-systems#603.4.2>

⁵⁵ DC Fire Code 603.4.2; available at: <https://up.codes/viewer/district-of-columbia/ifc-2012/chapter/6/building-services-and-systems#603.4.2>

⁵⁶ Boston Fire Prevention Code Sec 33.06. Available at: https://www.boston.gov/sites/default/files/document-file-08-2017/boston_fire_prevention_code_6-2017.pdf.

⁵⁷ Chicago Department of Business Affairs and Consumer Protections "Sidewalk Café Permit Information," available at: <https://www.chicago.gov/content/dam/city/depts/bacp/businesslicenseforms/pwu/BACPSidewalkCafePermitPackagefinal2019.pdf>. p. 28.

⁵⁸ NYC Fire Code section numbering mirrors that contained within IFC; however, the above mentioned IFC 603.4.2 is omitted and marked "Reserved."

⁵⁹ United States Equal Employment Opportunity Commission "Fact Sheet: Disability Discrimination," September 27, 2020, available at: <https://www.eeoc.gov/laws/guidance/fact-sheet-disability-discrimination>.

⁶⁰ NYC Council Committee on Transportation 9/9/20 Hearing, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=802207&GUID=19306395-07DB-4DEA-96D5-0C7282B8A364&Options=info!&Search=>.

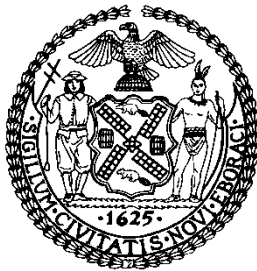
limited outdoor areas.⁶¹ It was suggested that these requirements be altered to allow for alternative designs that can still ensure safety and accessibility but do not reduce capacity.⁶²

IV. LEGISLATIVE ANALYSIS

Section one of this bill allows restaurants participating in the City's outdoor dining program, pursuant to Local Law 77 and the Mayor's Executive Order No. 126, to use portable space heaters fueled by liquefied petroleum gas (commonly known as propane) and portable electric space heaters, subject to guidance issued by the Fire Department. Section two of this bill requires the Department of Transportation, or any other designated agency, to establish a permanent open restaurants program by September 30, 2021 that would succeed the temporary program established by Local Law 77. Such program will authorize restaurants to utilize roadways, pedestrian plazas or other public outdoor locations for outdoor dining, and shall ensure accessibility for people with disabilities in compliance with all applicable laws. Section three of this bill extends the expiration date of Local Law 77 from December 31, 2020 to September 30, 2021. At that time, the permanent open restaurants program will replace this temporary program.

If enacted, this bill takes effect immediately, except that the provisions relating to outdoor portable heaters are set to expire on May 1, 2021.

(The following is the text of the Fiscal Impact Statement for Int. No. 2127-A:)



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

PROPOSED PRECONSIDERED INTRO NO. 2127-A

COMMITTEE: Consumer Affairs and Business Licensing

TITLE: A Local Law in relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program.

SPONSORS: Council Members Reynoso, Powers, Levine, Rodriguez, Rivera, Kallos, Van Bramer, Chin, Gjonaj and Louis.

SUMMARY OF LEGISLATION: This bill would extend the expiration of the City's current outdoor dining program until September 30, 2021 and require that such temporary program would be replaced by a permanent program to allow for the use of roadway seating as outdoor dining areas. In addition, the bill would allow for the use of portable electric and propane heaters in outdoor dining areas, subject to guidelines issued by the Fire Department

EFFECTIVE DATE: This local law would take effect immediately, except that section one of this local law would expire and be deemed repealed on May 1, 2021.

FISCAL YEAR IN WHICH FULL FISCAL IMPACT ANTICIPATED: Fiscal 2022

⁶¹ *Id.*

⁶² *Id.*

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

IMPACT ON EXPENDITURES: It is estimated that there would be no an impact on expenditures resulting from the enactment of this legislation because the relevant agencies would use existing resources to accomplish its requirements.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCES OF INFORMATION: New York City Council Finance Division
Mayor's Office of Legislative Affairs
Office of Management and Budget
Department of Transportation

ESTIMATE PREPARED BY: Sebastian Palacio Bacchi, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathaniel Toth, Deputy Director
John Russell, Unit Head
Noah Brick, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was heard as a preconsidered introduction by the Committee on Consumer Affairs and Business Licensing together with the Committee on Transportation on September 30, 2020, and was laid over. The legislation was amended, and the amended version, Proposed Preconsidered Intro. No. -A, will be considered by the Committee on Consumer Affairs and Business Licensing on October 13, 2020. The legislation will be introduced to the full Council on October 15, 2020. Upon a successful vote by the Committee, Proposed Preconsidered Int. No. -A will be submitted to the full Council for a vote on October 15, 2020.

DATE PREPARED: October 5, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 2127-A:)

Preconsidered Int. No. 2127-A

By Council Members Reynoso, Powers, Levine, Rodriguez, Rivera, Kallos, Van Bramer, Chin, Gjonaj, Louis, Rosenthal and Ayala.

A Local Law in relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program

Be it enacted by the Council as follows:

Section 1. Portable space heaters fueled by liquefied petroleum gas and portable electric space heaters may be used in a temporary outdoor seating area operated pursuant to local law number 77 for the year 2020 and emergency executive order number 126, dated June 18, 2020, as amended by subsequent orders, subject to guidance issued by the fire department pursuant to emergency executive order of the mayor.

§ 2. a. For the purposes of this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivisions s of section 81.03 of the health code of the city of New York.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as set forth in section 19-157 of the administrative code of the city of New York.

Roadway seating. The term “roadway seating” means seating located in the roadway adjacent to the curb in front of the business frontage of a food service establishment.

b. By September 30, 2021, the department of transportation and any other agency designated by the mayor shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020, provided that any additional legislation necessary to authorize such program has been enacted. Such program shall include but not be limited to the following elements:

1. The use of roadway seating for outdoor dining;
2. The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and
3. Accessibility for people with disabilities in compliance with applicable federal, state and local law.

§ 3. Subdivision f of section 1 of local law number 77 for the year 2020 is amended to read as follows:

f. Expiration. The outdoor restaurants program shall remain in effect until [September 8, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall not remain in effect after December 31, 2020] *September 30, 2021*. [The department of transportation shall provide the speaker of the council notice five days prior to the termination of such the program.]

§ 4. This local law takes effect immediately, except that section one of this local law shall expire and be deemed repealed on May 1, 2021.

ANDREW COHEN., *Chairperson*; MARGARET S. CHIN, BRADFORD S. LANDER, JUSTIN BRANNAN; Committee on Consumer Affairs and Business Licensing, October 13, 2020 (Remote Hearing).

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 Housing and Buildings

Report for Int. No. 2093

Report of the Committee on Housing and Buildings in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine.

The Committee on Housing and Buildings, to which the annexed proposed local law was referred on September 23, 2020 (Minutes, page 1972), respectfully

REPORTS:

INTRODUCTION

On October 15, 2020, the Committee on Housing and Buildings, chaired by Council Member Robert Cornegy, Jr., held a hearing on Int. No. 2093, in relation to continuation of the New York city rent stabilization

law of nineteen hundred sixty-nine. This bill was first heard on September 17, 2020. More information about this bill, along with the materials for that hearing, can be found at <https://on.nyc.gov/3nOwyxa>.

Int. No. 2093

Pursuant to State law, to maintain rent stabilization, the City of New York must conduct a housing and vacancy survey (“HVS”) periodically to determine whether there is still a housing emergency.¹ If an emergency continues to exist, the Council may determine to pass legislation extending the City’s Rent Stabilization Law of 1969 until the following determination is due.² The HVS, which is sponsored by HPD and conducted in collaboration with the United States Census Bureau (“Census Bureau”),³ was last conducted in 2017 and identified a continuing housing crisis, which resulted in the Council passing legislation extending the City’s Rent Stabilization Law in 2018 to April 1, 2021.⁴

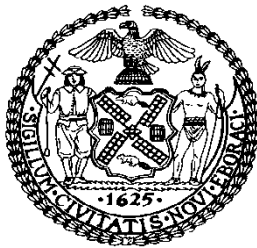
When the City last extended its Rent Stabilization Law in 2018, State law mandated a determination of emergency every three years, putting the due date for the next determination in 2021. However, for the Council to determine whether to further extend the Rent Stabilization Law in 2021, the next HVS would need to be conducted this year, the same year the Census Bureau is conducting the decennial census. Recognizing that the Census Bureau may not have the capacity to assist HPD during the year of a decennial census, the State amended the Local Emergency Housing Rent Control Act in April of this year to delay the required survey and determination by one year when the year of the HVS and the decennial census would otherwise coincide.⁵ The due date for the next determination has thus been moved from 2021 to 2022. In accordance with such amendment, this bill would amend the expiration date of the New York City Rent Stabilization Law, reflecting the extension of the deadline for the Council’s determination by one year, from April 1, 2021 to April 1, 2022.

This legislation would take effect immediately.

Update

On Thursday, October 15, 2020, the Committee adopted Int. No. 2093 by a vote of nine in the affirmative, zero in the negative, and zero abstentions.

(The following is the text of the Fiscal Impact Statement for Int. No. 2093:)



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

PROPOSED INT. NO: 2093

COMMITTEE: Housing and Buildings

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York City rent stabilization law of nineteen hundred sixty-nine.

SPONSORS: By Council Members Cornegy, Kallos and Louis.

¹ See Local Emergency Housing Rent Control Act §1(3).

² *Id.*

³ United States Census Bureau, *New York City Housing and Vacancy Survey (NYCHVS)*, available at: <https://www.census.gov/programs-surveys/nychvs.html> (last accessed October 13, 2020).

⁴ Local Law 85 for the year 2018.

⁵ 2020 Sess. Law News of N.Y. Ch. 56 (S. 7506-B) (McKinney’s).

SUMMARY OF LEGISLATION: Proposed Int. No. 2093 would extend the expiration date of the New York City Rent Stabilization Law of 1969 from April 1, 2021 to April 1, 2022 on the basis of the finding that a serious public emergency continues to exist in the rental housing market of New York City and that this emergency will continue after April 1, 2021. Under New York State law, whether such an emergency exists is determined by whether the citywide rental vacancy rate is less than five percent.

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 estimated that there would be no impact on revenues resulting from the enactment of this legislation. According to the most recent New York City Housing and Vacancy Survey conducted in 2017, rent-stabilized units numbered 966,000 and rent-controlled units numbered 22,000 out of a total of 2,183,064 rental units. If this legislation is not passed and wholesale deregulation occurred, the City could see some increase in property tax revenue once property assessments were fully increased to reflect higher rents. However, since this legislation would not alter current property assessments, no estimate of such revenue is provided here.

IMPACT ON EXPENDITURES: Since this legislation is a straight extension of existing rent regulations, it is anticipated that this legislation would have no impact on expenditures.

SOURCE OF FUNDS TO COVER ESTIMATED COSTS: N/A

SOURCE OF INFORMATION: New York City Council Finance Division

ESTIMATE PREPARED BY: Sarah Gastelum, Principal Financial Analyst

ESTIMATED REVIEWED BY: Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was first considered by the Committee on Housing and Buildings and the Committee on Justice System at a joint hearing as a Preconsidered Introduction on September 17, 2020, and the bill was laid over. The legislation was then introduced to the full Council on September 23, 2020, as Int. No. 2093 and was referred to the Committee on Housing and Buildings (Committee). Proposed Int. No. 2093 will be considered by the Committee on October 15, 2020. Upon a successful vote by the Committee, the legislation will be submitted to the full Council for a vote on October 15, 2020.

DATE PREPARED: October 9, 2020.

Accordingly, this Committee recommends its adoption.

(The following is the text of Int. No. 2093:)

Int. No. 2093

By Council Members Cornegy, Kallos, Louis, Rosenthal, Powers, Chin, Rivera and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to continuation of the New York city rent stabilization law of nineteen hundred sixty-nine

Be it enacted by the Council as follows:

Section 1. Section 26-520 of the administrative code of the city of New York, as amended by local law number 85 for the year 2018, is amended to read as follows:

§ 26-520 Expiration date. This chapter shall expire on April 1, [2021] 2022 unless rent control shall sooner terminate as provided in subdivision three of section one of the local emergency housing rent control law.

§ 2. This local law shall take effect immediately.

ROBERT E. CORNEGY, Jr., *Chairperson*; FERNANDO CABRERA, HELEN K. ROSENTHAL, RITCHIE J. TORRES, BARRY S. GRODENCHIK, BILL PERKINS, MARK GJONAJ, CARLINA RIVERA, FARAH N. LOUIS; Committee on Housing and Buildings, October 15, 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 Land Use

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

Report for L.U. No. 658 & Res. No. 1446

Report of the Committee on Land Use in favor of approving Application No. C 190011 ZMK (50 Old Fulton Rezoning) submitted by Alwest Old Fulton, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, changing from an M2-1 District to a M1-5 District, Borough of Brooklyn, Council District 33, Community District 2.

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on April 22, 2020 (Minutes, page 866) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 2

C 190011 ZMK

City Planning Commission decision approving an application submitted by AL west Old Fulton, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, by changing from an M2-1 District to a M1-5 District property bounded by a line 200 feet southeasterly of Elizabeth Place, Old Fulton Street, Brooklyn Queens Connecting Highway, Hicks Street, Poplar Street,

McKinney Street, and Doughty Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 28, 2019, and subject to the conditions of CEQR Declaration E-519.

INTENT

To approve the amendment to the Zoning Map, Section No. 12d, to rezone the project area from an M2-1 District to a M1-5 District, district to facilitate the development of a five-story commercial and retail building in the Fulton Ferry neighborhood of Brooklyn, Community District 2.

PUBLIC HEARING

DATE: March 11, 2020

Witnesses in Favor: Seven

Witnesses Against: One

SUBCOMMITTEE RECOMMENDATION

DATE: October 14, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission.

In Favor:

Moya, Levin, Richards, Lancman, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 14, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No, 1446

Resolution approving the decision of the City Planning Commission on ULURP No. C 190011 ZMK, a Zoning Map amendment (Preconsidered L.U. No. 658).

By Council Members Salamanca and Moya.

WHEREAS, Alwest Old Fulton, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 12d, by changing from an M2-1 District to a M1-5 District, Borough of Brooklyn, Community District 2 (ULURP No. C 190011 ZMK) (the “Application”);

WHEREAS the City Planning Commission filed with the Council on March 6, 2020, its decision dated March 4, 2020 (the “Decision”) on the Application;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on March 11, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 28, 2019 (CEQR No. 19DCP009K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190011 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 12d, by changing from an M2-1 District to a M1-5 District property bounded by a line 200 feet southeasterly of Elizabeth Place, Old Fulton Street, Brooklyn Queens Connecting Highway, Hicks Street, Poplar Street, McKenny Street, and Doughty Street, Borough of Brooklyn, Community District 2, as shown on a diagram (for illustrative purposes only) dated October 28, 2019, and subject to the conditions of CEQR Declaration E-519.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA

AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

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 L.U. No. 666

Report of the Committee on Land Use in favor of approving Application No. C 200106 HAK (Weeksville NCP at Prospect Place) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State and 197 c of the New York City Charter for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and the disposition of such property to a developer to be selected by HPD, for property located at 1559-1563 Prospect Place (Block 1363, Lots 90, 91 and 92), Borough of Brooklyn, Community District 8, Council District 41.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1753) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 8

C 200106 HAK

City Planning Commission decision approving an application submitted by the New York City Department of Housing Preservation and Development (“HPD”):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a) the designation of property located at 1559-1563 Prospect Place (Block 1363, Lots 90, 91 and 92) as an Urban Development Action Area; and
 - b) Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate an affordable housing development containing approximately 44 units, Borough of Brooklyn, Community District 8.

INTENT

To approve an urban development action area designation, project approval, and disposition of city-owned property to facilitate the development of one eight-story residential building, containing approximately 44 rental dwelling units and one unit for a superintendent in the Weeksville neighborhood of Brooklyn, Community District 8.

PUBLIC HEARING**DATE:** September 10, 2020**Witnesses in Favor:** Five**Witnesses Against:** Two**SUBCOMMITTEE RECOMMENDATION****DATE:** September 22, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission and the HPD request.

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 29, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1447

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 200106 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 1559-1563 Prospect Place (Block 1363, Lots 90, 91, and 92), Borough of Brooklyn, Community District 8, to a developer selected by HPD (L.U. No. 666; C 200106 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020 its decision dated August 19, 2020 (the “Decision”), on the application submitted by the New York City Department of Housing

Preservation and Development (“HPD”) regarding city-owned property located at 1559-1563 Prospect Place (Block 1363, Lots 90, 91, and 92), (the “Disposition Area”), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the “Project”); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by HPD;

to facilitate the development of a new eight-story building containing approximately 44 units of affordable housing, 16 of which would be Affordable Independent Residences for Seniors (AIRS) units located at 1559-1563 Prospect Place (Block 1363, Lots 90, 91, 92) in the Weeksville neighborhood of Brooklyn, Community District 8 (ULURP No. C 200106 HAK) (the “Application”);

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated August 14, 2020 and submitted to the Council on August 17, 2020, HPD submitted its requests (the “HPD Requests”) respecting the Application including the submission of the project summary for the Project (the “Project Summary”);

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on September 10, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on October 10th, 2019 (CEQR No. 19HPD119K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 200106 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination, and the consideration described in the report (C 200106 HAK) and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary, a copy of which is attached hereto.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | | | |
|---------------------------------------|--|-------------|---------------------|
| 1. PROGRAM: | NEIGHBORHOOD CONSTRUCTION PROGRAM | | |
| 2. PROJECT: | 1559-1563 Prospect Place, Weeksville NCP | | |
| 3. LOCATION: | | | |
| a. BOROUGH: | Brooklyn | | |
| b. COMMUNITY DISTRICT: | 8 | | |
| c. COUNCIL DISTRICT: | 41 | | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOTS</u> | <u>ADDRESSES</u> |
| | 1363 | 90 | 1563 Prospect Place |
| | 1363 | 91 | 1561 Prospect |
| | 1363 | 92 | 1559 Prospect |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The | | |

- remaining balance, if any, may be forgiven at the end of the term.
5. **TYPE OF PROJECT:** New Construction
 6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
 7. **APPROXIMATE NUMBER OF UNITS:** 44 dwelling units, plus one superintendent unit
 8. **HOUSING TYPE:** Rental
 9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families with incomes between 30% and 80% of area median income (AMI). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent. All units will be subject to rent stabilization.
 10. **INCOME TARGETS** Up to 80% of AMI.
 11. **PROPOSED FACILITIES:** None
 12. **PROPOSED CODES/ORDINANCES:** None
 13. **ENVIRONMENTAL STATUS:** Negative Declaration
 14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 667

Report of the Committee on Land Use in favor of approving Application No. 20205415 HAK (Old Stanley - 641 Chauncey) submitted by the Department of Housing Preservation and Development pursuant to Article XI of the Private Housing Finance Law requesting an exemption from real property taxes for property located at 641 Chauncey Street (Block 3444, Lot 18), Borough of Brooklyn, Community District 4, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1753) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT**BROOKLYN CB - 4 - TWO APPLICATIONS RELATED TO OLD STANLEY – 641 CHAUNCEY****20205415 HAK (L.U. No. 667)**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Section 577 of Article XI of the Private Housing Finance Law for approval of a real property tax exemption, for property located at 641 Chauncey Street (Block 3444, Lot 18), Borough of Brooklyn, Council District 37, Community District 4.

C 200188 HAK (L.U. No. 668)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD):

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 641 Chauncey Street (Block 3444, Lot 18) as an Urban Development Action Area; and
 - b. as an Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate the development of a four-story building containing approximately eight affordable using units.

INTENT

To approve the urban development action area designation, project approval, and disposition of city-owned property pursuant to Article 16 of the General Municipal Law and approve a real property tax exemption pursuant to Section 577 of Article XI of the Private Housing Finance Law for property located at 641 Chauncey Street (Block 3444, Lot 18) to facilitate the new construction of one residential building containing approximately eight affordable homeownership units in the Bushwick neighborhood of Brooklyn, Community District 4.

PUBLIC HEARING

DATE: September 10, 2020

Witnesses in Favor: Four

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: September 22, 2020

The Subcommittee recommends that the Land Use Committee approve the decision of the City Planning Commission and the HPD request.

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: September 29, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1448

Resolution approving a tax exemption pursuant to Article XI of the Private Housing Finance Law (L.U. No. 667; Non-ULURP No. 20205415 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council on August 17, 2020 its request dated August 14, 2020 that the Council approve a real property tax exemption pursuant to Section 577 of the Private Housing Finance Law (the “Tax Exemption Request”) for property located at 641 Chauncey Street (Block 3444, Lot 18) Community District No. 4, Borough of Brooklyn, Council District No. 37 (the “Exemption Area”);

WHEREAS, the Tax Exemption Request is related to application C 200188 HAK (L.U. No. 668), for an urban development action area designation, project approval, and disposition of city-owned property;

WHEREAS, upon due notice, the Council held a public hearing on the Tax Exemption Request on September 10, 2020; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Tax Exemption Request.

RESOLVED:

Pursuant to Section 577 of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. For the purposes hereof, the following terms shall have the following meanings:
- (1) “Effective Date” shall mean the later of (i) the date of conveyance of the Exemption Area to the HDFC, or (ii) the date that HPD and the Owner enter into the Regulatory Agreement.
 - (2) “Exemption” shall mean the exemption from real property taxation provided hereunder.
 - (3) “Exemption Area” shall mean the real property located in the Borough of Brooklyn, City and State of New York, identified as Block 3444, Lot 18 on the Tax Map of the City of New York.
 - (4) “Expiration Date” shall mean the earlier to occur of (i) a date which is 40 years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
 - (5) “HDFC” shall mean South Bushwick Neighborhood Homes Housing Development Fund Company, Inc. or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
 - (6) “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
 - (7) “Owner” shall mean the HDFC.
 - (8) “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area during the term of the Exemption.
- b. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
- c. Notwithstanding any provision hereof to the contrary:
- (1) The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
 - (2) The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that has a permanent certificate of occupancy or a temporary certificate of occupancy for all of the residential areas on or before five years from the Effective Date.

- (3) Nothing herein shall entitle the HDFC, the Owner, or any other person or entity to a refund of any real property taxes which accrued and were paid with respect to the Exemption Area prior to the Effective Date.
- d. In consideration of the Exemption, the owner of the Exemption Area, for so long as the Exemption shall remain in effect, shall waive the benefits of any additional or concurrent exemption from or abatement of real property taxation which may be authorized under any existing or future local, state, or federal law, rule, or regulation. Notwithstanding the foregoing, nothing herein shall prohibit the granting of any real property tax abatement pursuant to Sections 467-b or 467-c of the Real Property Tax Law to real property occupied by senior citizens or persons with disabilities.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29, 2020 (Remote Hearing).

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 L.U. No. 668

Report of the Committee on Land Use in favor of approving Application No. C 200188 HAK (Old Stanley - 641 Chauncey) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law of New York State and Section 197-c of the New York City Charter, for the designation of an Urban Development Action Area and an Urban Development Action Area Project for such area, and for the disposition of such property, to a developer to be selected by HPD, for property located at 641 Chauncey Street (Block 3444, Lot 18), Borough of Brooklyn, Community District 4, Council District 37.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1754) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 667 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1449

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 200188 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of city-owned property located at 641 Chauncey Street (Block 3444, Lot 18), Borough of Brooklyn, Community District 4, to a developer selected by HPD (L.U. No. 668; C 200188 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020 its decision dated August 19, 2020 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") pursuant to:

1. Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 641 Chauncey Street (Block 3444, Lot 18) as an Urban Development Action Area (the "Project Area"); and
 - b. approval of an Urban Development Action Area Project for the such area (the "Project"); and
2. Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

which in conjunction with the related action would facilitate the development of a new four-story building containing approximately eight units of affordable housing at 641 Chauncey Street in the Bushwick neighborhood of Brooklyn, Community District 4, (ULURP No. C 200188 HAK) (the "Application");

WHEREAS, the Application is related to application 20205415 HAK (L.U. No. 667), a real property tax exemption pursuant Section 577 of Article XI of the Private Housing Finance Law;

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

WHEREAS, the Application and Decision are subject to review and action by the Council pursuant to Article 16 of the General Municipal Law of New York State and Section 197-d of the City Charter;

WHEREAS, by letter dated August 14, 2020 and submitted to the Council on August 17, 2020, HPD submitted its requests (the "HPD Requests") respecting the Application, including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on September 10, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued on October 18, 2019 (CEQR No. 16HPD099K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Article 16 of the General Municipal Law of the New York State and Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 200188 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- | | | |
|--|--|------------|
| 1. PROGRAM: | OPEN DOOR PROGRAM | |
| 2. PROJECT: | Old Stanley I | |
| 3. LOCATION: | | |
| a. BOROUGH: | Brooklyn | |
| b. COMMUNITY DISTRICT: | 4 | |
| c. COUNCIL DISTRICT: | 37 | |
| d. DISPOSITION AREA: | <u>BLOCK</u> | <u>LOT</u> |
| | 3444 | 18 |
| 4. BASIS OF DISPOSITION PRICE: | Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). | |
| 5. TYPE OF PROJECT: | New Construction | |
| 6. APPROXIMATE NUMBER OF BUILDINGS: | 1 | |
| 7. APPROXIMATE NUMBER OF UNITS: | 8 | |
| 8. HOUSING TYPE: | Cooperative Units. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD. | |

- 9. ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (“AMI”).
- 10. LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon conversion to a cooperative, the cooperative corporation will repay the Land Debt and City Subsidy, if any, attributable to the property by delivering a note and mortgage and/or conditional grant agreement to the City. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.
- 11. INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. PROPOSED FACILITIES:** None
- 13. PROPOSED CODES/ORDINANCES:** None
- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 669

Report of the Committee on Land Use in favor of approving Application No. 20205416 HAK (Old Stanley II) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law requesting the approval of an Urban Development Action Area Project, waiver of the designation requirements of

Sections 197-c and 197-d of the Charter, and an exemption from real property taxes for property located at 676 Central Avenue (Block 3440, Lot 35) and 1277 DeKalb Avenue (Block 3232, Lot 63), Borough of Brooklyn, Community District 4, Council Districts 34 & 37.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1754) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB - 4

20205416 HAK

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption pursuant to Section 577 of Article XI the Private Housing Finance Law and Section 696 of the General Municipal Law for property located at 676 Central Avenue (Block 3440, Lot 35) and 1277 DeKalb Avenue (Block 3232, Lot 63), Council Districts 34 and 37.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law and Section 696 of the General Municipal Law for the project consisting new construction of approximately two (2) two-family homes containing a total of approximately four (4) dwelling units.

PUBLIC HEARING

DATE: September 10, 2020

Witnesses in Favor: Four

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: September 22, 2020

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 29, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1450

Resolution approving an Urban Development Action Area Project and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure pursuant to Article 16 of the General Municipal Law, and real property tax exemptions pursuant to the General Municipal Law and Article XI of the Private Housing Finance Law, for property located at 676 Central Avenue (Block 3440, Lot 35) and 1277 DeKalb Avenue (Block 3232, Lot 63), Borough of Brooklyn;, Community District 4, Borough of Brooklyn (L.U. No. 669; 20205416 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 17, 2020 its request dated August 17, 2020 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 676 Central Avenue (Block 3440, Lot 35) and 1277 DeKalb Avenue (Block 3232, Lot 63), Community District 4, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on September 10, 2020;
and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project.

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on August 17, 2020, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Disposition Area to a housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Disposition Area to an owner which is not a housing development fund company ("Article XI Expiration Date").
- b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Disposition Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.
- c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, or (ii) the Disposition Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
- d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Disposition Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Disposition

Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Disposition Area.

The Council approves the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of 20 years commencing on the date of reconveyance of the Disposition Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.
- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Disposition Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 90 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed 25 years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Disposition Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Disposition Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Disposition Area.

ATTACHMENT:

PROJECT SUMMARY

- | | |
|-------------------------------|-------------------|
| 1. PROGRAM: | OPEN DOOR PROGRAM |
| 2. PROJECT: | Old Stanley II |
| 3. LOCATION: | |
| a. BOROUGH: | Brooklyn |
| b. COMMUNITY DISTRICT: | 4 |

- c. **COUNCIL DISTRICTS:** 34 & 37
- d. **DISPOSITION AREA:**

<u>BLOCKS</u>	<u>LOTS</u>
3440	35
3232	63
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).
- 5. **TYPE OF PROJECT:** New Construction
- 6. **APPROXIMATE NUMBER OF BUILDINGS:** Two 2-Family Homes
- 7. **APPROXIMATE NUMBER OF UNITS:** 4
- 8. **HOUSING TYPE:** 2-Family Homes. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.
- 9. **ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (“AMI”).
- 10. **LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon the sale of each homeownership unit to an initial purchaser, the Land Debt and City Subsidy, if any, will be apportioned pro rata to each unit. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.
- 11. **INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.
- 12. **PROPOSED FACILITIES:** None
- 13. **PROPOSED CODES/ORDINANCES:** None

- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 670

Report of the Committee on Land Use in favor of approving Application No. 20205417 HAK (Open Door Bed Stuy Central & North I) submitted by the Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law requesting the approval of an Urban Development Action Area Project, waiver of the designation and approval requirements Sections 197-c and 197-d of the Charter, and an exemption from real property taxes for property located at 358 Malcolm X Boulevard (Block 1686, Lot 48), 1662 Bergen Street (Block 1356, Lot 6), 821 Willoughby Avenue (Block 1589, Lot 58), 697A Jefferson Avenue (Block 1651, Lot 52), 687A Hancock Street (Block 1657, Lot 59), 278 Bainbridge Street (Block 1687, Lot 47), 191 Chauncey Street (Block 1687, Lot 73), 191R Chauncey Street (Block 1687, Lot 173), 179 Chauncey Street (Block 1687, Lot 80), 13 Hunterfly Place (Block 1708, Lot 67), 50 Buffalo Avenue (Block 1710, Lot 49), 54 Buffalo Avenue (Block 1710, Lot 51), and 1835 Atlantic Avenue (Block 1710, Lot 52), Borough of Brooklyn, Community Districts 3 and 8, Council District 36.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1754) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CBs - 3 and 8

20205417 HAK

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law for approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements of Sections 197-c and 197-d of the New York City Charter, and approval of a real property tax exemption pursuant to Section 577 of Article XI the Private Housing Finance Law and Section 696 of the General Municipal Law for property located at 358 Malcolm X Boulevard (Block 1686, Lot 48), 1662 Bergen Street (Block 1356, Lot 6), 821 Willoughby Avenue (Block 1589, Lot 58), 697A Jefferson Avenue (Block 1651, Lot 52), 687A Hancock Street (Block 1657, Lot 59), 278 Bainbridge Street (Block 1687, Lot 47), 191 Chauncey Street (Block 1687, Lot 73), 191R Chauncey Street (Block 1687, Lot 173), 179 Chauncey Street (Block 1687, Lot 80), 13 Hunterfly Place (Block 1708, Lot 67), 50 Buffalo Avenue (Block 1710, Lot 49), 54 Buffalo Avenue (Block 1710, Lot 51), and 1835 Atlantic Avenue (Block 1710, Lot 52) Council District 36.

INTENT

To approve the Project as an Urban Development Action Area Project and a real property tax exemption pursuant to the General Municipal Law and Article XI of the Private Housing Finance Law for the project consisting new construction of approximately two (2) two-family and nine (9) three-family homes containing a total of approximately thirty-one (31) dwelling units in the Borough of Brooklyn, Community Districts 3 and 8.

PUBLIC HEARING

DATE: September 10, 2020

Witnesses in Favor: Four

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION

DATE: September 22, 2020

The Subcommittee recommends that the Land Use Committee approve the requests made by the New York City Department of Housing Preservation and Development.

In Favor:

Adams, Koo, Miller, Treyger.

Against:

Barron

Abstain:

None

COMMITTEE ACTION

DATE: September 29, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

Barron

Abstain:

None

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

Res, No. 1451

Resolution approving an Urban Development Action Area Project pursuant to Article 16 of the General Municipal Law and a real property tax exemption pursuant to Article XI of the Private Housing Finance Law for property located at 358 Malcolm X Boulevard (Block 1686, Lot 48), 1662 Bergen Street (Block 1356, Lot 6), 821 Willoughby Avenue (Block 1589, Lot 58), 697A Jefferson Avenue (Block 1651, Lot 52), 687A Hancock Street (Block 1657, Lot 59), 278 Bainbridge Street (Block 1687, Lot 47), 191 Chauncey Street (Block 1687, Lot 73), 191R Chauncey Street (Block 1687, Lot 173), 179

Chauncey Street (Block 1687, Lot 80), 13 Hunterfly Place (Block 1708, Lot 67), 50 Buffalo Avenue (Block 1710, Lot 49), 54 Buffalo Avenue (Block 1710, Lot 51), and 1835 Atlantic Avenue (Block 1710, Lot 52), Borough of Brooklyn; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 3 and 8, Borough of Brooklyn (L.U. No. 670; 20205417 HAK).

By Council Members Salamanca and Adams.

WHEREAS, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on August 17, 2020 its request dated August 14, 2020 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 358 Malcolm X Boulevard (Block 1686, Lot 48), 1662 Bergen Street (Block 1356, Lot 6), 821 Willoughby Avenue (Block 1589, Lot 58), 697A Jefferson Avenue (Block 1651, Lot 52), 687A Hancock Street (Block 1657, Lot 59), 278 Bainbridge Street (Block 1687, Lot 47), 191 Chauncey Street (Block 1687, Lot 73), 191R Chauncey Street (Block 1687, Lot 173), 179 Chauncey Street (Block 1687, Lot 80), 13 Hunterfly Place (Block 1708, Lot 67), 50 Buffalo Avenue (Block 1710, Lot 49), 54 Buffalo Avenue (Block 1710, Lot 51), and 1835 Atlantic Avenue (Block 1710, Lot 52), Community Districts 3 and 8, Borough of Brooklyn (the "Disposition Area"):

1. Find that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the municipality and that the proposed Urban Development Action Area Project is consistent with the policy and purposes of Section 691 of the General Municipal Law;
2. Waive the area designation requirement of Section 693 of the General Municipal Law pursuant to Section 693 of the General Municipal Law;
3. Waive the requirements of Sections 197-c and 197-d of the Charter pursuant to Section 694 of the General Municipal Law;
4. Approve the project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law; and
5. Approve an exemption of the Exemption Area from real property taxes pursuant to Section 577 of Article XI of the Private Housing Finance Law.

WHEREAS, the Project is to be developed on land that is an eligible area as defined in Section 692 of the General Municipal Law, consists solely of the rehabilitation or conservation of existing private or multiple dwellings or the construction of one to four unit dwellings, and does not require any change in land use permitted under the New York City Zoning Resolution;

WHEREAS, upon due notice, the Council held a public hearing on the Project on September 10, 2020; and

WHEREAS, the Council has considered the land use and financial implications and other policy issues relating to the Project.

RESOLVED:

The Council finds that the present status of the Disposition Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an Urban Development Action Area Project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council waives the area designation requirement pursuant to Section 693 of the General Municipal Law.

The Council waives the requirements of Sections 197-c and 197-d of the New York City Charter pursuant to Section 694 of the General Municipal Law.

The Council approves the Project as an Urban Development Action Area Project pursuant to Section 694 of the General Municipal Law.

The Project shall be developed in a manner consistent with the Project Summary that HPD has submitted to the Council on August 17, 2020, a copy of which is attached hereto.

Pursuant to Section 577 of Article XI of the Private Housing Finance Law, the Council approves an exemption of the Exemption Area from real property taxes as follows:

- a. All of the value of the property in the Disposition Area, including both the land and any improvements, shall be exempt from real property taxes, other than assessments for local improvements, for a period commencing upon the date of conveyance of the Disposition Area to a housing development fund company ("Article XI Commencement Date") and terminating upon the earlier to occur of (i) the fifth anniversary of the Article XI Commencement Date, or (ii) the date of reconveyance of the Disposition Area to an owner which is not a housing development fund company ("Article XI Expiration Date").
- b. In consideration of the tax exemption pursuant to Section 577 of the Private Housing Finance Law provided hereunder ("Article XI Exemption"), the owner of the Disposition Area shall waive the benefits, if any, of additional or concurrent real property tax abatement and/or tax exemption which may be authorized under any existing or future local, state, or federal law, rule, or regulation ("Alternative Tax Benefit"), for so long as the Article XI Exemption shall remain in effect.
- c. The Article XI Exemption shall terminate if HPD determines at any time that (i) the Disposition Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, or (ii) the Disposition Area is not being operated in accordance with the requirements of any agreement with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination to the property owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 60 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Article XI Exemption shall prospectively terminate.
- d. The provisions of the Article XI Exemption shall apply separately to each individual property comprising the Disposition Area, and a sale or other event which would cause the expiration, termination, or revocation of the Article XI Exemption with respect to one property in the Disposition Area shall not affect the continued validity of the Article XI Exemption with respect to other properties in the Disposition Area.

Approve the exemption of the project from real property taxes pursuant to Section 696 of the General Municipal Law as follows:

- a. All of the value of the buildings, structures, and other improvements situated on the Disposition Area shall be exempt from local and municipal taxes, other than assessments for local improvements and land value, for a period of 20 years commencing on the date of reconveyance of the Disposition Area to an owner which is not a housing development fund company ("UDAAP Commencement Date"); provided, however, that such exemption shall decrease in ten equal annual decrements commencing upon the July 1st immediately preceding the tenth anniversary of the UDAAP Commencement Date.

- b. In consideration of the tax exemption pursuant to Section 696 of the General Municipal Law provided hereunder ("UDAAP Exemption"), the owner of the Disposition Area shall waive the benefits, if any, of any Alternative Tax Benefit for so long as the UDAAP Exemption shall remain in effect.
- c. The UDAAP Exemption shall terminate with respect to all or any portion of the Disposition Area if the Department of Housing Preservation and Development ("HPD") determines that such real property has not been, or is not being, developed, used, and/or operated in compliance with the requirements of all applicable agreements made by the transferee or any subsequent owner of such real property with, or for the benefit of, the City of New York. HPD shall deliver written notice of any such determination of noncompliance to the owner of such real property and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than 90 days. If the noncompliance specified in such notice is not cured within the time period specified therein, the UDAAP Exemption shall prospectively terminate with respect to the real property specified therein.
- d. Notwithstanding any other provision to the contrary, the combined duration of the Article XI Exemption and the UDAAP Exemption shall not exceed 25 years.
- e. The provisions of the UDAAP Exemption shall apply separately to each individual property comprising the Disposition Area, and a sale or other event which would cause the expiration, termination, or revocation of the UDAAP Exemption with respect to one property in the Disposition Area shall not affect the continued validity of the UDAAP Exemption with respect to other properties in the Disposition Area.

ATTACHMENT:

PROJECT SUMMARY

1. PROGRAM:	OPEN DOOR PROGRAM	
2. PROJECT:	Bed Stuy Central & North I	
3. LOCATION:		
a. BOROUGH:	Brooklyn	
b. COMMUNITY DISTRICTS:	3 & 8	
c. COUNCIL DISTRICT:	36	
d. DISPOSITION AREA:	<u>BLOCKS</u>	<u>LOTS</u>
	1686	48
	1356	6
	1589	58
	1651	52
	1657	59
	1687	47
	1687	73

1687	173
1687	80
1708	67
1710	49
1710	51
1710	52

- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per tax lot and deliver a note and mortgage for the remainder of the appraised value (“Land Debt”).

- 5. **TYPE OF PROJECT:** New Construction

- 6. **APPROXIMATE NUMBER OF BUILDINGS:** Two 2-Family Homes and Nine 3-Family Homes

- 7. **APPROXIMATE NUMBER OF UNITS:** 31

- 8. **HOUSING TYPE:** 2-Family Homes and 3-Family Homes. If homes remain unsold at the end of the Marketing Period and HPD determines in writing that (i) sale is not feasible within a reasonable time, and (ii) a rental fallback is the best available alternative, then the unsold homes may be rented in accordance with the written instructions of HPD.

- 9. **ESTIMATE OF INITIAL PRICE:** Sales prices will be affordable to families with annual household incomes between 80% and 130% of the area median income (AMI).

- 10. **LIENS FOR LAND DEBT/CITY SUBSIDY:** Each of the Land Debt and the amount of any construction financing provided through loans from the City ("City Subsidy") will be secured by a mortgage on the Disposition Area. Upon the sale of each homeownership unit to an initial purchaser, the Land Debt and City Subsidy, if any, will be apportioned pro rata to each unit. At such time, HPD may unsecure or forgive all or a portion of the Land Debt, and unsecure, but not forgive, all or a portion of the City Subsidy, based on the appraised value of a homeownership unit and/or, in the case of forgiveness of Land Debt, if HPD determines that the forgiveness is necessary to reduce the taxable consideration for a unit. The sum evidenced by the note and secured by the mortgage will be reduced to zero upon maturity of the Land Debt and City Subsidy, respectively, if the owner has complied with the program’s restrictions.

- 11. **INCOME TARGETS:** Families with annual household incomes between 80% and 130% of AMI.

- 12. **PROPOSED FACILITIES:** None

- 13. **PROPOSED CODES/ORDINANCES:** None

- 14. ENVIRONMENTAL STATUS:** Negative Declaration
- 15. PROPOSED TIME SCHEDULE:** Approximately 18 months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 671

Report of the Committee on Land Use in favor of approving Application No. 20215002 HIM (N 210020 HIM) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the Charter of the City of New York and Section 25-303 of the Administrative Code of the City of New York, proposing the rescission of the landmark designation of Beth Hamedrash Hagadol Synagogue (originally the Norfolk Street Baptist Church) [DL-518/LP-0637A] and the Landmark Site of 60-64 Norfolk Street (Block 346, Lot 37), Borough of Manhattan, Community District 3, Council District 1.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1755) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BETH HAMEDRASH HAGADOL SYNAGOGUE LANDMARK RESCISSION

MANHATTAN CB - 3

20215002 HIM (N 210020 HIM)

The Landmarks Preservation Commission's proposed Rescission of the Landmark Designation of Beth Hamedrash Hagadol Synagogue (originally the Norfolk Street Baptist Church) located at 60-64 Norfolk Street (Tax Map Block 346, Lot 37) (DL-518/LP-0637A, submitted pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York.

PUBLIC HEARING

DATE: September 10, 2020

Witnesses in Favor: Two

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION**DATE:** September 22, 2020

The Subcommittee recommends that the Land Use Committee approve the Rescission of the Landmark Designation.

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 29, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1452

Resolution approving the rescission of the Landmark Site and Designation for Beth Hamedrash Hagadol Synagogue (originally Norfolk Street Baptist Church) located at 60-64 Norfolk Street (Tax Map Block 346, Lot 37), Borough of Manhattan, Designation List No. 518, LP-0637A (L.U. No. 671; 20215002 HIM; N 210020 HIM).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 10, 2020 a copy of its rescission of the landmark designation report dated June 30, 2020 (the "Rescission"), rescission of landmark site and designation for Beth Hamedrash Hagadol Synagogue (originally Norfolk Street Baptist Church) located at 60-64 Norfolk Street, Community District 3, Borough of Manhattan, as a landmark and Tax Map Block 346, Lot 37, pursuant to Section 3020 of the New York City Charter;

WHEREAS, the Rescission of the landmark designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on August 24, 2020, its report on the Rescission of the Landmark Designation dated August 19, 2020 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Rescission of the Landmark Designation on September 10, 2020; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Rescission.

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Rescission of the Landmark Designation and the Report, the Council approves the Rescission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 672

Report of the Committee on Land Use in favor of approving Application No. 20215004 HIM (N 210019 HIM) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the Charter of the City of New York and Section 25 303 of the Administrative Code of the City of New York, amending the landmark designation of the Alexander Hamilton House, aka Hamilton Grange [DL 518/LP-0317A] to make its Landmark Site 414 West 141Street (Block 1957 Lot 140), Borough of Manhattan, Community District 10, Council District 9.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1755) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

MANHATTAN CB - 10

20215004 HIM (N 210019 HIM)

The Landmarks Preservation Commission's proposed Amendment of the Landmark Designation of Alexander Hamilton House, (aka Hamilton Grange) located at 414 West 141st Street (Tax Map Block 1957, p/o Lot 140) (DL-518/LP-0317A) pursuant to Section 3020 of the New York City Charter.

PUBLIC HEARING

DATE: September 10, 2020

Witnesses in Favor: Two

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION**DATE:** September 22, 2020

The Subcommittee recommends that the Land Use Committee approve an Amendment of the Landmark Designation.

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 29, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1453

Resolution approving an amendment of the Landmark Site and Designation for Alexander Hamilton House (aka Hamilton Grange) located at 414 West 141st Street (Tax Map Block 1957, p/o Lot 140), Borough of Manhattan, Designation List No. 518, LP-0317A (L.U. No. 672; 20215004 HIM; N 210019 HIM).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 10, 2020 a copy of its amendment of the landmark designation report dated June 30, 2020 (the "Amendment"), amendment of landmark site and designation for Alexander Hamilton House (aka Hamilton Grange) located at 414 West 141st Street, Community District 10, Borough of Manhattan, as a landmark and Tax Map Block 1957, p/o Lot 140, pursuant to Section 3020 of the New York City Charter.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on September 4, 2020, its report on the Designation dated September 2, 2020 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 10, 2020; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation.

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 673

Report of the Committee on Land Use in favor of approving Application No. 20215003 HIQ (N 210018 HIQ) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the Charter of the City of New York and Section 25 303 of the Administrative Code of the City of New York, amending the landmark designation of the Kingsland Homestead [DL 518/LP-0005A] to make its Landmark Site 143-35 37th Avenue (Block 5012, Lot 60), Borough of Queens, Community District 7, Council District 20.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1755) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

QUEENS CB - 7

20215003 HIQ (N 210018 HIQ)

The Landmarks Preservation Commission's proposed Amendment of the Landmark Designation of Kingsland Homestead located at 143-35 37th Avenue (Tax Map Block 5012, p/o Lot 60) (DL-518/LP-0005A) pursuant to Section 3020 of the New York City Charter.

PUBLIC HEARING

DATE: September 10, 2020

Witnesses in Favor: Two

Witnesses Against: Two

SUBCOMMITTEE RECOMMENDATION**DATE:** September 22, 2020

The Subcommittee recommends that the Land Use Committee approve an Amendment of the Landmark Designation.

In Favor:

Adams, Koo, Barron, Miller, Treyger.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** September 29, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Gibson, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None

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

Res. No. 1454

Resolution approving an amendment of the Landmark Site and Designation for Kingsland Homestead located at 143-35 37th Avenue (Tax Map Block 5012, p/o Lot 60), Borough of Queens, Designation List No. 518, LP-0005A (L.U. No. 673; 20215003 HIQ; N 210018 HIQ).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 10, 2020 a copy of its amendment of the landmark designation report dated June 30, 2020 (the "Amendment"), amendment of landmark site and designation for Kingsland Homestead located at 143-35 37th Avenue, Community District 7, Borough of Queens, as a landmark and Tax Map Block 5012, p/o Lot 60, pursuant to Section 3020 of the New York City Charter.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York;

WHEREAS, the City Planning Commission submitted to the Council on September 4, 2020, its report on the Designation dated September 2, 2020 (the "Report");

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 10, 2020; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation.

RESOLVED:

Pursuant to Section 3020 of the City Charter and Section 25-303 of the Administrative Code of the City of New York, and on the basis of the information and materials contained in the Designation and the Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 674

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 190296 ZMK (Industry City) submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P. pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16b, changing from an M3-1 District to an M2-4 District and establishing a Special Industry City District, Borough of Brooklyn, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1755) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-7 – FOUR APPLICATIONS RELATED TO INDUSTRY CITY

C 190296 ZMK (L.U. No. 674)

City Planning Commission decision approving an application submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16b:

1. changing from an M3-1 District to an M2-4 District property bounded by:
 - a. 32nd Street and its northwesterly centerline prolongation, 3rd Avenue, 36th Street, a line 100 feet northwesterly of 3rd Avenue, 37th Street, and 2nd Avenue; and
 - b. 39th Street, 2nd Avenue, 41st Street and its northwesterly centerline prolongation, a line 245 feet northwesterly of 1st Avenue, the northwesterly centerline prolongation of former 40th Street, and a line 560 feet northwesterly of 1st Avenue; and

2. establishing a Special Industry City District (IC) bounded by:
 - a. 32nd Street and its northwesterly centerline prolongation, 3rd Avenue, a line 45 feet northeasterly of 37th Street, a line 100 feet northwesterly of 3rd Avenue, 37th Street, and 2nd Avenue; and
 - b. 39th Street, 2nd Avenue, 41st Street and its northwesterly centerline prolongation, a line 245 feet northwesterly of 1st Avenue, the northwesterly centerline prolongation of former 40th Street, and a line 560 feet northwesterly of 1st Avenue;

as shown on a diagram (for illustrative purposes only) dated October 28, 2019, and subject to the conditions of CEQR Declaration E-527.

C 190297 ZSK (L.U. No. 675)

City Planning Commission decision approving an application submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 129-21 of the Zoning Resolution to modify:

1. the use regulations of Section 42-10 (Uses Permitted As-Of-Right); and
2. the bulk regulations of Section 43-12 (Maximum Floor Area Ratio), Section 43-20 (Yard Regulations), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks);

in connection with a proposed commercial use development involving one or more zoning lots, planned as a unit and comprise an area of at least 1.5 acres, on properties generally bounded by 2nd Avenue, the northwesterly centerline prolongation of 32nd Street, 3rd Avenue, and 37th Street (Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lots 1 & 44; Block 695, Lots 1, 20, 37, 38, 39, 40, 41, 42 & 43), and 39th Street, 2nd Avenue, 41st Street and its northwesterly centerline prolongation, a line 245 feet northwesterly of 1st Avenue, the northwesterly centerline of former 40th Street, and a line 560 feet northwesterly of 1st Avenue (Block 706, Lots 1, 20, 24 & 101; Block 710, Lot 1), in M1-2 and M2-4 Districts, within the Special Industry City District.

N 190298 ZRK (L.U. No. 676)

City Planning Commission decision approving an application submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Industry City District (ARTICLE XII, Chapter 9) and modifying related sections.

C 160146 MMK (L.U. No. 677)

City Planning Commission decision approving an application submitted by 19-20 Bush Terminal Owner LP, pursuant to Sections 197-c and 199 of the New York City Charter and Section 5-430 et seq. of the New York City Administrative Code for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 40th Street between First and Second Avenues;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in Community District 7, Borough of Brooklyn, accordance with Map Nos. X-2750 and V-2751 dated November 26, 2018 and signed by the Borough President.

INTENT

To approve an amendment to map the Special Industry City District (“SICD”) and rezone the vast majority of the project area from M3-1 to M2-4/IC and a small portion (Block 695, Lots 37-43) of the project area from M1-2 to M1-2/IC; grant an approval of the special permit pursuant to ZR Section 129-21 to modify Sections 11-42 and 11-43 Lapse/Renewal of Authorization or Special Permit, Section 42-10 Uses Permitted As-of-Right, Sections 42-272 & 42-275 Performance Standards, Section 43-10 Floor Area Regulations, Section 43-20 Yard Regulations, and Section 43-40 Height and Setback Regulations; amend zoning text to establish the Special Industry City District (“SICD”) and Special Permit and also modify the following sections of the ZR Section 11-122 (Districts Established), Section 12-10 (Definitions), Section 14-44 (Special Zoning Districts Where Certain Sidewalk Cafes are Permitted) and Section 62-13 (Applicability of District Regulation (within Special Regulations Applying in the Waterfront Area); and amend to the City Map change to eliminate, discontinue, close 40th Street between First and Second Avenues, and including acquisition and disposition to facilitate continued development of the Industry City complex as a mixed-use manufacturing, commercial, and academic “innovation economy” cluster in Sunset Park neighborhood of Brooklyn, Community District 7.

PUBLIC HEARING

DATE: September 15, 2020

Witnesses in Favor: Thirty-six

Witnesses Against: Seventy-two

Undecided: One

SUBCOMMITTEE RECOMMENDATION

DATE: October 14, 2020

The Subcommittee recommends that the Land Use Committee approve the motion to file pursuant to withdrawal of the applications by the Applicant on L.U. Nos. 674 through 677.

In Favor:

Moya, Levin, Richards, Lancman, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 14, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 1455

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on ULURP No. C 190296 ZMK, a Zoning Map amendment (L.U. No. 674).

By Council Members Salamanca and Moya.

WHEREAS, 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16b, changing from an M3-1 District to an M2-4 District and establishing a Special Industry City District (IC), which in conjunction with the related actions would facilitate the proposed Industry City mixed-use development containing approximately 6.6 million square feet of industrial, commercial, and community facility uses in the Sunset Park neighborhood of Brooklyn, Community District 7 (ULURP No. C 190296 ZMK) (the “Application”);

WHEREAS the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 190297 ZSK (L.U. No. 675), a special permit to modify use, bulk, and other requirements within the IC; N 190298 ZRK (L.U. No. 676), a zoning text amendment to establish the Special Industry City District (IC) and create a new special permit to modify use, bulk, and other requirements within the newly-created IC; and C 160146 MMK (L.U. No. 677), a city map amendment for the elimination, discontinuance, and closing of 40th Street between 1st and 2nd avenues;

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

WHEREAS, by submission dated October 13, 2020 and submitted to the Council on October 13, 2020, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020.

Coupled to be Filed Pursuant to a Letter of Withdrawal.

Report for L.U. No. 675

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 190297 ZSK (Industry City) submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P. pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 129-21 of the Zoning Resolution, created under concurrent related application N 190298 ZRK, to modify the use regulations of Section 42-10 (Uses Permitted As-Of-Right) and the bulk regulations of Section 43-12 (Maximum Floor Area Ratio), Section 43-20 (Yard Regulations), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks), on properties including: Block 679, Lot 1; Block 683, Lot 1; Block 687, Lot 1; Block 691, Lots 1 & 44; Block 695, Lots 1, 20, 37, 38, 39, 40, 41, 42 & 43; Block 706, Lots 1, 20, 24 & 101; and Block 710, Lot 1, in M1-2 and M2-4 Districts, within the Special Industry City District established pursuant to concurrent related application number C 190296 ZMK, Borough of Brooklyn, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1756) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 674 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1456

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on ULURP No. C 190297 ZSK, for the grant of a special permit (L.U. No. 675).

By Council Members Salamanca and Moya.

WHEREAS, 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., filed an application pursuant to Sections 197-c and 201 of the New York City Charter, for the grant of a special permit pursuant to Section 129-21 of the Zoning Resolution to modify the use regulations of Section 42-10 (Uses Permitted As-of-Right); and the bulk regulations of Sections 43-12 (Maximum Floor Area Ratio), Section 43-20 (Yard Regulations), and Section 43-43 (Maximum Height of Front Wall and Required Front Setbacks), which in conjunction with the related actions would facilitate a mixed-use development containing approximately 6.6 million square feet of industrial, commercial, and community facility uses in the Sunset Park neighborhood of Brooklyn, Community District 7 (ULURP No. C 190297 ZSK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 190296 ZMK (L.U. No. 674), a zoning map amendment to change an M3-1 district to an M2-4 district and to establish the Special Industry City District (IC); N 190298 ZRK (L.U. No. 676), a zoning text amendment to establish the Special Industry City District (IC) and

create a new special permit to modify use, bulk, and other requirements within the newly-created IC; and C 160146 MMK (L.U. No. 677), a City Map amendment for the elimination, discontinuance, and closing of 40th Street between 1st and 2nd avenues;

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

WHEREAS, by submission dated October 13, 2020 and submitted to the Council on October 13, 2020, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020.

Coupled to be Filed Pursuant to a Letter of Withdrawal.

Report for L.U. No. 676

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. N 190298 ZRK (Industry City) submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P. pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York establishing the Special Industry City District (ARTICLE XII, Chapter 9) and modifying related sections, Borough of Brooklyn, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1756) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 674 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1457

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on Application No. N 190298 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 676).

By Council Members Salamanca and Moya.

WHEREAS, 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, to establish the Special Industry City District (“SICD”) Article XII, Chapter 9 and modify related sections, which in conjunction with the related actions would facilitate a mixed-use development containing approximately 6.6 million square feet of industrial, commercial, and community facility uses in the Sunset Park neighborhood of Brooklyn, Community District 7 (ULURP No. C 190298 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the “Decision”) on the Application;

WHEREAS, the Application is related to applications C 190296 ZMK (L.U. No. 674), a zoning map amendment to change an M3-1 district to an M2-4 district and to establish the Special Industry City District (IC); C 190297 ZSK (L.U. No. 675), a special permit to modify use, bulk, and other requirements within the IC; and C 160146 MMK (L.U. No. 677), a City Map amendment for the elimination, discontinuance, and closing of 40th Street between 1st and 2nd avenues;

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

WHEREAS, by submission dated October 13, 2020 and submitted to the Council on October 13, 2020, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020.

Coupled to be Filed Pursuant to a Letter of Withdrawal.

Report for L.U. 677

Report of the Committee on Land Use in favor of filing, pursuant to a letter of withdrawal, Application No. C 160146 MMK (Industry City) submitted by 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P. pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving: the elimination, discontinuance and closing of 40th Street between First and Second Avenues; the adjustment of grades and block dimensions necessitated thereby; including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2750 and V-2751 dated November 26, 2018 and signed by the Borough President, Borough of Brooklyn, Community District 7, Council District 38.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1756) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 674 printed in these Minutes)

Accordingly, this Committee recommends its filing.

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

Res. No. 1458

Resolution approving a motion to file pursuant to withdrawal of the application regarding the decision of the City Planning Commission on ULURP No. C 160146 MMK, an amendment to the City Map (L.U. No. 677).

By Council Members Salamanca and Moya.

WHEREAS, 1-10 Bush Terminal Owner L.P. and 19-20 Bush Terminal Owner L.P., filed an application pursuant to Sections 197-c and 199 of the New York City Charter for an amendment to the City Map involving:

- the elimination, discontinuance and closing of 40th Street between First and Second Avenues;
- the adjustment of grades and block dimensions necessitated thereby;

including authorization for any acquisition or disposition of real property related thereto, in accordance with Map Nos. X-2750 and V-2751 dated November 26, 2018 and signed by the Borough President, which in conjunction with the related actions would facilitate a mixed-use development containing approximately 6.6 million square feet of industrial, commercial, and community facility uses in the Sunset Park neighborhood of Brooklyn, Community District 7 (ULURP No. C 160146 MMK), (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 190296 ZMK (L.U. No. 674), a zoning map amendment to change an M3-1 district to an M2-4 district and to establish the Special Industry City District (IC); C 190297 ZSK (L.U. No. 675), a special permit to modify use, bulk, and other requirements within the IC; and N 190298 ZRK (L.U. No. 676), a zoning text amendment to establish the Special Industry City District (IC) and create a new special permit to modify use, bulk, and other requirements within the newly-created IC;

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

WHEREAS, by submission dated October 13, 2020 and submitted to the Council on October 13, 2020, the Applicant withdrew the application.

RESOLVED:

The Council approves the motion to file pursuant to withdrawal in accordance with Rules 7.90 and 11.60(b) of the Rules of the Council.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA

AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

Coupled to be Filed Pursuant to a Letter of Withdrawal.

Report for L.U. No. 678

Report of the Committee on Land Use in favor of approving Application No. C 190377 ZMK (5914 Bay Parkway Rezoning) submitted by SUW 4 LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d by changing from an R5 District to an R6 District and establishing within the proposed R6 District a C2-4 District, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1757) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-12 - TWO APPLICATIONS RELATED TO 5914 BAY PARKWAY REZONING STREET DEVELOPMENT

C 190377 ZMK (L.U. No. 678)

City Planning Commission decision approving an application submitted by SUW 4, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 22d by:

1. changing from an R5 District to an R6 District property bounded by a line midway between 59th Street and 60th Street, Bay Parkway, 60th Street, and a line 100 feet northwesterly of Bay Parkway; and
2. establishing within the proposed R6 District a C2-4 District bounded by a line midway between 59th Street and 60th Street, Bay Parkway, 60th Street, and a line 100 feet northwesterly of Bay Parkway;

as shown on a diagram (for illustrative purposes only) dated November 12, 2019 and subject to the conditions of CEQR Declaration E-554.

N 190378 ZRK (L.U. No. 679)

City Planning Commission decision approving an application submitted by SUW 4, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

INTENT

To approve the rezoning of the Development Site from an R5 district to an R6/C2-4 district and of a text amendment to map the Development Site as an MIH area would create a transition area between an existing R5 district and the dense intersection of Bay Parkway and 60th Street, while bringing local retail, community

facility uses and affordable housing to the Development Site located at 5914-5920 Bay Parkway in the Mapleton neighborhood of Brooklyn, Community District 12.

PUBLIC HEARING

DATE: September 15, 2020

Witnesses in Favor: Two

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: September 24, 2020

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 678 and 679.

In Favor:

Moya, Levin, Lancman, Grodenchik, Rivera.

Against:

Reynoso

Abstain:

None

COMMITTEE ACTION

DATE: September 29, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Gibson, Deutsch, Koo, Lancman, Levin, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

Barron
Reynoso

Abstain:

Miller

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

Res. No. 1459

Resolution approving the decision of the City Planning Commission on ULURP No. C 190377 ZMK, a Zoning Map amendment (L.U. No. 678).

By Council Members Salamanca and Moya.

WHEREAS, SUW 4, LLC, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 22d, changing from an R5 District to an R6 District and establishing within the proposed R6 District a C2-4 District, which in conjunction with the related action would facilitate the development of a nine-story, 48,000-square-foot mixed-use building with residential, commercial, and community facility uses at 5914-5920 Bay Parkway in the Mapleton neighborhood of Brooklyn, Community District 12 (ULURP No. C 190377 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to application N 190378 ZRK (L.U. No. 679), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 15, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 12th, 2019 (CEQR No. 19DCP208K) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 190377 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 22d:

- 1) changing from an R5 District to an R6 District property bounded by a line midway between 59th Street and 60th Street, Bay Parkway, 60th Street, and a line 100 feet northwesterly of Bay Parkway; and
- 2) establishing within the proposed R6 District a C2-4 District bounded by a line midway between 59th Street and 60th Street, Bay Parkway, 60th Street, and a line 100 feet northwesterly of Bay Parkway;

as shown on a diagram (for illustrative purposes only) dated November 12, 2019, and subject to the conditions of CEQR Declaration E-554, Community District 12, Borough of Brooklyn.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, MARK TREYGER, BARRY S.

GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29 , 2020 (Remote Hearing).

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 L.U. No. 679

Report of the Committee on Land Use in favor of approving Application No. N 190378 ZRK (5914 Bay Parkway Rezoning) submitted by SUW 4 LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 12, Council District 44.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1757) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 678 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1460

Resolution approving the decision of the City Planning Commission on Application No. N 190378 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 679).

By Council Members Salamanca and Moya.

WHEREAS, SUW 4, LLC, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the zoning resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area utilizing Options 1,2, and Workforce Option which in conjunction with the related action would facilitate the development of a nine-story, 48,000-square-foot mixed-use building with residential, commercial, and community facility uses at 5914-5920 Bay Parkway in the Mapleton neighborhood of Brooklyn, Community District 12 (Application No. N 190378 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the “Decision”), on the Application;

WHEREAS, the Application is related to application C 190377 ZMK (L.U. No. 678), a zoning map amendment to rezone an R5 district to R6/C2-4 district;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 15, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued November 12th, 2019 (CEQR No. 19DCP208K) (the “Negative Declaration”).

RESOLVED:

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

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190378 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

* * *

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

* * *

Brooklyn Community District 12

* * *

Map 2- [date of adoption]



Portion of Community District 12, Brooklyn

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, September 29, 2020 (Remote Hearing).

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 L.U. No. 680

Report of the Committee on Land Use in favor of disapproving Application No. C 200077 ZSM (3 St. Mark's Place) submitted by REEC St. Marks LP pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-79 of the Zoning Resolution to allow transfer of 8,386 square feet of floor area from property located at 4 St. Marks Place (Block 463, Lot 11) that is occupied by a landmark building (Hamilton-Holly House) to property located at 3 St. Marks Place (Block 464, Lots 1, 3, and 59); and to modify the height and setback requirements of Section 33-432 (In other Commercial Districts) to facilitate the development of a 10-story commercial building on property in a C6-1 District located at 3 St. Marks Place (Block 464, Lots 1, 3, and 59), Borough of Manhattan, Community District 3, Council District 2.

The Committee on Land Use, to which the annexed Land Use item was referred on August 27, 2020 (Minutes, page 1757) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:**SUBJECT****MANHATTAN CB - 3****C 200077 ZSM**

City Planning Commission decision approving an application submitted by REEC St. Marks LP, pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-79 of the Zoning Resolution:

1. to allow transfer of 8,386 Square feet of floor area from property located at 4 St. Marks Place (Block 463, Lot 11) that is occupied by a landmark building (Hamilton-Holly House) to property located at 3 St. Marks Place (Block 464, Lots 1, 3, and 59); and
2. to modify the height and setback requirements of Section 33-432 (In other Commercial Districts);

to facilitate the development of a 10-story commercial building on property located at 3 St. Marks Place (Block 464, Lots 1, 3, and 59), in a C6-1 District.

INTENT

To grant an approval of the special permit pursuant to ZR Section 74-79 to allow the transfer of 8,386 square feet of development rights from the zoning lot located across the street at 4 St. Mark's Place (Block 463, Lot 11) and allow the proposed development to penetrate the maximum front wall height and sky exposure plane within the 20-foot initial setback distance on St. Mark's Place, to facilitate the construction of a ten-story building located at 3 St. Mark's Place (Block 464, Lots 1, 3, and 59) in the East Village neighborhood of Manhattan, Community District 3.

PUBLIC HEARING**DATE:** September 24, 2020**Witnesses in Favor:** One**Witnesses Against:** Twelve**SUBCOMMITTEE RECOMMENDATION****DATE:** October 14, 2020

The Subcommittee recommends that the Land Use Committee disapprove the decision of the City Planning Commission.

In Favor:

Moya, Levin, Richards, Lancman, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 14, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 1461

Resolution disapproving the decision of the City Planning Commission on ULURP No. C 200077 ZSM, for the grant of a special permit (L.U. No. 680).

By Council Members Salamanca and Moya.

WHEREAS, REEC St. Marks LP, filed an application pursuant to Sections 197-c and 201 of the New York City Charter for the grant of a special permit pursuant to Section 74-79 of the Zoning Resolution to allow the transfer of 8,386 square feet of unused development rights from 4 St. Mark's Place (the landmark) to 3 St. Mark's Place (the development site) and modify the height and setback regulations of the Zoning Resolution Section 33-432 to facilitate the development of a 10-story commercial building located at 3 St. Mark's Place (Block 464, Lots 1, 3, and 59) on the border of the NoHo and East Village neighborhoods in Manhattan Community District 3 (ULURP No. C 200077 ZSM) (the "Application");

WHEREAS, the City Planning Commission filed with the Council on August 24, 2020, its decision dated August 19, 2020 (the "Decision") on the Application;

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

WHEREAS, the City Planning Commission has made the findings required pursuant to Section 74-792(e) of the Zoning Resolution of the City of New York;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 24, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the negative declaration issued October 28th, 2019 (CEQR No. 19DCP094M) (the "Negative Declaration").

RESOLVED:

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

Pursuant to Sections 197-d and 201 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200077 ZSM, incorporated by reference herein, and the record before the Council, the Council disapproves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

Coupled to be Disapproved.

Report for L.U. No. 681

Report of the Committee on Land Use in favor of approving Application No. 20205400 HKX (N 210006 HKX) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the Charter of the City of New York and Section 25 303 of the Administrative Code of the City of New York, for the designation of the Manida Street Historic District [517/LP-2644], which consists of properties which consists of the properties bounded by a line beginning on the eastern curbline of Manida Street at a point on a line extending westerly from the northern property line of 870 Manida Street, and extending easterly along said line and along the northern property line of 870 Manida Street, southerly along the eastern property lines of 870 to 814 Manida Street, westerly along the southern property line of 814 Manida Street to the eastern curbline of Manida Street, northerly along said curbline to a point on a line extending easterly from the southern property line of 819 Manida Street, westerly along said line across Manida Street and along the southern property line of 819 Manida Street, northerly along the western property lines of 819 to 861 Manida Street, easterly along the northern property line of 861 Manida Street and across Manida Street to its eastern curbline, and northerly along said curbline to the point of beginning, Borough of the Bronx, Community District 2, Council District 17.

The Committee on Land Use, to which the annexed Land Use item was referred on September 16, 2020 (Minutes, page 1831) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BRONX CB - 2

20205400 HKX (N 210006 HKX)

Designation by the Landmarks Preservation Commission [DL-517/LP-2644] pursuant to Section 3020 of the New York City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the landmark designation of the Manida Street Historic District, as an historic landmark.

PUBLIC HEARING

DATE: September 22, 2020

Witnesses in Favor: None

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION**DATE:** October 8, 2020

The Subcommittee recommends that the Land Use Committee affirm the designation.

In Favor:

Adams, Koo, Barron, Miller, Treyger

Against:

None

Abstain:

None

COMMITTEE ACTION**DATE:** October 14, 2020

The Committee recommends that the Council approve the attached resolution.

In Favor:

Salamanca, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 1462

Resolution affirming the designation by the Landmarks Preservation Commission of the Manida Street Historic District Landmark, Borough of the Bronx, Designation List No. 517, LP-2644 (L.U. No. 681; 20205400 HKX; N 210006 HKX).

By Council Members Salamanca and Adams.

WHEREAS, the Landmarks Preservation Commission filed with the Council on July 2, 2020 a copy of its designation report dated June 23, 2020 (the “Designation Report”), including the designation pursuant to Section 3020 of the City Charter and Chapter 3 of Title 25 of the Administrative Code of the City of New York of the Manida Street Historic District Landmark, Community District 2, Borough of the Bronx, with the following district boundaries (the “Designation”):

The Manida Street Historic District consists of the properties bounded by a line beginning on the eastern curbline of Manida Street at a point on a line extending westerly from the northern property line of 870 Manida Street, and extending easterly along said line and along the northern property line of 870 Manida Street, southerly along the eastern property lines of 870 to 814 Manida Street, westerly along the southern property line of 814 Manida Street to the eastern curbline of Manida Street, northerly along said curbline to a point on a line extending easterly from the southern property line of 819 Manida Street, westerly along said line across Manida Street and along the southern property line of 819 Manida Street, northerly along the western property lines of 819 to 861 Manida Street, easterly along the northern property line of 861 Manida Street and across Manida Street to its eastern curbline, and northerly along said curbline to the point of beginning.

WHEREAS, the Designation is subject to review by the Council pursuant to Section 3020 of the New York City Charter;

WHEREAS, the New York City Planning Commission submitted to the Council on September 18, 2020 its report on the Designation dated September 16, 2020 (the “City Planning Commission Report”);

WHEREAS, upon due notice, the Council held a public hearing on the Designation on September 22, 2020; and

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Designation.

RESOLVED:

Pursuant to Section 3020 of the New York City Charter, and on the basis of the information and materials contained in the Designation Report and the City Planning Commission Report, the Council affirms the Designation.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing) .

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 L.U. No. 682

Report of the Committee on Land Use in favor of approving Application No. N 200082 ZRK (1510 Broadway) submitted by the Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 16, Council District 41.

The Committee on Land Use, to which the annexed Land Use item was referred on September 16, 2020 (Minutes, page 1831) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

SUBJECT

BROOKLYN CB-16 – FOUR APPLICATIONS RELATED TO 1510 BROADWAY

N 200082 ZRK (L.U. No. 682)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

C 200083 PQQ (L.U. No. 683)

City Planning Commission decision approving an application submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1510 Broadway (Block 1489, p/o Lot 11) to facilitate transit infrastructure.

C 200084 HAK (L.U. No. 684)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development (HPD)

- 1) pursuant to Article 16 of the General Municipal Law of New York State for:
 - a. the designation of property located at 1510 Broadway (Block 1489, Lot 11) as an Urban Development Action Area; and
 - b. Urban Development Action Area Project for such area; and
- 2) pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD;

to facilitate a mixed-use development containing approximately 107 affordable residential units and commercial space.

C 200085 ZMK (L.U. No. 685)

City Planning Commission decision approving an application submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a:

1. eliminating from within an existing R6 District a C1-3 District bounded by the easterly centerline prolongation of Jefferson Avenue, Broadway, Hancock Street, and Saratoga Avenue;
2. changing from an R6 District to an R7-1 District property bounded by the easterly centerline prolongation of Jefferson Avenue, Broadway, Hancock Street, and Saratoga Avenue; and
3. establishing within the proposed R7-1 District a C2-4 District bounded by the easterly centerline prolongation of Jefferson Avenue, Broadway, Hancock Street, and Saratoga Avenue;

as shown on a diagram (for illustrative purposes only) dated December 2, 2019.

INTENT

To approve an amendment to the zoning text to modify Appendix F to create a new Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2; approve the acquisition of property located at 1510 Broadway (Block 1489, p/o Lot 11) to facilitate transit infrastructure; approve the urban development action area project designation, project approval, and disposition of city-owned property; and approve an amendment to rezone the project area from R6/C1-3 zoning district to an R7-1/C2-4 district to facilitate the new construction of a mixed-use eight-story building containing approximately 107 affordable residential units and commercial

space located at 1510 Broadway (Block 1489, Lots 1 and 11) in the Ocean Hill neighborhood of Brooklyn, Community Board 16.

PUBLIC HEARING

DATE: September 24, 2020

Witnesses in Favor: Five

Witnesses Against: None

SUBCOMMITTEE RECOMMENDATION

DATE: October 14, 2020

The Subcommittee recommends that the Land Use Committee approve the decisions of the City Planning Commission on L.U. Nos. 682 through 685.

In Favor:

Moya, Levin, Richards, Lancman, Reynoso, Grodenchik, Rivera.

Against:

None

Abstain:

None

COMMITTEE ACTION

DATE: October 14, 2020

The Committee recommends that the Council approve the attached resolutions.

In Favor:

Salamanca, Barron, Deutsch, Koo, Lancman, Levin, Miller, Reynoso, Richards, Treyger, Grodenchik, Adams, Ayala, Diaz, Moya, Rivera.

Against:

None

Abstain:

None.

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

Res. No. 1463

Resolution approving the decision of the City Planning Commission on Application No. N 200082 ZRK, for an amendment of the text of the Zoning Resolution (L.U. No. 682).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Housing Preservation and Development, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area within the project area (Block 1489, Lots 1 and 11) utilizing Options 1 and 2, which in conjunction with the related actions would facilitate the development of a new eight-story mixed-use building containing 107 affordable residential units and commercial space at 1510 Broadway in the Ocean Hill neighborhood of Brooklyn Community District 16 (Application No. N 200082 ZRK) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on September 18, 2020, its decision dated September 16, 2020 (the “Decision”), on the Application;

WHEREAS, the Application is related to applications C 200083 PQK (L.U. No. 683), an acquisition of property by the New York City Department of Citywide Administrative Services (DCAS); C 200084 HAK (L.U. No. 684), an Urban Development Action Area designation, project approval, and disposition of City-owned property to a developer selected by HPD; and C 200085 ZMK (L.U. No. 685), a zoning map amendment to rezone the project area from R6/C1-3 to R7-1/C2-4;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 24, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued November 21st, 2019, which supersedes the Negative Declaration issued October 7th, 2019, (CEQR No. 19HPD057K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise (E-536) (the “Revised Negative Declaration”);

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-536) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200082 ZRK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution.

APPENDIX F

Inclusionary Housing Designated Areas and Mandatory Inclusionary Housing Areas

* * *

BROOKLYN

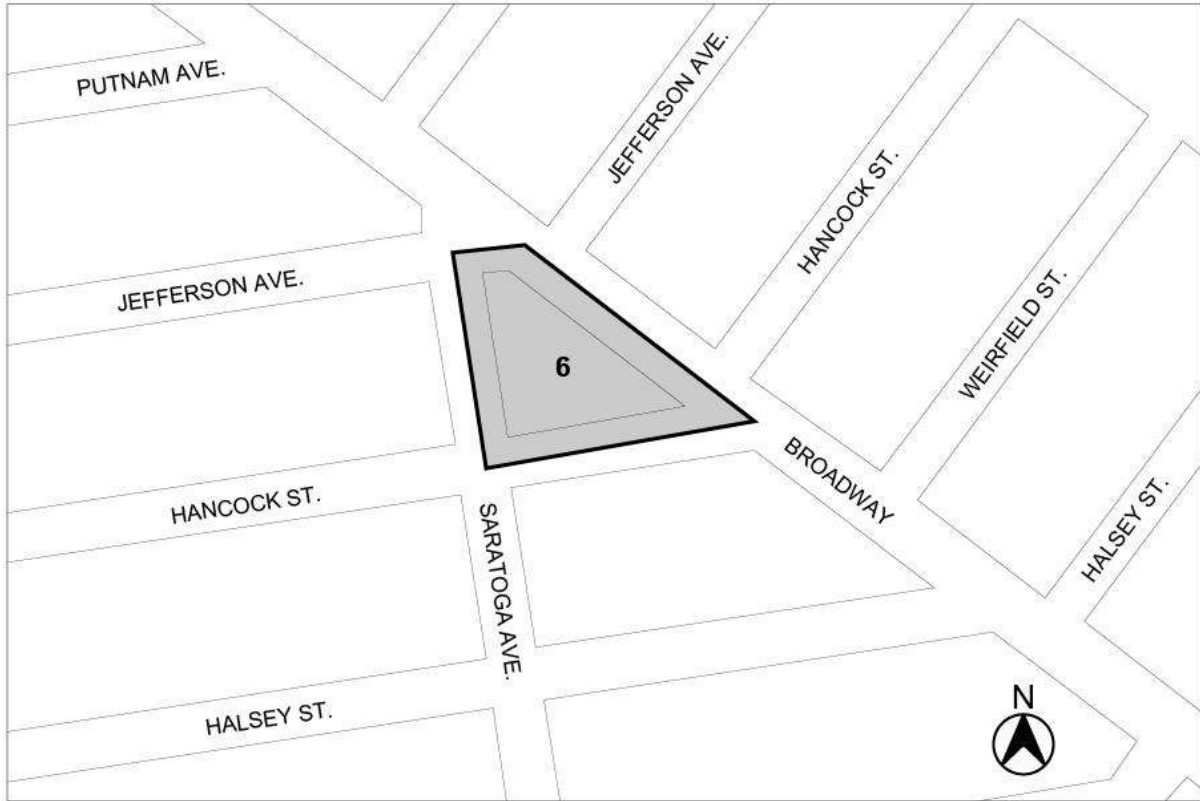
* * *


Brooklyn Community District 16

* * *

Map 5 - [date of adoption]

[PROPOSED MAP]



 Mandatory Inclusionary Housing Program Area *see Section 23-154(d)(3)*
 Area **6** — [date of adoption] - MIH Program Option 1 and 2

Portion of Community District 16, Brooklyn

* * *

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

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 L.U. No. 683

Report of the Committee on Land Use in favor of approving Application No. C 200083 POK (1510 Broadway) submitted by the Department of Citywide Administrative Services (DCAS), pursuant to Section 197-c of the New York City Charter, for the acquisition of property located at 1510 Broadway (Block 1489, p/o Lot 11), Borough of Brooklyn, Community District 16, Council District 41.

The Committee on Land Use, to which the annexed Land Use item was referred on September 16, 2020 (Minutes, page 1831) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 682 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1464

Resolution approving the decision of the City Planning Commission on ULURP Application No. C 200083 POK, for the acquisition of property located at 1510 Broadway (Block 1489, p/o Lot 11), to facilitate transit infrastructure, Borough of Brooklyn, Community District 16 (L.U. No. 683; C 200083 POK).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Citywide Administrative Services (DCAS), filed an application pursuant to Section 197-c of the New York City Charter for the acquisition of property located at 1510 Broadway (Block 1489, p/o Lot 11), which in conjunction with the related actions would facilitate the development of a new mixed-use building with approximately 107 units of affordable housing and commercial space on City-owned vacant land at 1510 Broadway in the Ocean Hill neighborhood of Brooklyn, Community District 16 (ULURP No. C 200083 POK), (the "Application");

WHEREAS, the City Planning Commission filed with the Council on September 18, 2020, its decision dated September 16, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 200082 ZRK (L.U. No. 682), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 200084 HAK (L.U. No. 684), an Urban Development Action Area designation, project approval, and disposition of City-owned property to a developer selected by HPD; and C 200085 ZMK (L.U. No. 685), a zoning map amendment to rezone the project area from R6/C1-3 to R7-1/C2-4;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 24, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued November 21st, 2019, which supersedes the Negative Declaration issued October 7th, 2019, (CEQR No. 19HPD057K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise (E-536) (the “Revised Negative Declaration”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-536) and Revised Negative Declaration.

Pursuant to Section 197-d of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200083 PQQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

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 L.U. 684

Report of the Committee on Land Use in favor of approving Application No. C 200084 HAK (1510 Broadway) submitted by the Department of Housing Preservation and Development (HPD) pursuant to Article 16 of the General Municipal Law of New York State for the designation of an Urban Development Action Area and Urban Development Action Area Project for such area, and pursuant to Section 197-c of the New York City Charter for the disposition of such property to a developer to be selected by HPD, for property located at 1510 Broadway (Block 1489, Lot 11), Borough of Brooklyn, Community District 16, Council District 41.

The Committee on Land Use, to which the annexed Land Use item was referred on September 16, 2020 (Minutes, page 1832) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 682 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1465

Resolution approving the application submitted by the New York City Department of Housing Preservation and Development (“HPD”) and the decision of the City Planning Commission, ULURP No. C 200084 HAK, approving the designation of an Urban Development Action Area, an Urban Development Action Area Project, and the disposition of property located at 1510 Broadway (Block

1489, Lot 11), Borough of Brooklyn, Community District 16, to a developer selected by HPD (L.U. No. 684; C 200084 HAK).

By Council Members Salamanca and Moya.

WHEREAS, the City Planning Commission filed with the Council on September 18, 2020 its decision dated September 16, 2020 (the "Decision"), on the application submitted by the New York City Department of Housing Preservation and Development ("HPD") regarding city-owned and privately-owned property located at 1510 Broadway (Block 1489, Lot 11), (the "Project Area"), approving:

- a) pursuant to Article 16 of the General Municipal Law of New York State the designation of Disposition Area as an Urban Development Action Area;
- b) pursuant to Article 16 of the General Municipal Law of New York State an Urban Development Action Area Project for the Disposition Area (the "Project"); and
- c) pursuant to Section 197-c of the New York City Charter the disposition of the Disposition Area to a developer to be selected by the New York City Department of Housing Preservation and Development;

which in conjunction with the related actions would facilitate the development of a new mixed-use building with approximately 107 units of affordable housing and commercial space at 1510 Broadway in the Ocean Hill neighborhood of Brooklyn, Community District 16, (ULURP No. C 200084 HAK) (the "Application");

WHEREAS, the Application is related to applications N 200082 ZRK (L.U. No. 682), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 200083 POK (L.U. No. 683), an acquisition of property by the New York City Department of Citywide Administrative Services (DCAS); and C 200085 ZMK (L.U. No. 685), a zoning map amendment to rezone the project area from R6/C1-3 to R7-1/C2-4;

WHEREAS, the City Planning Commission has certified its unqualified approval of UDAAP pursuant to Article 16 of the General Municipal Law;

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

WHEREAS, by letter dated September 18, 2020 and submitted to the Council on September 18, 2020, HPD submitted its requests (the "HPD Requests") respecting the Application including the submission of the project summary for the Project (the "Project Summary");

WHEREAS, upon due notice, the Council held a public hearing on the Application and Decision and the HPD Requests on September 24, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued November 21st, 2019, which supersedes the Negative Declaration issued October 7th, 2019, (CEQR No. 19HPD057K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise (E-536) (the "Revised Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-536) and Revised Negative Declaration.

Pursuant to Section 197-d of the New York City Charter, based on the environmental determination and the consideration described in the report C 200084 HAK and incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission and the HPD Requests.

Pursuant to Article 16 of the General Municipal Law of the New York State, based on the environmental determination and the consideration described in the report C 200084 HAK and incorporated by reference herein, the Council approves the Decision of the City Planning Commission and the HPD Requests.

The Council finds that the present status of the Area tends to impair or arrest the sound growth and development of the City of New York and that a designation of the Project as an urban development action area project is consistent with the policy and purposes stated in Section 691 of the General Municipal Law.

The Council approves the designation of the Area as an urban development action area pursuant to Section 693 of the General Municipal Law.

The Council approves the Project as an urban development action area project pursuant to Section 694 of the General Municipal Law and subject to the terms and conditions of the Project Summary.

The Council approves the disposition of the Disposition Area under Section 197-d of the New York City Charter, to a developer to be selected by the New York City Department of Housing Preservation and Development for the development of the Project consistent with the Project Summary.

ATTACHMENT:

PROJECT SUMMARY

- 1. **PROGRAM:** EXTREMELY LOW AND LOW INCOME AFFORDABILITY PROGRAM
- 2. **PROJECT:** 1510 Broadway
- 3. **LOCATION:**
 - a. **BOROUGH:** Brooklyn
 - b. **COMMUNITY DISTRICT:** 16
 - c. **COUNCIL DISTRICT:** 41
 - d. **DISPOSITION AREA:**

<u>BLOCK</u>	<u>LOT</u>	<u>ADDRESS</u>
1489	11	1510 Broadway
- 4. **BASIS OF DISPOSITION PRICE:** Nominal. Sponsor will pay one dollar per lot and deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of at least thirty (30) years following completion of construction, the Land Debt or the City's capital subsidy may be

repayable out of resale or refinancing profits. The remaining balance, if any, may be forgiven at the end of the term.

5. **TYPE OF PROJECT:** New Construction
6. **APPROXIMATE NUMBER OF BUILDINGS:** 1
7. **APPROXIMATE NUMBER OF UNITS:** 107 dwelling units, plus 1 superintendent's unit
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS** Rents will be affordable to families earning from 30% - 80% of the area median income ("AMI"). Formerly homeless tenants referred by DHS and other City agencies will pay up to 30% of their income as rent.
10. **INCOME TARGETS** 30% to 80% of AMI
11. **PROPOSED FACILITIES:** Approximately 9,793 square feet of commercial space
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Negative Declaration
14. **PROPOSED TIME SCHEDULE:** Approximately 24 months from closing to completion of construction

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

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 L.U. No. 685

Report of the Committee on Land Use in favor of approving Application No. C 200085 ZMK (1510 Broadway) submitted by the Department of Housing Preservation and Development pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 17a: eliminating from within an existing R6 District a C1-3 District; changing from an R6 District to an R7-1 District; and establishing within the proposed R7-1 District a C2-4 District, Borough of Brooklyn, Community District 16, Council District 41.

The Committee on Land Use, to which the annexed Land Use item was referred on September 16, 2020 (Minutes, page 1832) and which same Land Use item was coupled with the resolution shown below, respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Land Use for LU No. 682 printed in these Minutes)

Accordingly, this Committee recommends its adoption.

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

Res. No. 1466

Resolution approving the decision of the City Planning Commission on ULURP No. C 200085 ZMK, a Zoning Map amendment (L.U. No. 685).

By Council Members Salamanca and Moya.

WHEREAS, the New York City Department of Housing Preservation and Development, filed an application pursuant to Sections 197-c and 201 of the New York City Charter, for an amendment of the Zoning Map, Section No. 17a, eliminating from within an existing R6 District a C1-3 District, changing from an R6 District to an R7-1 District, and establishing within the proposed R7-1 District a C2-4 District, which in conjunction with the related actions would facilitate the development of a new mixed-use building with approximately 107 units of affordable housing and commercial space at 1510 Broadway in the Ocean Hill neighborhood of Brooklyn, Community District 16. (ULURP No. C 200085 ZMK) (the "Application");

WHEREAS the City Planning Commission filed with the Council on September 18, 2020, its decision dated September 16, 2020 (the "Decision") on the Application;

WHEREAS, the Application is related to applications N 200082 ZRK (L.U. No. 682), a zoning text amendment to designate a Mandatory Inclusionary Housing (MIH) area; C 200083 POK (L.U. No. 683), an acquisition of property by the New York City Department of Citywide Administrative Services (DCAS); and C 200084 HAK (L.U. No. 684), an Urban Development Action Area designation, project approval, and disposition of City-owned property to a developer selected by HPD;

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

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on September 24, 2020;

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

WHEREAS, the Council has considered the relevant environmental issues, including the Revised Negative Declaration issued November 21st, 2019, which supersedes the Negative Declaration issued October 7th, 2019, (CEQR No. 19HPD057K) which include an (E) designation to avoid the potential for significant adverse impacts related to hazardous materials and noise (E-536) (the "Revised Negative Declaration");

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment as set forth in the (E) Designation (E-536) and Revised Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200085 ZMK, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 17a:

1. eliminating from within an existing R6 District a C1-3 District bounded by the easterly centerline prolongation of Jefferson Avenue, Broadway, Hancock Street, and Saratoga Avenue;
2. changing from an R6 District to an R7-1 District property bounded by the easterly centerline prolongation of Jefferson Avenue, Broadway, Hancock Street, and Saratoga Avenue; and
3. establishing within the proposed R7-1 District a C2-4 District bounded by the easterly centerline prolongation of Jefferson Avenue, Broadway, Hancock Street, and Saratoga Avenue;

Borough of Brooklyn, Community District 16, as shown on a diagram (for illustrative purposes only) dated December 2, 2019.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, DONOVAN J. RICHARDS, INEZ D. BARRON, CHAIM M. DEUTSCH, RORY I. LANCMAN, I. DANEEK MILLER, ANTONIO REYNOSO, MARK TREYGER, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, RUBEN DIAZ, Sr., FRANCISCO P. MOYA, CARLINA RIVERA; Committee on Land Use, October 14, 2020 (Remote Hearing).

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 Rules, Privileges and Elections

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

Report for M-255

Report of the Committee on Rules, Privileges and Elections in favor of approving the appointment by the Council of Stanley Richards as a member of the New York City Board of Correction.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on October 15, 2020 and which same Mayor's Message was coupled with the resolution shown below, respectfully

REPORTS:

Topic I: New York City Board of Correction – (Candidate for appointment by the Council)

- **Stanley Richards [Preconsidered M 255]**

The New York City Department of Correction (“DOC”) provides for the care, custody and control of persons accused or convicted of crimes and sentenced to one year or less jail time. The New York City Board of Correction (“BOC”) oversees DOC’s operations and evaluates agency performance. Pursuant to *New York City*

Charter (“Charter”) §§ 626(c), 626(e), 626(f), BOC, or by written designation of the BOC, any member of it, the Executive Director¹, or other employee, shall have the power and duty to:

- inspect and visit all institutions and facilities under the jurisdiction of DOC at any time;
- inspect all records of DOC;
- prepare and submit to the Mayor and to the Council, and the DOC Commissioner, proposals for capital planning and improvements, studies and reports concerned with the development of DOC’s correctional program planning, and studies and reports in regard to the methods of promoting closer cooperation of custodial, probation and parole agencies of government and the courts;
- evaluate DOC performance;
- establish minimum standards for the care, custody, correction, treatment, supervision, and discipline of all persons held or confined under the jurisdiction of DOC; and to
- establish procedures for the hearing of grievances and complaints or requests for assistance by or on behalf of any person held or confined by DOC or by any employees of DOC.

BOC is composed of nine members. Three members are appointed by the Mayor, three by the Council, and three by the Mayor on the nomination jointly by the presiding justices of the Appellate Division of the Supreme Court for the First and Second Judicial Departments. Appointments are made by the three respective appointing authorities on a rotating basis to fill any vacancy. Members are appointed to a term of six-years, and vacancies are filled for the remainder of the unexpired term. The Mayor designates the Chair of BOC from among its members from time to time. The Mayor may remove members for cause after a hearing at which they shall be entitled to representation by Counsel. *Charter* § 626(b).

Although BOC members receive no compensation, they may, however, be reimbursed for expenses incurred in the performance of their duties. *Charter* § 626(a).

BOC is required to adopt rules to govern its own proceedings. *Charter* § 626(b). Within the scope of its authority, BOC may compel the attendance of witnesses, require the production of books, accounts, papers, and other evidence, administer oaths, examine persons, and conduct public or private hearings, studies and investigations. Also, BOC may institute proceedings in a court of appropriate jurisdiction to enforce its subpoena power and other authority. *Charter* § 626(g).

On an annual basis, and at such other times as it may determine, BOC submits to the Mayor, the Council and the DOC Commissioner, reports, findings and recommendations in regard to matters within its jurisdiction. *Charter* § 626(d). Members of the Council are authorized to inspect and visit at anytime the institutions and facilities under the jurisdiction of DOC. *Charter* § 627.

If appointed by the Council, Mr. Richards, a resident of the Bronx, will serve for the remainder of a six-year term that began on October 13, 2020 and will expire on October 12, 2026. Copies of the candidate’s résumé and the related messages is attached.

Topic II: New York City Board of Elections – (Candidate for re-appointment by the Council)

- **Jose M. Araujo [Preconsidered M 256]**

The New York City Board of Elections (“BOE”) consists of ten commissioners, two from each of the City’s five counties, who are directly appointed by the New York City Council. Not more than two commissioners shall be

¹ BOC may appoint an Executive Director to serve at its pleasure with such duties and responsibilities as BOC may assign, and other professional, clerical, and support personnel within appropriations for such purpose. DOC’s Commissioner shall designate such of DOC’s stenographic, clerical and other assistance to BOC as may be necessary for the proper performance of its functions. *Charter* § 626(b).

registered voters of the same county. Each commissioner serves a term of four years or until a successor is appointed. Commissioners shall be registered voters from each of the major parties in the county for which they are appointed [*New York State Election Law* § 3-200(3)].

Party recommendations for election commissioner shall be made by the County Committee, or in such fashion as the rules of a party may provide. Each of the major political parties shall be eligible to recommend appointment of an equal number of commissioners [*New York State Election Law* § 3-200(2)]. The BOE and its commissioners are responsible for the maintenance and administration of voting records and elections. The BOE also exercises quasi-judicial powers by conducting hearings to validate nominating petitions of candidates for nomination to elective office. The BOE is required to make an annual report² of its affairs and proceedings to the New York City Council once every twelve months and no later than the last day of January in any year. A copy of said annual report shall be filed with the New York State Board of Elections [*New York State Election Law* § 3-212(4)(a)].

At least thirty days before the first day of January of any year on which an elections commissioner is to be appointed, the Chair or Secretary of the appropriate party County Committee shall file a *Certificate of Party Recommendation* with the Clerk of the appropriate local legislative body [*New York State Election Law* § 3-204(1)]. In New York City, the City Clerk serves as the Clerk of the Council. If the Council fails to appoint an individual recommended by a party for appointment as a Commissioner within thirty days after the filing of a *Certificate of Party Recommendation* with the Council, then members of the Council who are members of the political party that filed the certificate may appoint such person. If none of the persons named in any of the certificates filed by a party are appointed within sixty days of the filing of the designating certificate, then such party may file another certificate within thirty days after the expiration of any such sixty day period recommending a different person for such appointment. If the party fails to file a *Certificate of Party Recommendation* within the time prescribed, the members of the Council who are members of such party may appoint any eligible person to such office [*New York State Election Law* § 3-204(4)].

If at any time a vacancy occurs in the office of any election commissioner other than by expiration of term of office, party recommendations to fill such vacancy shall be made by the county committee in such fashion as the rules of the party may provide.³ *Certificates of Party Recommendation* to fill such vacancy shall be filed no later than forty-five days after the creation of a vacancy. Anyone who fills a vacancy shall hold such office during the remainder of the term of the commissioner in whose place he/she shall serve [*New York State Election Law* § 3-204(5)].

BOE elects a President and a Secretary who cannot belong to the same political party [*New York State Election Law* § 3-312(1)]. The commissioners receive a \$300 per-diem for each day's attendance at meetings of the BOE or any of its committees, with a maximum of \$30,000 per year [*New York State Election Law* § 3-208].

A *Certificate of Party Recommendation* referencing Mr. Araujo was filed with the Office of the City Clerk on October 1, 2020 at 6:36 pm. The Chair of the Queens County Democratic Party signed this document. Mr. Araujo, a registered Democrat from Queens County, is being recommended for appointment to serve for the remainder of a four-year term that will begin on January 1, 2021 and ends on December 31, 2024. Copies of Mr. Araujo's résumé and Committee report/resolution are annexed to this briefing paper.

² The annual report shall include a detailed description of existing programs designed to enhance voter registration. The report shall also include a voter registration action plan to increase registration opportunities [*New York State Election Law* § 3-212(4)(b)].

³ According to *New York State Public Officers Law* § 5, every officer except a judicial officer, a notary public, a commissioner of deeds and an officer whose term is fixed by the Constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor.

*(After interviewing the candidates and reviewing the submitted material, the Committee decided to approve the appointment of the nominees. For nominee **Jose M. Araujo [Preconsidered M-256]**, please see, respectively, the Report of the Committee on Rules, Privileges and Elections for M-256 printed in these Minutes; for nominee **Stanley Richards [Preconsidered M-255]**, please see immediately below:)*

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 626 of the New York City Charter, the Committee on Rules, Privileges and Elections, hereby approves the appointment by the Council of Stanley Richards as a member of the New York City Board of Correction to serve for a six-year term that expires on October 12, 2026.

Accordingly, this Committee recommends the adoption of M-255 and M-256.

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

Res. No. 1467

RESOLUTION APPROVING THE APPOINTMENT BY THE COUNCIL OF STANLEY RICHARDS AS A MEMBER OF THE NEW YORK CITY BOARD OF CORRECTION.

By Council Member Koslowitz..

RESOLVED, that pursuant to § 626 of the New York City Charter, the Council does hereby approve the appointment of Stanley Richards as a member of the New York City Board of Correction to serve for a six-year term that expires on October 12, 2026.

KAREN KOSLOWITZ, *Chairperson*; DEBORAH L. ROSE, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, October 15, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Kallos, Cornegy and Powers.*

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).

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

Report for M-256

Report of the Committee on Rules, Privileges and Elections in favor of approving the re-appointment of Jose M. Araujo as the Queens County Democratic Commissioner of Elections.

The Committee on Rules, Privileges and Elections, to which the annexed preconsidered communication was referred on October 15, 2020 and which same communication was coupled with the resolution shown below, respectfully

REPORTS:

(For text of the Briefing Paper, please see the Report of the Committee on Rules, Privileges and Elections for M-255, printed in these Minutes)

The Committee on Rules, Privileges and Elections respectfully reports:

Pursuant to § 3-204 of the *New York State Election Law*, the Committee on Rules, Privileges and Elections, hereby approves the re-appointment by the Council of Jose M. Araujo as Queens County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

This matter was referred to the Committee on October 15, 2020.

Accordingly, this Committee recommends its adoption.

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

Res. No. 1468

RESOLUTION APPROVING THE RE-APPOINTMENT BY THE COUNCIL OF JOSE M. ARAUJO AS THE QUEENS COUNTY DEMOCRATIC COMMISSIONER OF ELECTIONS.

By Council Member Koslowitz.

RESOLVED, that pursuant to § 3-204 of the *New York State Election Law*, the Council does hereby approve the re-appointment of Jose M. Araujo as Queens County Democratic Commissioner of Elections to serve a four-year term that begins January 1, 2021 and expires December 31, 2024.

KAREN KOSLOWITZ, *Chairperson*; DEBORAH L. ROSE, RORY I. LANCMAN, RITCHIE J. TORRES, MARK TREYGER, ADRIENNE E. ADAMS, THE MINORITY LEADER (STEVEN MATTEO), THE SPEAKER (COUNCIL MEMBER COREY D. JOHNSON); Committee on Rules, Privileges and Elections, October 15, 2020 (Remote Hearing). *Other Council Members Attending: Council Members Kallos, Cornegy and Powers.*

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 Transportation

Report for Int. No. 1584-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 annual financial disclosure from each person who has any interest in a taxicab license.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2193), respectfully

REPORTS:

INTRODUCTION

On October 15, 2020, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, held a hearing to vote on the following legislation: Int. No. 1584-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring annual financial disclosure from each person who has any interest in a taxicab license; Int. No. 1608-A, a Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees; and Int. No. 1610-A, a Local Law to amend the administrative code of the city of New York, in relation to the creation of an office of financial stability within the taxi and limousine commission. This was the second hearing on these pieces of legislation. The first hearing was held on June 24, 2019 jointly with the Committee on Oversight and Investigations. At that hearing, the committees heard testimony from representatives of the Taxi and Limousine Commission (TLC), the taxi industry, and interested members of the public.

On October 15, 2020, the Committee on Transportation passed Int. No. 1584-A, Int. No. 1608-A and Int. No. 1610-A by a vote of 13 in the affirmative, none in the negative, with zero abstentions.

BACKGROUND

The ability to operate an iconic New York City yellow taxicab requires a license symbolized by a small, numbered plate known as a medallion. Unlike other City licenses, taxicab licenses are limited in number and are sold at auction to the highest bidder. Medallions are also transferrable and there is a secondary market in medallions. TLC regulates the purchase, sale, resale, transfer, and licensing of these medallions. In addition to licensing owners and drivers, TLC's regulatory oversight extends to the licensing of brokers, who act as intermediaries between medallion buyers and sellers in the transfer market, and agents who help medallion owners operate their taxi business. Medallions are owned by companies that have fleets of taxis as well as by individual driver owners. In recent years the taxi medallion market experienced a bubble in medallion values with prices reaching over \$1 million in 2014. That year, the bubble burst and medallion values plummeted. As a result many medallion owners faced financial ruin.

In 2018, the Council's Oversight and Investigations Unit ("OIU") opened an investigation into the medallion bubble and TLC's and the City's role in the hyperinflation of medallion prices. Specifically, OIU studied TLC's processes surrounding the sale of medallions and licensing. OIU reviewed publicly available information and spoke with current and former TLC employees, regulators, and other stakeholders. In addition, OIU requested documents from TLC relevant to the agency's organization and structure, the taxicab licensing process, taxicab license transfer process, and the medallion auction process. TLC's responses to those requests while substantially incomplete included two complete medallion files, organizational charts, and a database containing a spreadsheet showing medallion transfers over time. The majority of requested documents remained outstanding. During the joint hearing held on June 24, 2019, the Committees examined TLC's role in taxi medallion value bubble and the destabilization of medallion values that led to the financial ruin of hundreds of licensed medallion owners.

A. History of the Medallion Market

In 1937, in response to "an overabundance of taxis that depressed driver earnings and congested city streets," New York City's Board of Aldermen, the predecessor to the City Council, adopted the Haas Act ("the Act") which instituted the taxi medallion system that exists to this day.¹ The Act imposed a moratorium on the issuance of new taxicab licenses, effectively capping the number of taxis on the streets.² Further, the Act allowed for the transfer of taxicab licenses and their accompanying medallions between owners, as long as the new owners met

¹ Bruce Schaller and Gorman Gilbert, *Villain or Bogyman? New York's Taxi Medallion System* (1996), <http://www.schallerconsult.com/taxi/taxi2.htm>. The number of medallions is determined by New York State.

² *Id.*

certain qualifications.³ Transferability, combined with limited supply and the exclusive right to pick up a street hail⁴ helped make taxi medallions valuable assets.⁵ Medallion taxis are the only vehicles allowed to pick up street hails everywhere in all five boroughs, with the exclusive right to pick up street hails in the “exclusionary zone” (below East 96th and West 110th Streets in Manhattan as well as JFK and LaGuardia airports).⁶

B. Creation and Powers of TLC

In 1971, TLC was created to license and regulate medallion taxicabs.⁷ Specifically, TLC establishes the larger public transportation policy that governs the “taxi, coach, limousine, wheelchair accessible van services and commuter van services as it relates to the overall public transportation network” in New York City.⁸ TLC is charged with the regulation and supervision of the business and industry of transportation; including the protection of consumer rights, issuance and regulation of licenses, establishment and enforcement of fare rates, limitation of taxi lease rates, and oversight over the sale of taxi medallions.⁹

C. Medallion Sales

When new medallions are released, they are sold at an auction to the highest bidder. According to TLC’s rules, TLC sets the minimum bid price for a medallion at auction (the upset price).¹⁰ All winning bidders must meet certain requirements and submit an application to TLC for approval prior to taking possession of the medallion. Between 1996, the year the City began selling medallions by closed-bid auction, and 2014, the year of the most recent auction, the City held 21 auctions. Between 2004 and 2014, the average winning bid at auction for independent¹¹ accessible medallions increased from approximately \$280,000 to \$860,000—a 200% increase.¹² The highest winning bid for an independent medallion reached almost \$1 million in February 2014.¹³ During the same time period, the average winning bid for corporate accessible medallions at auction increased from approximately \$550,000 to \$2.3 million dollars—a 300% increase.¹⁴ Between November 2013 and March

³ *Id.*

⁴ A street “hail” is “a request either through a verbal (audio) action such as calling out, yelling, or whistling, and/or a visible physical action such as raising one’s hand or arm . . . for on-demand Taxicab or Street Hail Livery service at the metered rate of fare as set forth in § 58-26 and § 82-26 of [TLC Rules] by a person who is currently ready to travel.” 35 R.C.N.Y. § 51-03.

⁵ N.Y.C. ADMIN. CODE § 19-512, 531.

⁶ N.Y.C. TAXI AND LIMOUSINE COMM’N, *Taxicab Rate of Fare*, <https://www1.nyc.gov/site/tlc/passengers/taxi-fare.page>. A “Hail Exclusionary Zone” is defined as “the area in which Street Hail Liveries are NOT permitted to accept a passenger by hail. The Hail Exclusionary Zone is: (1) Manhattan south of East 96th St. and West 110th St. and (2) The New York City Airports.” 35 R.C.N.Y. § 51-03.

⁷ N.Y. CITY CHARTER § 2300. *See also*, N.Y.C. TAXI AND LIMOUSINE COMM’N, *About TLC*, <https://www1.nyc.gov/site/tlc/about/about-tlc.page>.

⁸ N.Y. CITY CHARTER § 2300.

⁹ *See* 35 R.C.N.Y. § 52.

¹⁰ 35 R.C.N.Y. § 65-05 (b)(1) (“The Chairperson will set a minimum upset price for Medallions to be sold.”) and 35 R.C.N.Y. § 65-05 (b)(2) (“The Chairperson will establish different upset prices for each type of Medallion sold.”) However, in testimony before the Council in 2017, then-Commissioner Meera Joshi stated that the upset price was determined by “the Office of Management and Budget based on past transactions . . . they look at what the most recent out-of-auction transactions are, and they come up with an upset price.” *Hearing before the N.Y.C. Council Comm. on Transp.*, 32 (N.Y.C. Sept. 25, 2017) (statement of Taxi and Limousine Comm’r), *available at* <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=3153662&GUID=B0D0F018-4149-4EFF-8D82-69557323290A&Options=&Search=>.

¹¹ Prior to the passage of Local Law 59 of 2017, there were two types of medallions: independent (individual) and mini-fleet (corporate); Local Law 59 eliminated this distinction. Historically, an “Independent Medallion” was defined as “a class of Medallion Taxicab License, the owner of which may only own one Medallion” and a “Minifleet Medallion” was defined as “a Medallion Taxicab License that is classified and must be owned in groups of at least two” 35 R.C.N.Y. § 51-03 (repealed 2017), *available at* https://web.archive.org/web/20160513104557/http://www.nyc.gov/html/tlc/downloads/pdf/rule_book_current_chapter_51.pdf.

¹² N.Y.C. TAXI AND LIMOUSINE COMM’N, *Medallion Auction*, <https://www1.nyc.gov/site/tlc/businesses/medallion-auction.page>.

¹³ *Id.*

¹⁴ *Id.*

2014, TLC auctioned approximately 400 medallions in three auctions¹⁵ generating about \$359 million.¹⁶

In order to encourage participation in the auctions, TLC undertook “targeted” outreach, promoting medallions as a safe investment and a steady path to a good living.¹⁷ Prospective owners were offered an opportunity to achieve “worry-free” retirement.¹⁸ At the same time, medallion prices continued to rise and many medallion owners purchased medallions with financing, because lenders considered medallions safe and secure collateral.¹⁹ For many years, lenders issued large loans for medallions and requested very small, or even no, down payments.²⁰ Some of these loans often had large balloon payments attached, which forced these borrowers to refinance once their loans matured.²¹ Additionally, others were encouraged to refinance as medallion prices continued to rise and the value of their asset increased.²² The sharp decline in medallion values has been especially difficult for medallion owners who took out loans like these. Out of approximately 6,000 individual medallion owners, over 900 have declared bankruptcy in the last three years.²³

II. TLC’S ROLE IN MAINTAINING THE FINANCIAL STABILITY OF MEDALLION OWNERS

TLC’s regulatory authority includes “the regulation and supervision of the business and industry of transportation of persons by licensed vehicles for hire in the city”²⁴ and the ability to establish “[r]equirements for the maintenance of financial responsibility, insurance and minimum coverage.”²⁵ TLC also has the power to define, adopt, and enforce licensing standards, and²⁶ “[e]stablish and enforce standards to ensure all Licensees are and remain financially stable.”²⁷ The term “financially stable” is, however, not defined or expanded upon in TLC’s rules nor does it appear that TLC ever established any informal standard for financial stability.

A. TLC’s Medallion Licensing Process

TLC Rules require that applicants for medallion taxicab licenses meet certain general requirements. These requirements apply whether the applicant is an individual or business entity, or is applying for a license pursuant to the sale of a new medallion at auction, or via a medallion transfer.²⁸ In reviewing an application for a medallion license, TLC must consider a number of factors in making its determination, including but not limited to: an applicant’s financial disclosures, whether an applicant is fit to hold a license, and an applicant’s good moral character. However, as is detailed below, TLC has failed to implement a meaningful license review process.

¹⁵ *Id.*

¹⁶ James Fanelli and Jeff Mays, *Uber Could Take \$500M Bite Out of City’s Taxi Medallion Income*, DNAINFO, Jul. 23, 2015, <https://www.dnainfo.com/new-york/20150723/new-york-city/citys-projected-revenue-from-taxi-medallion-sales-drops-by-500m/>.

¹⁷ Annual Report to the New York City Council, N.Y.C. Taxi and Limousine Comm’n, 13 (2003), https://www1.nyc.gov/assets/tlc/downloads/pdf/2003_annual_report.pdf. (emphasis added).

¹⁸ TLC TIMES (Winter 2004), available at

https://web.archive.org/web/20120326225112/http://www.nyc.gov/html/tlc/downloads/pdf/newsletter_winter_2004_external.pdf.

¹⁹ Felipe De La Hoz, *Credit Union Holding Taxi Medallion Loans Shatters, Leaving Drivers in Limbo*, DOCUMENTED, Sept. 19, 2018, <https://documentedny.com/2018/09/19/credit-union-holding-taxi-medallion-loans-shatters-leaving-drivers-in-limbo/>.

²⁰ *Id.*

²¹ Brian M. Rosenthal, *‘They Were Conned’: How Reckless Loans Devastated a Generation of Taxi Drivers*, N.Y. TIMES, May 19, 2019, <https://www.nytimes.com/2019/05/19/nyregion/nyc-taxis-medallions-suicides.html>.

²² *Id.*

²³ *The Myth of the Medallion*, *The Weekly* 19:20 (June 9, 2019) (available through Hulu).

²⁴ N.Y. CITY CHARTER § 2303(a).

²⁵ N.Y. CITY CHARTER § 2303(b)(7).

²⁶ N.Y. CITY CHARTER §§ 2300, 2301; 35 R.C.N.Y. § 52-03(b).

²⁷ 35 R.C.N.Y. § 52-04(a)(4) (effective 2011).

²⁸ 35 R.C.N.Y. § 58-43(b)(4).

1. The License Application Review Process

As a threshold matter, OIU's investigation into TLC's current and prior practices with respect to medallion licensing²⁹ revealed that very little substantive review takes place during or after the licensing process. Witnesses describe the current application review process as a review conducted by a clerk for "completeness" of the documents included in an application, rather than for content. Further, there is no standard method for tracking these documents. Following a 2008 audit by the City Comptroller that called for stricter tracking controls, TLC implemented the use of a "checklist" and added a requirement that a supervisor review the checklist.³⁰ Nevertheless, the use of a checklist appears discretionary and does not need to be completed or even retained with a medallion file, if one is used. Furthermore, a supervisor only becomes involved in the process if potential issues are brought forward by the clerk reviewing the file.

TLC has been called to task for failing to enforce its own rules. In 2007, after the Office of Management and Budget ("OMB") alerted the City to a series of identical bids from three bidders that resulted in those bids winning all 54 medallions available at an auction, the New York City Department of Investigation ("DOI") examined several medallion auctions.³¹ After interviewing TLC staff and the three winning bidders, DOI determined that TLC was not enforcing its rules because of a lack of awareness and understanding of those rules.³² TLC agreed to a number of reforms recommended by DOI, including clarifying the non-collusion clause in auction bid forms and issuing new rules prohibiting brokers from providing advice to multiple bidders in an auction.³³

2. Financial Disclosures

TLC's rules require that an applicant owning one or more medallions "must provide" a "financial disclosure statement" to TLC. The financial disclosure statement "must be completed on a form provided by the Commission and must include the disclosure of assets, liabilities, income and net worth of all Business Entity Persons of a Business Entity Applicant, as well as any other information required by the Commission."³⁴ However, the current medallion application form does not require any financial disclosure information. Further, a successful medallion application from 2014 provided to the Council did not require or contain any such information.³⁵ Currently, TLC only requires that an applicant for a medallion license submit a financial disclosure "where the Applicant already owns one or more Medallion Taxicabs."³⁶ This would appear only to require financial disclosures from owners of multiple medallions, meaning that first time owners would not have to make such a disclosure. This is a change from the previous version of the rule, in place prior to 2010, which required that each individual medallion owner, whether a business entity or not, submit a financial disclosure.³⁷

²⁹ N.Y.C. TAXI AND LIMOUSINE COMM'N, *Application for a Taxicab Owner's License*, https://www1.nyc.gov/assets/tlc/downloads/pdf/os_1_application_reg.pdf.

³⁰ Audit Report on the Taxi and Limousine Commission's Controls over Taxi Medallions, N.Y.C. Office of the Comptroller 16 (2008), https://comptroller.nyc.gov/wp-content/uploads/documents/FM08_075A.pdf.

³¹ Taxi and Limousine Commission Medallion Auction Report, N.Y.C. Department of Investigation 25 (2007), *available at* <http://archive.citylaw.org/doi/TLC%20Medallion%20Auction%20Report.pdf>.

³² *Id.* at 25.

³³ *Id.* at 25-28.

³⁴ 35 R.C.N.Y. § 58-04(f)(2).

³⁵ On file with OIU. *See also* Brian M. Rosenthal, *As Thousands of Taxi Drivers Were Trapped in Loans, Top Officials Counted the Money*, N. Y. TIMES, May 19, 2019, <https://www.nytimes.com/2019/05/19/nyregion/taxi-medallions.html?action=click&module=Top%20Stories&pgtype=Homepage> ("[O]fficials [at TLC] never analyzed the forms filed by buyers, and in the 2000s, they stopped requiring the annual disclosures altogether.")

³⁶ 35 R.C.N.Y. § 58-04(f)(1).

³⁷ *See* 35 R.C.N.Y. § 1-02(l) (repealed 2010), *available at* <https://web.archive.org/web/20150906032532/http://www.nyc.gov/html/tlc/downloads/pdf/ownrules.pdf> ("Each individual medallion owner, member of a partnership owning one or more medallion taxicabs, or shareholder, director or officer of any corporation owning one or more medallion taxicabs shall furnish to the Commission a financial disclosure statement, executed under oath, together with all attachments and documentation required by the Commission. This disclosure statement will be completed on a form provided by the Commission, and shall include but not be limited to the entire disclosure of assets, liabilities, income and net worth of the owner, partner, shareholder, officer or director.")

Int. No. 1584-A, which will require annual financial disclosures from each person who has any interest in any taxicab license, will remedy this deficiency.

TLC has lessened its requirements for financial disclosure over time. In 2003, a financial disclosure report was required of all medallion owners, while applicants had to furnish TLC with information specifically regarding the financing of the medallion.³⁸ The financial disclosure report included questions about outstanding medallion loan balances, gross receipts, and net income.³⁹ Notably, this report was much leaner than what was previously required of all medallion owners. An industry notice from 2003 advised that the required disclosure was “previously a 21-page document, [and] has been revamped in size and scope and is now a four-page document.”⁴⁰ TLC explained that the redesign was “to make the information requested more valuable to TLC as a policy tool” and that the information was used to “analyze owners’ income [and] medallion equity,”⁴¹ emphasizing the importance of this data for review of financial stability. While the simplified 2003 form still asked for some substantive information, such as the outstanding loan balances of its drivers, the *New York Times* recently reported that TLC “never analyzed” annual financial disclosures submitted by industry participants, and stopped requiring the annual disclosures in the 2000s.⁴² According to the *Times*, TLC’s explanation for the halt in review was that “[r]eviewing these disclosures was an onerous lift for us.”⁴³

Int. No. 1610-A would require TLC to establish an Office of Financial Stability that will be required to monitor and evaluate the financial stability of the taxicab industry. The Office would utilize much of the information from the annual financial disclosures that would be required under Int. No. 1584-A.

3. Fit to Hold a License

TLC’s “Fit to Hold a License” standard⁴⁴ requires an applicant to “demonstrate to the satisfaction of the Commission that the Applicant is Fit to Hold a License of an Owner of a Taxicab License.”⁴⁵ The “Fit to Hold a License” standard requires that an applicant or licensee “has been and will be candid and forthcoming with the Commission and honest in dealing with the public” and “has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License.”⁴⁶ However, there appears to be no specialized part of the current medallion transfer application that involves a review under the Fit to Hold

³⁸ N.Y.C. TAXI AND LIMOUSINE COMM’N, *Financial Disclosure Form* (May 1, 2003), available at https://web.archive.org/web/20040219073638/http://www.nyc.gov/html/tlc/downloads/pdf/financial_disclosure030503.pdf (“Pursuant to Title 35 of the Rules of the City of New York, Rule 1-02(L), each individual medallion owner, member of a partnership owning one or more taxicab medallions, or shareholder, director or officer of any corporation owning one or more medallion taxicabs, shall furnish to the Commission a Financial Disclosure Report.”). See also 35 R.C.N.Y. § 1-02(c)(5) (repealed 2010), available at <https://web.archive.org/web/20150906032532/http://www.nyc.gov/html/tlc/downloads/pdf/ownrules.pdf> (stating that an applicant must “furnish[] to the Commission all required information concerning the financing of the purchase price of the medallion and/or taxicab.”).

³⁹ N.Y.C. TAXI AND LIMOUSINE COMM’N, *Financial Disclosure Form* (May 1, 2003), available at https://web.archive.org/web/20040219073638/http://www.nyc.gov/html/tlc/downloads/pdf/financial_disclosure030503.pdf.

⁴⁰ N.Y.C. TAXI AND LIMOUSINE COMM’N, *Industry Notice #03-11* (Mar. 11, 2003), available at https://web.archive.org/web/20150906024442/http://www.nyc.gov/html/tlc/downloads/pdf/industry_notice_03_11.pdf.

⁴¹ Annual Report to the New York City Council, N.Y.C. Taxi and Limousine Comm’n 13 (2003), https://www1.nyc.gov/assets/tlc/downloads/pdf/2003_annual_report.pdf. (emphasis added).

⁴² Brian M. Rosenthal, *As Thousands of Taxi Drivers Were Trapped in Loans, Top Officials Counted the Money*, N. Y. TIMES, May 19, 2019, <https://www.nytimes.com/2019/05/19/nyregion/taxi-medallions.html?action=click&module=Top%20Stories&pgtype=Homepage>.

⁴³ *Id.*

⁴⁴ “Fit to Hold a License” is defined as follows:

- “The Applicant or Licensee meets and will continue to meet all of the qualifications for the License or Authorization sought or held as established by applicable Rules and laws.
- The Applicant or Licensee is of good moral character.
- The Applicant or Licensee has been and will be candid and forthcoming with the Commission and honest in dealing with the public.
- The Applicant or Licensee has reliably complied with and will reliably comply with all of the rules and laws associated with holding the particular TLC License.
- Where an Applicant has engaged in conduct that resulted or could have resulted in the suspension or revocation of a TLC License, the Applicant shows that he or she will not engage in similar conduct in the future.”

35 R.C.N.Y. § 51-03.

⁴⁵ 35 R.C.N.Y. § 58-04(d) (effective 2011).

⁴⁶ 35 R.C.N.Y. § 51-03.

a License standard. Interviews conducted by staff suggest that TLC would only consider an application under this standard if it were somehow revealed that an applicant had intentionally misrepresented information on the application.

4. Good Moral Character

TLC licensees are also subject to a “Good Moral Character” review.⁴⁷ While a plain reading of the requirement for “Good Moral Character” might suggest the possibility of a broad interpretation, it is likely limited to a review of an applicant’s criminal history.⁴⁸ In its review, TLC applies a provision of New York State Corrections Law that states that an agency can only deny a license on the basis of a previous criminal conviction or for a “finding of lack of ‘good moral character’” where there is a direct connection between the previous criminal offense and the specific license sought or the issuance of the license would “involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.”⁴⁹

5. Other License Review Criteria

TLC’s rules enumerate a number of grounds TLC “can” invoke to deny an application.⁵⁰ These grounds tend to focus on driver behavior (e.g., assault of a passenger, passenger service refusals, and incidents of overcharging) rather than the type of actions those who own corporate medallions might engage in, such as withholding wages from drivers or violating lease cap amounts.

6. Enforcement Against Bad Actors

Despite TLC’s own requirements for reviewing the character and fitness of applicants and license holders and its authority to deny and revoke licenses, bad actors have thrived in the medallion market. For example, former corporate medallion owner Evgeny “Gene” Freidman, who reportedly managed one of the largest taxi operations in the City, earning him the moniker “Taxi King” was found by DOI to have colluded in the 2004

⁴⁷ With respect to “Good Moral Character,” Rule 58-04(c) states:

“(1) An individual or all Business Entity Persons of a Business Entity applying for a Taxicab License must be fingerprinted and must be of good moral character. Fingerprinting for the purpose of investigating good moral character is also required of the following, unless waived by the Chairperson in his or her discretion:

- (i) Any new Business Entity Persons added by a Licensee;
- (ii) Any individual or Business Entity Persons of a Business Entity that provides funds for any Owner, unless the provider is a licensed bank or loan company.

(2) Applicant’s criminal history will be considered in a manner consistent with the Corrections Law of the State of New York.”

35 R.C.N.Y. §§ 58-04(c).

⁴⁸ 35 R.C.N.Y. §§ 58-04(c)(2).

⁴⁹ *Id.* N.Y. CORRECT. LAW § 752 (McKinney). Unfair discrimination against persons previously convicted of one or more criminal offenses prohibited “No application for any license or employment, and no employment or license held by an individual, to which the provisions of this article are applicable, shall be denied or acted upon adversely by reason of the individual’s having been previously convicted of one or more criminal offenses, or by reason of a finding of lack of “good moral character” when such finding is based upon the fact that the individual has previously been convicted of one or more criminal offenses, unless: (1) there is a direct relationship between one or more of the previous criminal offenses and the specific license or employment sought or held by the individual; or (2) the issuance or continuation of the license or the granting or continuation of the employment would involve an unreasonable risk to property or to the safety or welfare of specific individuals or the general public.”;

N.Y. CORRECT. LAW § 753 (McKinney). Factors to be considered concerning a previous criminal conviction; presumption. These factors include “(b) The specific duties and responsibilities necessarily related to the license or employment sought or held by the person” and “(c) The bearing, if any, the criminal offense or offenses for which the person was previously convicted will have on his fitness or ability to perform one or more such duties or responsibilities.”

⁵⁰ 35 R.C.N.Y. § 58-08.

and 2006 auctions.⁵¹ In 2013, Freidman oversaw one of the five largest fleets in New York City with more than 880 medallions⁵² and was the managing owner of over 120 companies.⁵³

The release of DOI's Report in 2007 and TLC's subsequent rule changes seemingly did little to deter Freidman from engaging in behavior that had potentially deleterious effect on the financial stability of other TLC licensees.⁵⁴ Freidman not only continued to be an active participant in the medallion market, he freely admitted he purposefully bid up the value of medallions in order to increase the value of his portfolio of companies.⁵⁵ Former TLC Commissioner Matthew Daus recently acknowledged that TLC was aware of Freidman's practice of bidding up auction prices at the time, saying, "[w]ell, were we aware that they were bidding up the prices? Yes, I mean, the goal was to try to get the highest price."⁵⁶

In 2013, an investigation by the State Attorney General and TLC led to a settlement agreement between Freidman and TLC after he was found to have been violating TLC's lease-cap rules and routinely overcharging drivers of his taxicabs.⁵⁷ He was ordered to pay \$1.2 million⁵⁸ in fines to TLC and restitution of \$750,000 to drivers who were charged higher than the legally permissible lease amounts, and to hire an internal compliance officer to make sure his companies followed the law going forward.⁵⁹ However, despite all these bad actions, public statements, and announced settlements, TLC allowed Freidman to participate freely in both the November 2013 and March 2014 auctions, winning 22 medallions in total.⁶⁰

In 2015, the New York State Attorney General brought a new action against Freidman for breach of the settlement agreement reached in 2013 and for violating taxi drivers' rights.⁶¹ In 2016, the New York State Attorney General entered into a consent order with Freidman and levied fines and restitution amounts for violating taxi drivers' rights—namely for charging drivers higher lease rates and making unlawful driver

⁵¹ Sarah Maslin Nir, *Taxi King Is Charged with Stealing \$5 Million in State Fees*, N.Y. TIMES, June 7, 2017, <https://www.nytimes.com/2017/06/07/nyregion/taxi-king-is-charged-with-stealing-5-million-in-state-fees.html>.

⁵² OFFICE OF THE N.Y.S. ATT'Y GEN., A.G. SCHNEIDERMAN AND TLC SECURE FIRST-OF-ITS-KIND AGREEMENT PROTECTING RIGHTS OF TAXICAB DRIVERS (Dec. 19, 2013), <https://ag.ny.gov/press-release/ag-schneiderman-and-tlc-secure-first-its-kind-agreement-protecting-rights-taxicab-0>.

⁵³ OFFICE OF THE N.Y.S. ATT'Y GEN., A.G. UNDERWOOD AND ACTING TAX COMMISSIONER MANION ANNOUNCE CONVICTION OF "TAXI KING" EVGENY FREIDMAN FOR STEALING NEARLY \$5 MILLION IN MTA TAXES (May 22, 2018), <https://ag.ny.gov/press-release/ag-underwood-and-acting-tax-commissioner-manion-announce-conviction-taxi-king-evgeny>

⁵⁴ See *supra* Note 32.

⁵⁵ Videotape: *Yeshiva University, Evgeny Friedman [sic], chief executive of Taxi Club Management at Syms School of Business* 19:35 (Feb. 9, 2012) (available through YouTube) ("So then I'd go to auctions and I'd bid crazy prices. People were looking at me like crazy, and I didn't really care. Because I'd go back to prices, and say that this is market value, there was just an auction there... I go, I need to refinance, they go, no problem. So I did that for a while."); Simon Van Zuylen-Wood, *The Struggles of New York City's Taxi King*, BLOOMBERG LP, August 27, 2015, <https://www.bloomberg.com/features/2015-taxi-medallion-king/> ("I'd go to an auction, I'd run up the price of a medallion, then I'd run to my bankers and say, 'Look how high the medallions priced! Let me borrow against my portfolio.' And they let me do that.")

⁵⁶ *The Myth of the Medallion*, *The Weekly* 19:20 (June 9, 2019) (available through Hulu).

⁵⁷ OFFICE OF THE N.Y.S. ATT'Y GEN., A.G. SCHNEIDERMAN OBTAINS CONSENT ORDER REQUIRING EVGENY FREIDMAN'S TAXI COMPANIES TO HIRE INDEPENDENT MONITOR TO PROTECT DRIVERS' RIGHTS (April 19, 2016), <https://ag.ny.gov/press-release/ag-schneiderman-obtains-consent-order-requiring-evgeny-freidman%E2%80%99s-taxi-companies-hire>.

⁵⁸ *Id.*

⁵⁹ Press Release, Office of the N.Y.S. Att'y Gen., *A.G. Schneiderman And TLC Secure First-of-its-kind Agreement Protecting Rights Of Taxicab Drivers*, (Dec. 19, 2013) available at <https://ag.ny.gov/press-release/ag-schneiderman-and-tlc-secure-first-its-kind-agreement-protecting-rights-taxicab-0>.

⁶⁰ Based on data of medallion auction winners compiled by OIU from TLC's website. N.Y.C. TAXI AND LIMOUSINE COMM'N, *Medallion Auction*, <https://www1.nyc.gov/site/tlc/businesses/medallion-auction.page>.

⁶¹ OFFICE OF THE N.Y.S. ATT'Y GEN., A.G. SCHNEIDERMAN SUES EVGENY FREIDMAN AND HIS TAXI MANAGEMENT COMPANIES FOR ALLEGEDLY VIOLATING TAXI DRIVERS' RIGHTS AND BREACHING SETTLEMENT AGREEMENT (Apr. 23, 2015), <https://ag.ny.gov/press-release/ag-schneiderman-sues-evgeny-freidman-and-his-taxi-management-companies-allegedly>. In this lawsuit, the N.Y. Attorney General alleged that Freidman did not provide accurate proof that drivers had been fully reimbursed for the healthcare fund portion of the settlement, as was required by the agreement. Freidman and his companies also purportedly failed to comply with provisions that required them to cooperate with ongoing compliance monitoring by the N.Y. Attorney General. In addition, the lawsuit asserted that one of Freidman's companies committed new violations by paying drivers late for rides charged to credit cards. Further, this company allegedly provided drivers and the N.Y. Attorney General with false receipts in an effort to hide the violations.

healthcare fund deductions.⁶² TLC assisted the State Attorney General in the above investigations, yet Freidman remained a licensed taxicab medallion owner throughout the pendency of these investigations.⁶³

In April 2017, TLC notified Freidman that he would no longer be allowed to be an agent for the 800 plus medallions that he managed,⁶⁴ but only “for failing to submit all required documents necessary for the renewal to proceed.”⁶⁵ In May 2017, Freidman pleaded guilty to failing to pay the New York State Department of Taxation and Finance \$5 million in 50-cent MTA surcharges between 2012 and 2015.⁶⁶ Freidman agreed to pay restitution and judgments totaling \$5 million dollars to New York State.⁶⁷ On June 8, 2017, TLC notified Freidman of their intention to suspend his medallions.⁶⁸

A number of Freidman’s associates in the medallion sector also raise serious questions regarding TLC’s oversight. Michael Cohen, best known as Donald Trump’s personal attorney, invested heavily in medallions, eventually owning a fleet of thirty.⁶⁹ Beginning in 2006, Cohen authorized Freidman to manage his medallions.⁷⁰

Cohen recently pled guilty to tax evasion after failing to report more than \$4 million in income to the Internal Revenue Service.⁷¹ A substantial portion of this unreported income was said to be linked to Cohen’s income from his taxi medallions.⁷² Specifically, \$1.3 million dollars of this total income included money he received from his medallion portfolio manager at the time, Symon Garber. Cohen also obtained lines of credit collateralized by taxi medallions and failed to disclose them.⁷³

Even before Cohen’s recent high-profile legal troubles, he and Garber faced multiple sanctions for his behavior in the industry. Cohen and Garber have paid more than \$1 million for overcharging their drivers.⁷⁴ Cohen and Garber have also accused each other of “forging signatures, stiffing lawyers and dodging debt collection efforts.”⁷⁵ In 2014, the State Attorney General and TLC reached an agreement with Garber for almost \$1.6 million in fines and restitutions after they discovered that his corporation had been illegally charging drivers under the lease cap rules.⁷⁶ In 2017, news outlets reported that Cohen had failed to pay approximately \$40,000

⁶² OFFICE OF THE N.Y.S. ATT’Y GEN., A.G. SCHNEIDERMAN OBTAINS CONSENT ORDER REQUIRING EVGENY FREIDMAN’S TAXI COMPANIES TO HIRE INDEPENDENT MONITOR TO PROTECT DRIVERS’ RIGHTS (April 19, 2016), <https://ag.ny.gov/press-release/ag-schneiderman-obtains-consent-order-requiring-evgeny-freidman%E2%80%99s-taxi-companies-hire>.

⁶³ 35 R.C.N.Y. § 58-04(d).

⁶⁴ Danielle Furfaro, *Taxi King no longer allowed to manage hundreds of medallion*, N.Y. POST, Apr. 6, 2017, <https://nypost.com/2017/04/06/taxi-king-no-longer-allowed-to-manage-hundreds-of-medallions/>.

⁶⁵ Apr. 24, 2017 Letter to Hon. Vyskocil, *In re: Red Bull Taxi Inc.*, No. 16-13153-MK (S.D.N.Y. Apr. 27 2017), ECF No. 43.

⁶⁶ OFFICE OF THE N.Y.S. ATT’Y GEN., A.G. UNDERWOOD AND ACTING TAX COMMISSIONER MANION ANNOUNCE CONVICTION OF “TAXI KING” EVGENY FREIDMAN FOR STEALING NEARLY \$5 MILLION IN MTA TAXES (May 22, 2018), <https://ag.ny.gov/press-release/ag-underwood-and-acting-tax-commissioner-manion-announce-conviction-taxi-king-evgeny>.

⁶⁷ *Id.*

⁶⁸ Dec. 15, 2017 Letter to Hon. Craig, *In re: Wolverine Taxi LLC*, No. 1-17-45660-CEC (Bankr. E.D.N.Y. Dec. 15 2017), ECF No. 180. Note that it is unclear what provided the basis for this revocation.

⁶⁹ William K. Rashbaum, Danny Hakim, Brian M. Rosenthal, Emily Flitter and Jesse Drucker, *How Michael Cohen, Trump’s Fixer, Built a Shadowy Business Empire*, N. Y. TIMES, May 5, 2018, <https://www.nytimes.com/2018/05/05/business/michael-cohen-lawyer-trump.html>.

⁷⁰ *Id.*

⁷¹ Kelly Phillips Erb, *Cohen Pleads Guilty To Tax Evasion, Bank Fraud & Campaign Finance Law Violations*, FORBES, Aug. 21, 2018, <https://www.forbes.com/sites/kellyphillipserb/2018/08/21/cohen-pleads-guilty-to-tax-evasion-bank-fraud--campaign-contribution-charges/#1827e8906da0>.

⁷² Dana Rubinstein, *New York City taxi regulator orders Michael Cohen to divest of his medallions*, POLITICO, Aug. 22, 2018, <https://www.politico.com/states/new-york/city-hall/story/2018/08/22/new-york-city-taxi-regulator-orders-michael-cohen-to-divest-of-his-medallions-572801>.

⁷³ Sentencing Memorandum at 11, *U.S. v. Michael Cohen*, No. 1:18-cr-00850, (S.D.N.Y. Dec. 7, 2018), <https://www.documentcloud.org/documents/5453401-SDNY-Cohen-sentencing-memo.html>.

⁷⁴ William K. Rashbaum, Danny Hakim, Brian M. Rosenthal, Emily Flitter and Jesse Drucker, *How Michael Cohen, Trump’s Fixer, Built a Shadowy Business Empire*, N. Y. TIMES, May 5, 2018, <https://www.nytimes.com/2018/05/05/business/michael-cohen-lawyer-trump.html>.

⁷⁵ *Id.*

⁷⁶ OFFICE OF THE N.Y.S. ATT’Y GEN., A.G. SCHNEIDERMAN & TLC RECOVER OVER \$1.6 MILLION IN RESTITUTION, PENALTIES FROM NYC TAXICAB COMPANY THAT OVERCHARGED DRIVERS, (Aug. 12, 2014), <https://ag.ny.gov/press-release/ag-schneiderman-tlc-recover-over-16-million-restitution-penalties-nyc-taxicab-company>.

in mandatory MTA tax surcharges.⁷⁷ Additionally, Cohen maintained questionable relations with known mobsters for many years, with no apparent consideration, comment, or penalty by TLC.⁷⁸

In August 2018, TLC gave notice to Cohen that his medallions would be revoked unless he sold them.⁷⁹ At the time, TLC Spokesman Allan Fromberg said the revocation was “standard operating procedure” after Cohen’s guilty plea.⁸⁰ Garber is still currently a licensed TLC medallion owner.

It appears that TLC had several grounds, including its own discretion, to revoke or summarily suspends the licenses of Freidman, Cohen, and Garber at various points, pending a hearing. TLC’s inaction underscores the need for Int. No. 1608-A, which will require TLC to investigate and assess the good character, honesty, and integrity of licensees like Freidman before issuing or renewing a license.

B. TLC’s Broker and Agent Licensing Process

Taxicab brokers (“brokers”) help prospective medallion buyers purchase medallions either at auction or in the transfer market.⁸¹ Brokers also help sellers of medallions to facilitate sales in the transfer market and can assist applicants in completing necessary paperwork. A taxicab agent (“agent”) helps medallion owners operate their taxi businesses.⁸²

Brokers and agents have similar licensing requirements to medallion buyers. Both are required to be “fit to hold a license”⁸³ and must be fingerprinted.⁸⁴ Unlike medallion applicants, however, there are no clear rules relating to financial stability, disclosure, or reporting for brokers or agents. Two rules relating to brokers are especially relevant to this hearing. First, a broker must disclose in writing to an applicant any potential conflict of interest, including whether the broker is also acting as a lender, insurance broker, automobile dealer, or otherwise has a financial interest.⁸⁵ The disclosure requirement illustrates that TLC is aware of the many potential conflicts created by brokers performing multiple roles. Indeed this very problem played a role in the current medallion crisis, as some medallion purchasers claim they were unaware their broker was also affiliated with their lenders.⁸⁶

⁷⁷ Dan Rivoli and Reuven Blau, *Trump’s personal lawyer owes New York State nearly \$40G in unpaid taxi taxes*, N.Y. DAILY NEWS, Aug. 8, 2017, <https://www.nydailynews.com/news/politics/trump-personal-lawyer-owes-40g-unpaid-taxi-taxes-article-1.3392192>. Note: Cohen has recently stated publicly that any other outstanding taxes that he owes to the State of New York for his taxicab companies are in fact owed by Freidman.

⁷⁸ William K. Rashbaum, Danny Hakim, Brian M. Rosenthal, Emily Flitter and Jesse Drucker, *How Michael Cohen, Trump’s Fixer, Built a Shadowy Business Empire*, N.Y. TIMES, May 5, 2018, <https://www.nytimes.com/2018/05/05/business/michael-cohen-lawyer-trump.html>.

⁷⁹ Dan Rivoli and Reuven Blau, *Trump’s personal lawyer owes New York State nearly \$40G in unpaid taxi taxes*, N.Y. DAILY NEWS, Aug. 8, 2017, <https://www.nydailynews.com/news/politics/trump-personal-lawyer-owes-40g-unpaid-taxi-taxes-article-1.3392192>.

⁸⁰ *Id.*

⁸¹ N.Y.C ADMIN. CODE § 19-527(a) (“For purposes of this section ‘taxicab broker’ means a person, partnership or corporation who, for another and whether or not acting for a fee, commission or other valuable consideration, acts as an agent or intermediary in negotiating the purchase or sale of a taxicab or of stock of or in a corporation which is an owner as defined in subdivision i of section 19-501 of this chapter, or in negotiating a loan secured or to be secured by an encumbrance upon or transfer of a medallion, vehicle license or licensed vehicle. A purchase or sale under this subdivision shall include a purchase or sale of or under a reserve title contract, conditional sales agreement or vendor lien agreement.”); 35 R.C.N.Y. § 62-03(c) (“Broker or Taxicab Broker is an individual or Business Entity licensed by the Commission to act as an agent for another person or Business Entity in negotiating either of the following: (1) The transfer of any interest in a Medallion (2) A loan to be secured by a Medallion or a Taxicab.”)

⁸² N.Y.C ADMIN. CODE § 19-502(s) (“‘Agent’ means an individual, partnership or corporation that acts, by employment, contract or otherwise, on behalf of one or more owners to operate or provide for the operation of a taxicab in accordance with the requirements of this chapter and any rule promulgated by the commission. The term ‘agent’ shall not include an attorney or representative who appears on behalf of one or more owners before the commission or an administrative tribunal, and taxicab drivers licensed pursuant to this chapter when acting in that capacity.”); 35 R.C.N.Y. § 63-03(a) (“Agent is an individual or Business Entity that has been Licensed by the Commission to operate or facilitate the operation of one or more Taxicabs on behalf of the Taxicab owner.”)

⁸³ 35 R.C.N.Y. §§ 62-04(c), 63-04(k).

⁸⁴ 35 R.C.N.Y. §§ 62-04(c), 63-04(d).

⁸⁵ 35 R.C.N.Y. § 62-05(c).

⁸⁶ See e.g. Brian M. Rosenthal, *‘They Were Conned’: How Reckless Loans Devastated a Generation of Taxi Drivers*, N.Y. TIMES, May 19, 2019, <https://www.nytimes.com/2019/05/19/nyregion/nyc-taxis-medallions-suicides.html> (“Borrowers instead trusted their broker to represent them, even though, unbeknown to them, the broker was often getting paid by the bank.”).

Second, a broker must provide his or her principal(s) and TLC a “written closing statement” which includes the medallion sale price, names and address of lenders, amount of loan, and broker’s commission.⁸⁷ However, as this requirement *follows* the completion of a closing, there is no reason to believe that the Commission would use the information provided to deny an application. It is unclear if TLC has used this information to gain insight into the medallion loan market.

C. Other Opportunities to Understand the Financial Stability of its Licensees

In addition to the financial information and documentation TLC had access to through the licensing process, TLC also regularly held public hearings on a variety of topics, including rate setting and lease caps.⁸⁸ At many of these hearings industry participants clearly articulated feelings of financial insecurity and doubt about medallion value. In 2004, one stakeholder opined that “selling new medallions will raise \$200 million for the city but at loan shark rates [to buyers].”⁸⁹

In an exchange with a representative from a trade association for medallion owners at a 2012 hearing, then-Commissioner David Yassky asked about rates of return on medallions and was told that some medallion owners were paying their returns entirely to credit unions:

Yassky: So what you're saying is if I own the medallion and I operate it in a fleet fashion, my profit is that \$32,000 plus the \$5,000 down at the bottom for total of \$37,000. So using that million dollar evaluation, that would be a rate of return of 3.7 percent which is probably actually competitive with other investments like T bills and S&P 500. I now realize -- I have been at a loss to understand what is the claim, how is it that saying well, I'm willing to pay a million dollars for a medallion, but it doesn't profit anything. It profits 32,000 a year or 37 which is a decent rate of return.

Peter Mazer: Put it this way. That would be a rate of return if somebody brought a medallion maybe 20, 30 years ago and you own it outright. Now, if you buy it today, that rate of return is in the form of a check that you pay out to your credit union.⁹⁰

The challenges of operating a taxicab were described again at a 2016 meeting when a medallion owner alleged that a program designed to increase public safety by limiting the number of hours a driver could work would have the unintended consequence of functioning as an “owners income reduction rule” due to “the catastrophic and highly leveraged loans on the medallions [the] commission sold between 2004 and 2014.”⁹¹ In 2018, then-Commissioner Joshi acknowledged the distress medallion owners faced due to their indebtedness, stating that TLC “will continue to advocate for lenders to write down principles and modify loan terms.”⁹² Regardless what TLC’s license review process revealed, the agency had ample notice through public hearings that the financial stability of its licensees was at risk.

ANALYSIS OF INT. NO. 1584-A

Section one of Int. No. 1584-A amends chapter 5 of title 19 of the Administrative Code by adding a new section 19-556. Subdivision a of this new section requires each person who is a taxicab license owner, agent,

⁸⁷ 35 R.C.N.Y. § 62-19 (b)(2).

⁸⁸ 35 R.C.N.Y. § 52-04(b)(3) and (4).

⁸⁹ *N.Y.C. Taxi and Limousine Comm’n Meeting*, 66-67 (N.Y.C. Mar. 20, 2004),

https://www1.nyc.gov/assets/tlc/downloads/About/commission_meeting_transcript/transcript_03_30_04.pdf.

⁹⁰ *N.Y.C. Taxi and Limousine Comm’n Meeting*, 103-104 (May 31, 2012),

https://www1.nyc.gov/assets/tlc/downloads/pdf/transcript_05_31_12.pdf. Note that the respondent is Peter Mazer, General Counsel to the Metropolitan Taxicab Board of Trade.

⁹¹ *Hearing before the N.Y.C. Taxi and Limousine Comm’n*, 75 (Jun. 23, 2016),

https://www1.nyc.gov/assets/tlc/downloads/pdf/transcript_06_23_16.pdf.

⁹² *Hearing before the N.Y.C. Taxi and Limousine Comm’n*, 9 (Dec. 4, 2018),

https://www1.nyc.gov/assets/tlc/downloads/About/commission_meeting_transcript/transcript_12_04_2018.pdf.

member of a partnership owning one or more taxicab licenses, or shareholder, director or officer of any corporation owning one or more taxicab license, annually to complete and file with TLC a financial disclosure statement, executed under oath, on a form provided by the Commission. The financial disclosure statement would include:

1. Each taxicab license in which the person has an interest;
2. Whether such interest is as an owner, agent, member of a partnership, shareholder, director, or officer;
3. Any other licenses issued by the Commission held by the person or in which the person has an interest;
4. The person's gross income from taxicab operations in the prior calendar year;
5. The person's gross expenses related to taxicab operations in the prior calendar year;
6. The total amount of taxicab liability insurance premiums paid by the person in the prior calendar year;
7. The outstanding balances of all loans secured by taxicab licenses in which the person has an interest as of the end of the prior calendar year;
8. The number of taxicab licenses in which the person has an interest that are collateral for a secured loan;
9. The number of taxicab licenses in which the person has an interest that are not collateral for a secured loan;
10. Any other interests the person has in any taxi, livery, or for-hire vehicle business, whether or not licensed by the Commission; and
11. Any other information requested by the Commission.

Subdivision b of this new section would require that all such financial disclosure statements include all attachments and documentation required by the Commission.

Section two of Int. No. 1584-A provides that the local law would take effect 120 days after it became law, except that TLC could take all necessary action, including the promulgation of rules, prior to such effective date.

ANALYSIS OF INT. NO. 1608-A

Section one of Int. No. 1608-A amends subdivision d of section 19-504 of the Administrative Code with respect to the licensing and renewal process for taxicab licensees, section two amends subdivision d of section 19-527 with respect to the licensing and renewal process for taxicab brokers, and section three amends subdivision d of section 19-530 with respect to taxicab agents. Such application processes would be amended by requiring applicants, including business entities, to disclose certain information as part of their applications. The Commission would then be required to investigate and assess the good character, honesty, and integrity of each applicant, and the Commission could refuse to issue or renew a license subject to such investigation. Additionally, taxicab broker, agent, and vehicle licenses would be required to be renewed annually.

Section four of Int. No. 1608-A provides that this local law would take effect 180 days after it became law, except that TLC could take such measures as are necessary for its implementation, including the promulgation of rules, before such date and except that the law would not apply to any business that was issued a license by TLC on or prior to such date until the next renewal of such license.

ANALYSIS OF INT. NO. 1610-A

Section one of Int. No. 1610-A amends chapter 5 of title 19 of the Administrative Code by adding a new section 19-555. Subdivision a of this new section would require TLC to establish an Office of Financial Stability. The Office would be required to monitor and evaluate the financial stability of the taxicab industry. In conducting such monitoring and evaluation, the Office would consider, at a minimum:

1. the long and short-term financial stability of the market for taxicab licenses;
2. the method for calculating the minimum bid price for taxicab licenses for any medallion auction planned for the following year;

3. potential market manipulation, speculation or collusion by any participant in a taxicab license auctions or transfer or any other business licensed by the commission relating to taxicabs, including, but not limited to brokers and agents;

4. the number of bankruptcy proceedings involving taxicab licensees;

5. common terms and conditions of loans used to finance a taxicab license purchase or transfer, including the number of loans that did not require a down payment, utilized interest-only payments, or included a confession of judgment;

6. the annual financial disclosures from each person who has any interest in any taxicab license; and

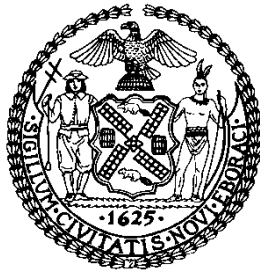
7. income and expenses associated with operating a taxicab.

Subdivision b of this new section would require the Office, beginning November 1, 2021 and no later than every November 1 thereafter, to submit to the Speaker of the Council and the Mayor and post on the Commission's website a report including details of the Office's activities conducted during the prior calendar year, an assessment of the financial stability of the taxicab industry, and any recommendations regarding the financial stability of the taxicab industry.

Subdivision c would require the Office to also submit the report to the Department of Investigation, which would be required to consider the report and determine whether to conduct further investigation of any issue reported by the office.

Section two of Int. No. 1610-A provides that this local law would take effect 120 days after it becomes law.

(The following is the text of the Fiscal Impact Statement for Int. No. 1584-A:)



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

PROPOSED INTRO. NO: 1584-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring annual financial disclosure from each person who has any interest in any taxicab license.

SPONSORS: Council Members Adams, Torres, Rodriguez, the Speaker (Council Member Johnson), Louis and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1584-A would require any person who has any interest in a taxicab license to make annual financial disclosures to the Taxi and Limousine Commission (TLC or Commission), which would include information about income from and expenses related to each taxicab license, any loans secured by a taxicab license, any other interests the person filing the disclosure has in any taxi, livery, or for-hire vehicle business, and any other information the Commission determines is relevant to such a person's finances.

EFFECTIVE DATE: This local law would take effect 120 days after it becomes law, except that TLC shall take all necessary action, including the promulgation of rules, prior to such effective date.

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 estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures 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
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on June 13, 2019 as Intro. No. 1584, and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee jointly with the Committee on Oversight and Investigations on June 24, 2019 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1584-A, will be considered by the Committee on October 15, 2020. Upon a successful vote by the Committee, Proposed Intro. No. 1584-A will be submitted to the full Council for a vote on October 15, 2020.

DATE PREPARED: October 12, 2020.

(For text of Int. Nos. 1608-A and 1610-A and their Fiscal Impact Statements, please see the Report of the Committee on Transportation for Int. Nos. 1608-A and 1610-A, respectively, printed in these Minutes; for text of Int. No. 1584-A, please see below)

Accordingly, this Committee recommends the adoption of Int. Nos. 1584-A, 1608-A, and 1610-A.

(The following is the text of Int. No. 1584-A:)

Int. No. 1584-A

By Council Members Adams, Torres, Rodriguez, the Speaker (Council Member Johnson), Louis, Rosenthal, Rivera and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to requiring annual financial disclosure from each person who has any interest in a taxicab license.

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-556 to read as follows:

§ 19-556 Annual financial disclosure. a. Each natural person who is a taxicab license owner, agent, member of a partnership owning one or more taxicab licenses, or shareholder, director or officer of any corporation owning one or more taxicab license shall annually complete and file with the commission a financial disclosure statement, executed under oath, on a form provided by the commission or in such format and manner as otherwise specified by the commission. Such financial disclosure statement shall include:

1. Each taxicab license in which such natural person has a financial interest;
2. Whether such financial interest reflects the interest of an owner, agent, member of a partnership, shareholder, director, or officer;
3. Any other licenses issued by the commission that are held by such natural person and any other licenses issued by the commission in which such natural person has an interest;
4. Such natural person's gross income from taxicab operations in the prior calendar year;
5. Such natural person's gross expenses related to taxicab operations in the prior calendar year;
6. The total amount of taxicab liability insurance premiums paid by such natural person in the prior calendar year, and where such natural person is a member of a partnership owning one or more taxicab licenses, or shareholder, director or officer of any corporation owning one or more taxicab license, the total amount of taxicab liability insurance premiums paid by such partnership or corporation;
7. The outstanding balances of all loans secured by taxicab licenses in which such natural person has an interest as of December 31 of the prior calendar year;
8. The number of taxicab licenses in which such natural person has an interest that serve as collateral for a secured loan;
9. The number of taxicab licenses in which such natural person has an interest that do not serve as collateral for a secured loan;
10. Any other interests such natural person has in any taxi, livery, or for-hire vehicle business, whether or not licensed by the commission; and
11. Any other information the commission determines is relevant to such natural person's finances.

b. Such financial disclosure statements shall include all attachments and documentation required by the commission.

§ 2. This local law takes effect 120 days after it becomes law, except that the taxi and limousine commission shall take all necessary action, including the promulgation of rules, prior to such effective date.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, ANDREW COHEN, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN; Committee on Transportation, October 15, 2020 (Remote Hearing).

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. 1608-A

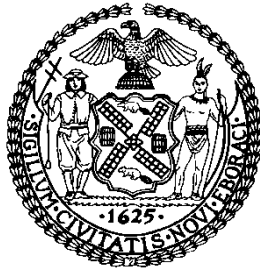
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2226), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 1584-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1608-A:



**THE COUNCIL OF THE CITY OF NEW YORK
FINANCE DIVISION
LATONIA MCKINNEY, DIRECTOR
FISCAL IMPACT STATEMENT
PROPOSED INTRO. NO: 1608-A**

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to requiring the Taxi and Limousine Commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees.

SPONSORS: Council Members Rodriguez, Torres, the Speaker (Council Member Johnson), Brannan, Louis and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1608-A would require the Taxi and Limousine Commission (TLC or Commission) to evaluate the character, honesty and integrity of taxicab brokers, agents and licensees when they submit a new license application or upon renewal of such application. TLC could deny or revoke the license of any applicant that makes misrepresentations on the application, commits fraud or otherwise violates any rules of the Commission.

EFFECTIVE DATE: This local law would take effect 180 days after it becomes law, except that TLC may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

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 estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures 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
Mayor’s Office of Legislative Affairs

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on June 13, 2019 as Intro. No. 1608, and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee jointly with the Committee on Oversight and Investigations on June 24, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1608-A, will be considered by the Committee on October 15, 2020. Upon a successful vote by the Committee, Proposed Intro. No. 1608-A will be submitted to the full Council for a vote on October 15, 2020.

DATE PREPARED: October 12, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1608-A:)

Int. No. 1608-A

By Council Members Rodriguez, Torres, the Speaker (Council Member Johnson), Brannan, Louis, Rosenthal, Chin, Rivera and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees

Be it enacted by the Council as follows:

Section 1. Section 19-504 of the administrative code of the city of New York is amended by adding a new subdivision d-1 to read as follows:

d-1. An application for a taxicab license and for the renewal thereof shall be filed with the commission and shall be in such form as the commission shall prescribe. Each application and renewal application for such license shall be submitted on behalf of a sole proprietorship by the proprietor; on behalf of a partnership by a general partner thereof; on behalf of a corporation by an officer or director thereof; or by any other type of business entity by the chief executive officer thereof, irrespective of organizational title. The application shall contain a sworn and notarized statement by such individual that the statements therein are true under the penalties of perjury.

1. In addition to any other information required by the commission, each applicant and renewal applicant shall provide:

- (a) Fingerprints unless the applicant has previously submitted fingerprints to the commission;*
- (b) Proof of payment of all penalties, fines, fees, taxes and surcharges, including any tax or surcharge required to be paid pursuant to section 1281 of the tax law or article 29-C of the tax law, and proof of compliance with subdivision q of this section; and*
- (c) The applicant's current mailing address, business address where applicable, and an email address for the applicant and for each officer if the applicant is a partnership or corporation.; and*
- (d) The applicant's social security number.*

2. In addition to other information required by this section, each applicant that is a business entity shall also provide proof of active status with the department of state and the following information:

(a) An applicant that is a sole proprietorship shall provide a copy of the certificate required to be filed with the clerk of the county in which such sole proprietor conducts or transacts business pursuant to section 130 of the general business law.

(b) An applicant that is a partnership shall provide a copy of the certificate required to be filed with the clerk of the county in which such partnership conducts or transacts business pursuant to section 130 of the general business.

(c) An applicant that is a corporation shall provide a certified copy of its certificate of incorporation, a list of all officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected.

(d) An applicant that is a limited liability company shall provide a copy of its articles of organization and a list containing the name of each member and the percentage of such company owned by each member.

3. Before issuing a taxicab license or the renewal thereof, the commission shall investigate and make an assessment of the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(a) Failure by such applicant to provide truthful information in connection with the application;

(b) A conviction of such applicant or any officer thereof for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis for the refusal or revocation of such license;

(c) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant or an officer thereof to conduct the business for which such license is sought;

(d) Whether the applicant or an officer thereof is or has been a principal or officer of a business entity conducting business as a licensed taxicab business where the commission would be authorized to deny a license to such business entity pursuant to this paragraph;

(e) Failure to pay any tax, fine, penalty or fee related to the applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(f) Any other relevant information.

4. A taxicab license shall be valid for a period of one year, upon the expiration of which a taxicab licensee may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

5. In addition, the commission may also deny or revoke a taxicab license where the licensee or applicant has:

(a) Made a material misstatement or misrepresentation on an application for a taxicab license or the renewal thereof; or

(b) Made a material misrepresentation or committed a fraudulent, deceitful or unlawful act or omission while engaged in the business or occupation of or holding such licensee or applicant out or acting temporarily or otherwise as a taxicab licensee.

§ 2. Subdivision d of section 19-527 of the administrative code of the city of New York is amended to read as follows:

d. Applications for taxicab broker licenses and for the renewal thereof shall be filed with the commission in such form and containing such detail as the commission shall prescribe. Each application and renewal application shall be subscribed by the applicant; or if made by a partnership it shall be subscribed by a member thereof; or if made by a corporation it shall be subscribed by an officer thereof. Each application and renewal application shall contain an affirmation by the person so subscribing that the statements therein are true under the penalties of perjury.

1. In addition to any other information required by the commission, each applicant and renewal applicant shall provide:

(a) Fingerprints, unless the applicant has previously submitted fingerprints to the commission;

(b) Proof of payment of all penalties, fines, and fees owed to the commission, department of finance, or department of motor vehicles;

(c) The applicant's current mailing address, business address where applicable, and an email address for the applicant and for each officer if the applicant is a partnership or corporation; and

(d) The applicant's social security number.

2. In addition to other information required by this section, each applicant that is a business entity shall provide proof of active status with the department of state and the following information:

(a) An applicant that is a sole proprietor shall provide a copy of the certificate required to be filed with the clerk of the county in which such sole proprietor conducts or transacts business pursuant to section 130 of the general business law.

(b) An applicant that is a partnership shall provide a copy of the certificate required to be filed with the clerk of the county in which such partnership conducts or transacts business pursuant to section 130 of the general business law.

(c) An applicant that is a corporation shall provide a certified copy of its certificate of incorporation, a list of all officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected.

(d) An applicant that is a limited liability company shall provide a copy of its articles of organization and a list containing the names of each member and the percentage of such company owned by each such member.

3. Before issuing a taxicab broker license or the renewal thereof, the commission shall investigate and assess the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(a) Failure by such applicant to provide truthful information in connection with the application;

(b) A conviction of such applicant or any officer thereof for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis for the refusal of such license;

(c) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant or an officer thereof to conduct the business for which such license is sought;

(d) Whether the applicant or an officer thereof is or has been a principal or officer of a business entity conducting business as a taxicab broker where the commission would be authorized to deny a license to such business entity pursuant to this paragraph;

(e) Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(f) Any other relevant information.

4. A taxicab broker license shall be valid for a period of one year, upon the expiration of which a taxicab broker may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

§ 3. Subdivision d of section 19-530 of the administrative code of the city of New York, as added by local law number 83 for the year 1995, is amended to read as follows:

d. An application for a license required by subdivision a of this section and for the renewal thereof shall be filed with the commission and shall be in such form as the commission shall prescribe. An application and renewal application for such license shall be submitted on behalf of a sole proprietorship by the proprietor; on behalf of a partnership by a general partner thereof; on behalf of a corporation by an officer or director thereof; or by any other type of business entity by the chief executive officer thereof, irrespective of organizational title. The application or renewal application shall contain a sworn and notarized statement by such individual that the statements therein are true under the penalties of perjury.

1. In addition to any other information required by the commission, each applicant and renewal applicant shall provide:

(a) Fingerprints, unless the applicant has previously submitted fingerprints to the commission;

(b) Proof of payment of all penalties, fines and fees owed to the commission, department of finance, or department of motor vehicles;

(c) The applicant's current mailing address, business address where applicable, and an email address for the applicant and for each officer if the applicant is a partnership or corporation; and

(d) The applicant's social security number.

2. In addition to other information required by this section, each applicant that is a business entity shall provide proof of active status with the department of state and the following information:

(a) An applicant that is a sole proprietor shall provide a copy of the certificate required to be filed with the clerk of the county in which such sole proprietor conducts or transacts business pursuant to section 130 of the general business law.

(b) An applicant that is a partnership shall provide a copy of the certificate required to be filed with the clerk of the county in which such partnership conducts or transacts business pursuant to section 130 of the general business law.

(c) An applicant that is a corporation shall provide

a certified copy of its certificate of incorporation, a list of all officers and shareholders and a certified copy of the minutes of the meeting at which the current officers were elected.

(d) An applicant that is a limited liability company, shall provide a copy of its articles of organization and a list containing the names of each member and the percentage of such company owned by each such member.

3. Before issuing a taxicab agent license or the renewal thereof, the commission shall investigate and make an assessment of the good character, honesty, and integrity of each applicant. The commission may refuse to issue or renew such a license upon finding that an applicant lacks good character, honesty, and integrity. As part of such assessment, the commission shall consider:

(a) Failure by such applicant to provide truthful information in connection with the application;

(b) A conviction of such applicant or any officer thereof for a crime which, considering the factors set forth in section 753 of the correction law, would provide a basis for the refusal of such license;

(c) A finding of liability in a civil or administrative action that bears a direct relationship to the fitness of the applicant or an officer thereof to conduct the business for which such license is sought;

(d) Whether the applicant or an officer thereof is or has been a principal or officer of a business entity conducting business as a taxicab agent where the commission would be authorized to deny a license to such business entity pursuant to this paragraph;

(e) Failure to pay any tax, fine, penalty, or fee related to the applicant's business for which judgment has been entered by a court or administrative tribunal of competent jurisdiction; and

(f) Any other relevant information.

4. A taxicab agent license shall be valid for a period of one year, upon the expiration of which a taxicab agent may submit an application for renewal. Where a renewal application has been submitted prior to the expiration date, a license shall remain in full force and effect until a determination to approve or deny such renewal application has been made.

§ 4. This local law takes effect 180 days after it becomes law, except that the taxi and limousine commission may take such measures as are necessary for its implementation, including the promulgation of rules, before such date and except that this local law shall not apply to any person or business that was issued a license by the taxi and limousine commission on or prior to such date until the next renewal of such license.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, ANDREW COHEN, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN; Committee on Transportation, October 15, 2020 (Remote Hearing).

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. 1610-A

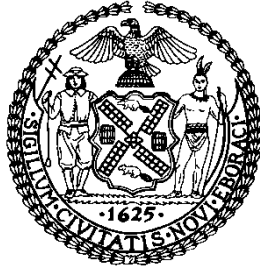
Report of the Committee on Transportation in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to the creation of an office of financial stability within the taxi and limousine commission.

The Committee on Transportation, to which the annexed proposed amended local law was referred on June 13, 2019 (Minutes, page 2263), respectfully

REPORTS:

(For text of report, please see the Report of the Committee on Transportation for Int. No. 1584-A printed in these Minutes)

The following is the text of the Fiscal Impact Statement for Int. No. 1610-A:



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

FISCAL IMPACT STATEMENT

PROPOSED INTRO. NO: 1610-A

COMMITTEE: Transportation

TITLE: A Local Law to amend the administrative code of the city of New York, in relation to the creation of an office of financial stability within the Taxi and Limousine Commission.

SPONSORS: Council Members Torres, Rodriguez, the Speaker (Council Member Johnson), Brannan, Ayala, Louis and Rosenthal.

SUMMARY OF LEGISLATION: Proposed Intro. No. 1610-A would require the Taxi and Limousine Commission (TLC or Commission) to create an Office of Financial Stability (Office) within the Commission. The Office would monitor and evaluate the financial stability of the taxicab industry.

Beginning on November 1, 2021, and every year thereafter, the Office would be required to issue a report which includes details of its activities, an assessment of the financial stability of the taxicab industry, and any recommendations regarding the financial stability of the taxicab industry. In conducting such monitoring and evaluation, the Office would be required to consider the following: the financial stability of the taxicab license market, the method for calculating the minimum bid price for taxicab licenses, potential market manipulation, speculation, or collusion by any participant in the taxicab license auction or transfer, the number of bankruptcy proceedings involving taxicab licenses, common terms and conditions of loans used to finance a taxicab license purchase or transfer, the annual financial disclosures from each person who has any interest in any taxicab license, and the income and expenses associated with operating a taxicab.

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

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 estimated that this legislation would have no impact on revenues.

IMPACT ON EXPENDITURES: It is estimated that this legislation would have no impact on expenditures 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
Mayor's Office of Legislative Affairs

ESTIMATE PREPARED BY: John Basile, Senior Financial Analyst

ESTIMATE REVIEWED BY: Nathan Toth, Deputy Director
Chima Obichere, Unit Head
Stephanie Ruiz, Assistant Counsel

LEGISLATIVE HISTORY: This legislation was introduced to the Council on June 13, 2019 as Intro. No. 1610, and was referred to the Committee on Transportation (Committee). A hearing was held by the Committee jointly with the Committee on Oversight and Investigations on June 24, 2019, and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1610-A, will be considered by the Committee on October 15, 2020. Upon a successful vote by the Committee, Proposed Intro. No. 1610-A will be submitted to the full Council for a vote on October 15, 2020.

DATE PREPARED: October 12, 2020.

Accordingly, this Committee recommends its adoption, as amended.

(The following is the text of Int. No. 1610-A:)

Int. No. 1610-A

By Council Members Torres, Rodriguez, the Speaker (Council Member Johnson), Brannan, Ayala, Louis, Rosenthal, Chin, Rivera and Barron.

A Local Law to amend the administrative code of the city of New York, in relation to the creation of an office of financial stability within the taxi and limousine commission

Be it enacted by the Council as follows:

Section 1. Chapter 5 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-555 to read as follows:

§ 19-555 Office of financial stability. a. The commission shall establish an office of financial stability. Such office shall monitor and evaluate the financial stability of the taxicab industry. In conducting such monitoring and evaluation, the office shall consider, at a minimum:

- 1. The long- and short-term financial stability of the market for taxicab licenses;*
- 2. The method for calculating the minimum bid price for taxicab licenses for any license auction planned for the following year;*
- 3. Potential market manipulation, speculation, or collusion by any participant in a taxicab license auction or transfer or any other business licensed by the commission relating to taxicabs, including, but not limited to brokers and agents;*
- 4. The number of bankruptcy proceedings involving taxicab licensees;*
- 5. Common terms and conditions of loans used to finance a taxicab license purchase or transfer, including the number of loans that did not require a down payment, utilized interest-only payments, or included a confession of judgment;*
- 6. The annual financial disclosures from each person who has any interest in any taxicab license; and*
- 7. Income and expenses associated with operating a taxicab.*

b. Beginning November 1, 2021 and no later than every November 1 thereafter, the office shall submit to the speaker of the council and the mayor and post on the commission's website, a report including, but not limited to, details of the office's activities pursuant to subdivision a of this section conducted during the prior calendar year, an assessment of the financial stability of the taxicab industry, and any recommendations regarding the financial stability of the taxicab industry.

c. The office shall also transmit the report required by subdivision b to the department of investigation. The department of investigation shall consider such report and determine whether to conduct additional investigation of any issue reported by the office.

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

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, ANDREW COHEN, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, CHAIM M. DEUTSCH, MARK D. LEVINE, CARLOS MENCHACA, I. DANEEK MILLER, ANTONIO REYNOSO, RUBEN DIAZ, Sr., ROBERT HOLDEN; Committee on Transportation, October 15, 2020 (Remote Hearing).

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 listed on the General Order Calendar.

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

- | | |
|------------------------|--|
| (1) M 255 & Res 1467 - | Stanley Richards, candidate for appointment by the Council to the New York City Board of Correction pursuant to § 626 of the New York City Charter. |
| (2) M 256 & Res 1468 - | The Queens County Democratic Committee recommending the name of José M. Araujo to the Council regarding his re-appointment to the New York City Board of Elections. |
| (3) Int 1584-A - | Annual financial disclosure from each person who has any interest in a taxicab license. |
| (4) Int 1608-A - | Requiring the taxi and limousine commission to evaluate the character and integrity of taxicab brokers, agents, and taxicab licensees. |
| (5) Int 1610-A - | The creation of an office of financial stability within the taxi and limousine commission. |

- (6) **Int 2030 -** Increasing the maximum income level qualifying for exemption for rent increases granted to certain senior citizens, and increasing the maximum income level qualifying for exemption for rent increases granted to certain persons with disabilities, in relation to extending certain provisions thereof.
- (7) **Int 2093 -** Continuation of the New York city rent stabilization law of nineteen hundred sixty-nine.
- (8) **Int 2127-A -** Space heaters, the establishment of a permanent outdoor dining program, and the expiration of the outdoor dining program.
- (9) **L.U. 658 & Res 1446 -** App. C **190011 ZMK (50 Old Fulton Rezoning)** Borough of Brooklyn, Council District 33, Community District 2.
- (10) **L.U. 666 & Res 1447 -** App. C **200106 HAK (Weeksville NCP at Prospect Place)** Borough of Brooklyn, Community District 8, Council District 41.
- (11) **L.U. 667 & Res 1448 -** App. **20205415 HAK (Old Stanley - 641 Chauncey)** Borough of Brooklyn, Community District 4, Council District 37.
- (12) **L.U. 668 & Res 1449 -** App. C **200188 HAK (Old Stanley - 641 Chauncey)** Borough of Brooklyn, Community District 4, Council District 37.
- (13) **L.U. 669 & Res 1450 -** App. **20205416 HAK (Old Stanley II)** Borough of Brooklyn, Community District 4, Council Districts 34 & 37.
- (14) **L.U. 670 & Res 1451 -** App. **20205417 HAK (Open Door Bed Stuy Central & North I)** Borough of Brooklyn, Community Districts 3 and 8, Council District 36.
- (15) **L.U. 671 & Res 1452 -** App. **20215002 HIM (N 210020 HIM)** Borough of Manhattan, Community District 3, Council District 1.

- (16) L.U. 672 & Res 1453 - App. **20215004 HIM (N 210019 HIM)** Borough of Manhattan, Community District 10, Council District 9.
- (17) L.U. 673 & Res 1454 - App. **20215003 HIQ (N 210018 HIQ)** Borough of Queens, Community District 7, Council District 20.
- (18) L.U. 674 & Res 1455 - App. **C 190296 ZMK (Industry City)** Borough of Brooklyn, Community District 7, Council District 38 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (19) L.U. 675 & Res 1456 - App. **C 190297 ZSK (Industry City)** Borough of Brooklyn, Community District 7, Council District 38 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (20) L.U. 676 & Res 1457 - App. **N 190298 ZRK (Industry City)** Borough of Brooklyn, Community District 7, Council District 38 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (21) L.U. 677 & Res 1458 - App. **C 160146 MMK (Industry City)** Borough President, Borough of Brooklyn, Community District 7, Council District 38 **(Coupled to be Filed pursuant to a Letter of Withdrawal)**.
- (22) L.U. 678 & Res 1459 - App. **C 190377 ZMK (5914 Bay Parkway Rezoning)** Borough of Brooklyn, Community District 12, Council District 44.
- (23) L.U. 679 & Res 1460 - App. **N 190378 ZRK (5914 Bay Parkway Rezoning)** Borough of Brooklyn, Community District 12, Council District 44.
- (24) L.U. 680 & Res 1461 - App. **C 200077 ZSM (3 St. Mark's Place)** Borough of Manhattan, Community District 3, Council

- District 2 (**Coupled to be Disapproved**).
- (25) L.U. 681 & Res 1462 - App. **20205400 HKX (N 210006 HKX)** Borough of the Bronx, Community District 2, Council District 17.
- (26) L.U. 682 & Res 1463 - App. N **200082 ZRK (1510 Broadway)** Borough of Brooklyn, Community District 16, Council District 41.
- (27) L.U. 683 & Res 1464 - App. C **200083 PQK (1510 Broadway)** Borough of Brooklyn, Community District 16, Council District 41.
- (28) L.U. 684 & Res 1465 - App. C **200084 HAK (1510 Broadway)** Borough of Brooklyn, Community District 16, Council District 41.
- (29) L.U. 685 & Res 1466 - App. C **200085 ZMK (1510 Broadway)** Borough of Brooklyn, Community District 16, Council District 41.

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:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, 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 Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **49**.

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

The following was the vote recorded for **M-255 & Res. No. 1467**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, 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 Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **45**.

Negative – Borelli, Holden, Ulrich, and the Minority Leader (Council Member Matteo) – **4**.

The following was the vote recorded for **M-256 & Res. No. 1468**:

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

Negative – Van Bramer – **1**.

The following was the vote recorded for **Int. No. 2093**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, 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 and the Minority Leader (Council Member Matteo) – **2**.

The following was the vote recorded for **Int. No. 2127-A**:

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Perkins, Powers, Reynoso, Richards, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Torres, Treyger, Ulrich, Vallone, Van Bramer, the Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **46**.

Negative – Holden and Yeger – **2**.

Abstain – Miller – **1**.

The following was the vote recorded for **L.U. No. 670 & Res. No. 1451**:

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, 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 Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Barron – **1**.

The following was the **vote to file** recorded for **L.U. No. 674 & Res. No. 1455; L.U. No. 675 & Res. No. 1456, L.U. No. 676 & Res. No. 1457; and L.U. No. 677 & Res. No. 1458:**

Affirmative – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, 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 Minority Leader (Council Member Matteo), the Majority Leader (Council Member Cumbo), and The Speaker (Council Member Johnson) – **48**.

Negative – Deutsch – **1**.

The following was the vote recorded for **L.U. No. 678 & Res. No. 1459:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, 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) – **46**.

Negative – Barron, Deutsch, and Reynoso – **3**.

The following was the vote recorded for **L.U. No. 679 & Res. No. 1460:**

Affirmative – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Cabrera, Chin, Cohen, Constantinides, Cornegy, Deutsch, Diaz, Dromm, Eugene, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lancman, Lander, Levin, Levine, Louis, Maisel, Menchaca, Miller, Moya, Perkins, Powers, 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) – **47**

Negative – Barron and Reynoso – **2**.

*The following Introductions were sent to the Mayor for his consideration and approval:
Int. Nos. 1584-A, 1608-A, 1610-A, 2030, and 2093.*

INTRODUCTION AND READING OF BILLS

Int. No. 2105

By Council Members Ayala, Richards, Kallos, Adams, Chin and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting the police department from collecting DNA from a minor without consent from a parent, legal guardian or attorney

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 14-181 to read as follows:

§ 14-181 Consent required to collect the DNA of a minor. a. Definitions. For purposes of this section, the following terms have the following meanings:

DNA sample. The term “DNA sample” means any amount of blood, saliva, hair or other bodily material from which deoxyribonucleic acid can be extracted.

Minor. The term “minor” means a natural person under the age of 18.

b. No member of the department or other law enforcement officer shall collect a DNA sample from a minor prior to the lawful arrest of such minor without first obtaining the written consent of such minor’s parent, legal guardian or attorney, except:

1. Where the DNA sample is abandoned at the scene of an alleged criminal offense and is not collected from the minor’s person; or

2. Where the DNA sample is collected from a minor who is alleged to be the victim of a criminal offense.

c. Subdivision b of this section shall not be construed to prohibit any lawful method of collecting a DNA sample from a minor pursuant to a search warrant, other court order or provision of law that authorizes the search of a minor for the purpose of collecting a DNA sample.

§ 2. This local law takes effect 90 days after it becomes law, except that the police commissioner 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 Public Safety.

Int. No. 2106

By Council Member Borelli.

A Local Law to amend the administrative code of the city of New York, in relation to changing the amount of public matching funds available for the election cycle ending in 2021, and the repeal thereof

Be it enacted by the Council as follows:

Section 1. Section 3-705 of the administrative code of the city of New York is amended by adding a new subdivision 2.1 to read as follows:

2.1 Notwithstanding the provisions of paragraph a of subdivision 2 of this section, for the election cycle ending in 2021, the participating candidate’s principal committee shall receive one dollar for each one dollar of matchable contributions. The provisions of paragraph a of subdivision 2 of this section shall apply to any election cycle ending after December 31, 2021.

§ 2. This local law takes effect immediately and is deemed repealed on December 31, 2021.

Referred to the Committee on Governmental Operations.

Int. No. 2107

By Council Members Brannan and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a clause in commercial leases that obligates the parties to engage in good faith negotiations during certain states of emergency.

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 Good faith negotiation clause in commercial leases. a. Definitions. As used in this section, the following terms have the following meanings:

Commercial lease. The term “commercial lease” means a lease or other rental agreement to rent a covered property for any period of time.

Covered property. The term “covered property” means any property or portion of a property (i) that is lawfully used for buying, selling or otherwise providing goods or services or for other lawful business, commercial, professional services or manufacturing activities, and (ii) for which a certificate of occupancy authorizing residential use of such property or portion of a property has not been issued.

State of emergency. The term “state of emergency” means a period of time during which one or both of the following are in effect: (i) a proclamation issued by the mayor, declaring a local state of emergency pursuant to section 24 of the executive law or other applicable law; or (ii) an executive order issued by the governor, declaring a state disaster emergency pursuant to section 28 of the executive law, or other applicable law, and the city of New York, or some portion thereof, an affected area.

b. Good faith negotiations required. 1. Whenever parties contract for the rental of a covered property, the commercial lease shall include, at a minimum, a clause obligating the parties to negotiate in good faith toward a rent concession where the tenant’s business is required to close pursuant to an order issued as a result of a state of emergency. Failure to include such good faith clause in a commercial lease shall not be construed to abrogate any implied covenant of good faith and fair dealing.

2. Where parties entered into a commercial lease before the effective date of the local law that added this section and the tenant’s business is required to be closed pursuant to an order issued as a result of a state of emergency that is in effect on such effective date, the parties shall negotiate in good faith toward a rent concession.

3. Nothing in this section shall be construed as creating a private right of action.

4. This section does not limit or abrogate any claim or cause of action a person has under common law or by statute.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Res. No. 1440

Resolution calling upon the State Legislature to pass, and the Governor to sign, S.5324, which would eliminate the cap on assessment increases for Class 1 dwellings valued at more than \$3,000,000 where the owners have a gross household income not exceeding \$250,000.

By Council Member Brannan.

Whereas, Under the New York State Real Property Tax Law, New York City divides all real property into four different categories for purposes of assessment and taxation; and

Whereas, The four classes are as follows: Class 1 is all residential property with one, two, or three dwelling units, Class 2 is all other residential property, Class 3 is utility properties like power plants and substations, and Class 4 is all other property including commercial and industrial buildings; and

Whereas, Each class must bear a specific percentage of the overall tax levy for the City, known as a “class share;” and

Whereas, As The Regional Plan Association noted in its 2018 report “Residential Property Taxation in New York City,” because of these predetermined percentages, reforms such as changes to exemption eligibility, assessment caps, or valuation methods, which do not impact the division of the class shares, almost exclusively of shift tax burdens among property owners within a class rather than between classes; and

Whereas, As a result, a change in how the assessment caps for Class 1 properties are structured would change the tax burden within the pool of Class 1 taxpayers, but would have little to no impact on the taxes paid by Class 2, 3, or 4 property owners; and

Whereas, Many argue that a shift of tax burden within Class 1 is needed in order to provide relief to low and middle-income homeowners; and

Whereas, New York State Senator Andrew Gounardes has introduced S.5324, which would induce such a shift by amending the Class 1 cap on assessed value growth so that it applies only to homes valued at less than \$3,000,000 with a gross household income of \$250,000 or lower; and

Whereas, Currently, the cap on assessed value growth for all Class 1 properties limits increases on the assessed value to six percent a year or 20 percent over five years, without regard to home value or property owner income; and

Whereas, The existing cap structure was originally formulated to protect against spikes in home valuations that would lead to sudden and dramatic increases in property tax bills, and

Whereas, According to the sponsor’s memorandum in support of S.5324, this mechanism has long since outlived its purpose because it fails to reflect the tremendous appreciation of real estate in the City, and

Whereas, For example, between the year 2000 and 2020 the value of Class 1 real property more than quadrupled from \$158.9 billion to \$657.4 billion; and

Whereas, That increase in value combined with the cap on assessed value growth resulted in homeowners in rapidly gentrifying neighborhoods bearing a disproportionately small burden of the tax levy since almost all of the market value of their homes escapes assessment; and

Whereas, This puts their property tax bills on par with those of middle-class homeowners throughout the City who struggle to make ends meet and provide for their families in an increasingly expensive locale; and

Whereas, The limitation on the cap contained in S.5324 would ensure that only households that are owned by truly lower- or middle-class property owners will continue to receive the assessment cap while owners of higher-end properties will pay more of their fair share in property taxes to reflect the vastly appreciated market value of their homes, thus offering relief to the other homeowners within Class 1; now, therefore, be it

Resolved, That the Council of the City of New York, calls upon the State Legislature to pass, and the Governor to sign S.5324, which would eliminate the cap on assessment increases for Class 1 dwellings valued at more than \$3,000,000 where the owners have a gross household income not exceeding \$250,000.

Referred to the Committee on Finance.

Int. No. 2108

By Council Members Cabrera and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to increasing penalties for damages to houses of religious worship

Be it enacted by the Council as follows:

Section 1. Section 10-116 of the administrative code of the city of New York is amended to read as follows:

§ 10-116. Damaging houses of religious worship or religious articles therein prohibited. Any person who [wilfully] *willfully* and without authority breaks, defaces or otherwise damages any house of religious worship or any portion thereof, or any appurtenances thereto, including religious figures or religious monuments, or any book, scroll, ark, furniture, ornaments, musical instrument, article of silver or plated ware, or any other chattel contained therein for use in connection with religious worship, or any person who knowingly aids, abets, conceals or in any way assists any such person shall be guilty of a misdemeanor punishable by imprisonment of not more than one year or by a fine of not more than two thousand five hundred nor less than [five hundred dollars] *one thousand dollars*, or both. In addition, any person violating this section shall be subject to a civil penalty of not less than ten thousand dollars and not more than twenty-five thousand dollars. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and such civil penalty shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts prohibited by this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2109

By Council Members Chin and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of homeless services to report on seniors that move into shelters from a nursing home, long term care facility or other adult care facility or program

Be it enacted by the Council as follows:

Section 1. Subdivision b of section 21-317 of the administrative code of New York, as added by local law number 114 for the year 2017, is amended to read as follows:

b. Not later than September 1, 2018, and no later than September 1 annually thereafter, the department shall submit to the speaker of the council and post on its website a report regarding information on medical health services provided to homeless individuals for the preceding calendar year. The first such report shall be preliminary, and limited to the data reasonably available to the department for the preceding calendar year. Such reports shall include, but not be limited to, the following information and shall be disaggregated by whether such medical health services are provided to single adults, adult families or families with children:

1. The number of shelters, domestic violence shelters, and HASA facilities with on-site medical health services, as well as the total number of shelters, domestic violence shelters and HASA facilities;
2. A description of the medical health services in each intake center;
3. A description of the medical health services provided at drop-in centers and safe havens;
4. A description of the medical health services provided to the unsheltered homeless population, including but not limited to the number of clients served by a provider under contract or similar agreement with the department to provide medical health services to the unsheltered homeless population, and the number of clients transported to the hospital;
5. A list of the 10 most common medical health issues for adults living in shelters, as self-reported at intake/assessment, and the 10 most common medical health issues for children living in shelters, as self-reported at intake/assessment;
6. A list of the 10 most common medical health issues for adults living in shelters and the 10 most common medical health issues for children living in shelters, as reported by providers under contract or similar agreement with the department to provide medical services in shelter;
7. The number of individuals new to the shelter system discharged from a hospital to a shelter;
8. The number of individuals new to the shelter system discharged from a nursing home, *long term care facility, or other non-hospital adult care facility or program* to a shelter, *disaggregated by type of facility, borough, and community district*;

9. Any metrics relevant to the provision of medical health services reported to the department by any entity providing such services; and

10. No later than September 1, 2020 and every three years thereafter, the most frequent causes of hospitalizations, excluding HIV or AIDS, for homeless adults based on information available through SPARCS.

§ 2. This local law shall take effect immediately.

Referred to the Committee on General Welfare.

Int. No. 2110

By Council Members Cohen, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to providing training and education to small businesses on compliance with the americans with disabilities act

Be it enacted by the Council as follows:

Section 1. Section 22-1001 of the administrative code of the city of New York, as amended by local law 151 for the year 2019, is amended by adding a new term in alphabetical order to read as follows:

Americans with disabilities act. The term “americans with disabilities act” means chapter 126 of title 42 of the United States code, and any guidelines or regulations pursuant to such law.

§ 2. Section 22-1003 of the administrative code of the city of New York, as added by local law 156 for the year 2019, is renumbered and amended to read as follows:

§ [22-1003] 22-1004 Business services including training and education to small businesses. a. The department shall provide business services including training and education to small businesses regarding the following subjects:

1. Business operations, including the establishment and use of technological or other systems to deliver goods or services to customers efficiently, reduce costs, and maximize profits;

2. Marketing, including identifying market opportunities, preparing and executing marketing plans, developing pricing strategies, locating contract opportunities, negotiating contracts, utilizing public relations and advertising techniques, engaging in e-commerce, and retail merchandizing;

3. Compliance obligations, including education about regulatory requirements and assistance in understanding laws and rules applicable to small businesses *including but not limited to the americans with disabilities act*; and

4. Such other training and education as the commissioner may deem appropriate.

b. To provide the education and assistance regarding the americans with disabilities act as required by paragraph 3 of subdivision a of this section, the department shall:

1. Make available informational materials that serve the unique needs of the following types of small businesses:

(a) Small businesses being formed;

(b) Small businesses that are operating, but are not the subject of a lawsuit alleging non-compliance with the americans with disabilities act;

(c) Small businesses that are the subject of a lawsuit alleging non-compliance with the americans with disabilities act; and

(d) Contractors that make physical modifications to properties to make them more accessible;

2. Help small business owners complete a detailed survey of their commercial property or business website to determine improvements suggested or required in accordance with the americans with disabilities act; and

3. Help small business owners develop a plan for making such improvements.

[b.] c. The department shall conduct outreach to the small business community in order to advertise such training and education.

[c.] d. No later than January 1, 2020, and on or before January 1 annually thereafter, the department shall submit to the mayor and the speaker of the council and post on the department's website an annual report

regarding training and education offered to small businesses during the preceding fiscal year pursuant to this section. Such report shall include, but need not be limited to:

1. The total number of business services including training and education offered disaggregated by borough and whether such training and education was offered in multiple languages;
2. A general description of each business [services] *service* including training and education offered, *with a specific description of the education and assistance provided in accordance with subdivision b of this section and the total number of staff who provided such education and assistance*; and
3. The total number of people who participated in each business [services] *service* including training and education disaggregated by borough *and by type of service, including but not limited to the services provided by paragraphs 2 and 3 of subdivision b of this section.*

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

Referred to the Committee on Small Business.

Res. No. 1441

Resolution calling on the New York State Legislature to pass, and the Governor to sign, A.3566, classifying falsely reported incidents as hate crimes.

By Council Members Cornegy, Barron, Adams and Chin.

Whereas, In 2019, the New York City Police Department (NYPD) arrested a women in the Bronx for making over 24,000 false 911 calls for emergencies that never occurred; and

Whereas, Months later, a woman in Central Park called the police on a birdwatcher to report false threats which had not occurred; and

Whereas, According to Lieutenant John D’Amico of the NYPD’s Communications Division, as quoted in The New York Daily News, when false reports are made, “[p]olice and firefighters have to respond to each of those calls, taking services away from real victims with real emergencies”; and

Whereas, On June 5, 2020, Governor Andrew M. Cuomo recognized and publicly announced that New Yorkers have experienced a growing number of 911 calls which are race-based and falsely reported; and

Whereas, According to the New York City Commission on Human Rights, the City’s Human Rights Law prohibits discrimination and makes it illegal to threaten to harm someone based on their race or membership in another protected class; and

Whereas, In 2020, New York Assemblyman Felix Ortiz introduced A.3566, an act to amend the New York Penal Law “in relation to including falsely reporting an incident as a specified offense for the purposes of hate crimes”; and

Whereas, Lawmakers in California, Michigan and Oregon have also pushed for legislation to penalize the false reporting of a crime motivated by race, national origin, gender, religion, age, disability or sexual orientation; and

Whereas, According to The New York Times, falsely reported crimes have led to wrongful arrests and undermined important rights such as the presumption of innocence, underscoring the need for legislative action to ensure falsely reported incidents are not used against innocent individuals; 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.3566, classifying falsely reported incidents as hate crimes.

Referred to the Committee on Public Safety.

Int. No. 2111

By Council Members Cumbo, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the law department to report additional information about civil actions against the police department

Be it enacted by the Council as follows:

Section 1. Section 7-114 of the administrative code of the city of New York, as added by local law number 166 for the year 2017, is amended to read as follows:

§ 7-114 Civil actions regarding the police department. a. [No later than January 31, 2018] *No later than January 31, 2021* and no later than each July 31 and January 31 thereafter, the law department shall post on its website[, and provide notice of such posting to the individual responsible for implementing the duties set forth in paragraph one of subdivision c of section 803 of the charter, the comptroller, the police department, the civilian complaint review board, and the commission to combat police corruption] the following information regarding civil actions filed in state or federal court against the police department or individual police officers, or both, resulting from allegations of improper police conduct, including, but not limited to, claims involving the use of force, assault and battery, malicious prosecution, or false arrest or imprisonment:

1. [a] A list of civil actions filed against the police department or individual police officers, or both, during the five-year period preceding each January 1 or July 1 immediately preceding each report;

2. [for] *For* each such action: (i) the court in which the action was filed; (ii) the name of the law firm representing the plaintiff; (iii) the name of the law firm or agency representing each defendant; (iv) the date the action was filed; and (v) whether the plaintiff alleged improper police conduct, including, but not limited to, claims involving use of force, assault and battery, malicious prosecution, or false arrest or imprisonment; and

3. [if] *If* an action has been resolved: (i) the date on which it was resolved; (ii) the manner in which it was resolved; [and] (iii) whether the resolution included a payment to the plaintiff by the city and, if so, the amount of such payment[.]; (iv) *the number of attorney hours spent on the action for each defendant*; (v) *whether representation for a defendant or defendants filed a motion to dismiss or motion for summary judgment and, if so, the court's ruling*; and (vi) *whether representation for a defendant or defendants asserted qualified immunity and, if so, the court's ruling.*

b. *The law department shall provide notice of the posting required under subdivision a to the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the charter, the comptroller, the police department, the civilian complaint review board, the commission to combat police corruption and the speaker of the council.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2112

By Council Members Cumbo, Kallos and Chin.

A Local Law in relation to making public the disciplinary records of police department leadership

Be it enacted by the Council as follows:

Section 1. a. Definitions. For purposes of this local law, the term “inspector general for the police department” means the individual responsible for implementing the duties set forth in paragraph 1 of subdivision c of section 803 of the New York city charter.

b. No later than 60 days after the effective date of this local law, the inspector general for the police department shall submit to the speaker of the council and shall publish on the website of the department of

investigation the disciplinary records of all members of the police department who have a leadership or supervisory role, including, but not necessarily limited to, the following members:

1. The commissioner of police;
2. The first deputy commissioner;
3. The chief of department;
4. Deputy commissioners;
5. Chiefs;
6. Captains;
7. Lieutenants; and
8. Sergeants.

c. The inspector general for the police department shall conduct a review of the disciplinary records made public pursuant to subdivision b of section one of this local law for the purpose of preparing a report to summarize the information contained in such records. Such report shall identify each member of the police department in a leadership or supervisory role, and for each such member shall identify:

1. All instances of substantiated misconduct, whether based on violation of law, rule or regulation, or policy or procedure of the police department; and
2. For each instance of substantiated misconduct, the type of misconduct substantiated and the discipline rendered, if any.

d. No later than 90 days after the effective date of this local law, the inspector general for the police department shall submit to the speaker of the council and shall publish on the website of the department of investigation the report required in subdivision c of section one of this local law.

e. This local law shall not be construed to require the disclosure of information where otherwise prohibited by law.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2113

By Council Members Cumbo, Kallos, Adams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to cultural competency training for police officer candidates, trainees and new police officers

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 14-191 to read as follows:

§ 14-191 *Cultural competency training.* a. *For the purposes of this section, the following terms have the following meanings:*

Cultural competency organization. The term “cultural competency organization” means a not-for-profit group, organization, venue or institution within the city of New York, certified by the department of citywide administrative services as: (i) having been founded by members of a covered group; (ii) being administered by members of a covered group; (iii) serving a covered group; and (iv) having a mission to teach the public about the art, culture or history of covered groups.

Covered group. The term “covered group” means a group of people that is or has historically been oppressed or marginalized on the basis of actual or perceived age, race, creed, color, national origin, gender, disability, sexual orientation, or alienage or citizenship status.

b. *To qualify to sit for any administration of the police officer’s entrance exam occurring on or after July 1, 2021, each candidate shall first complete 30 hours of training with a cultural competency organization which serves the covered group that filed the most complaints with the civilian complaint review board in the year preceding administration of the exam. To earn the training credit required by this subdivision, the candidate*

must be immersed in the art, culture or history of the covered group that is served by the cultural competency organization and work with members of the covered group to achieve a common goal.

c. Beginning July 1, 2021, as part of academy training, each police trainee shall complete 30 hours of training with a cultural competency organization which serves the covered group that filed the most complaints with the civilian complaint review board in the past year. To earn the training credit required by this subdivision, the police trainee must be immersed in the art, culture or history of the covered group that is served by the cultural competency organization and work with members of the covered group to achieve a common goal.

d. Beginning July 1, 2021, within one year of being assigned to a precinct, each police officer shall complete 30 hours of training with a cultural competency organization which serves one of the three covered groups with the largest population in the precinct. To earn the training credit required by this subdivision, the police officer must be immersed in the art, culture or history of the covered group that is served by the cultural competency organization and work with members of the covered group to achieve a common goal.

§ 2. This local law takes effect immediately.

Referred to the Committee on Public Safety.

Int. No. 2114

By Council Members Cumbo, Kallos and Adams

A Local Law to amend the administrative code of the city of New York, in relation to requiring a percentage of taxis and for-hire-vehicles to be equipped with child restraint systems

Be it enacted by the Council as follows:

Section 1. Section 19-504 of the administrative code of the city of New York, as amended by local law number 148 for the year 2018, is amended by adding a new subdivision s to read as follows:

s. Of the total number of taxicab or for-hire vehicle licenses issued by the commission pursuant to this chapter, at least 20 percent shall be issued subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses be equipped with child restraint systems.

§ 2. Section 19-548 of the administrative code of the city of New York, as amended by local law number 149 for the year 2018, is amended by adding a new subdivision e to read as follows:

e. Of the total number of high-volume for-hire service licenses issued by the commission pursuant to this section, at least 20 percent of vehicles operated pursuant to such license shall be subject to the requirement that the vehicles operated by or under agreement with the owners of such licenses be equipped with child restraint systems.

§ 3. This local law takes effect 120 days after it becomes law except that the chairperson of the taxi and limousine commission may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

Referred to the Committee on Transportation.

Res. No. 1442

Resolution calling on the New York City Department of Education to provide public schools with a curriculum about the history of slavery in New York State and New York City and to ensure that the curriculum offered includes the history of freed enslaved people who founded local communities across New York City.

By Council Members Cumbo, Kallos, Adams and Chin.

Whereas, According to Scarsdale Historical Society, New York State (NYS) enslaved Africans for more than two centuries, and between 1700 and 1774, more than 7,000 enslaved people were brought into NYS; and

Whereas, Scarsdale Historical Society also reports that more than forty percent of New York City (NYC) households had one or more enslaved persons, with the African enslaved population representing twenty percent of the colonial population, and the New York Public Library reports that NYC had the second highest percentage of enslaved people than any other city in the United States; and

Whereas, On March 31, 1817, the NYS legislature officially abolished slavery, setting July 4, 1827 as the date of final emancipation, and on Emancipation Day, approximately 4,600 enslaved Black people were freed, as reported by the Historical Society of the New York Courts; and

Whereas, Following the abolition of slavery, many Blacks formed their own communities in NYC including Weeksville in Brooklyn and Seneca Village in Manhattan; and

Whereas, Weeksville, which was named after James Weeks, a Black longshoreman who purchased the land, was located in what is now the Crown Heights section of Brooklyn, and the community had a school, a church, and a newspaper that published the alphabet, reading lessons and prayers, as reported by New York Times; and

Whereas, Seneca Village was Manhattan's first major neighborhood of African American-owned property and was located between 82nd and 89th Street and Seventh and Eighth Avenue from 1825 to 1857, according to the New-York Historical Society; and

Whereas, The New York State Census reports that approximately 264 individuals lived in Seneca Village, including Blacks, Irish, and Germans, and in addition to homes, there were three churches, many cemeteries and a school, according to New-York Historical Society; and

Whereas, Despite the history of slavery in NYS, the Nation, a nonprofit organization, reports that some people believe that slavery was only a southern issue, and the education system can serve as an opportunity to increase awareness about NYS's participation in slavery; and

Whereas, New York State Education Department's (NYSED) K-8 Social Studies Framework includes standards that acknowledge NYS's participation in slavery such as standard 4.5a, which requires students to examine the lives of enslaved people in NYS and standard 7.2e, which requires students to investigate the different strategies enslaved Africans adopted to survive and resist their enslavement; and

Whereas, Although these standards are included in NYSED's Social Studies Framework, educators are not required to teach them and many educators do not, and overall, time dedicated to teaching social studies has decreased in the past twenty years, particularly following the 2001 passage of the No Child Left Behind Act, as educators started to focus more on math and reading, as reported by Hechinger Report; and

Whereas, Although some educators may want to teach the history of slavery in NYS, they may not have the resources as the NYC Department of Education (DOE) does not provide schools with a curriculum that is focused on such history; and

Whereas, School could serve as a vital source to increase students' knowledge about the history of slavery in NYS as well as how it connects to their current experiences as New Yorkers, and while the DOE does not require schools to teach certain curriculum, it does provide schools with optional curriculum to teach; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York City Department of Education to provide public schools with a curriculum about the history of slavery in New York State and New York City and to ensure that the curriculum offered includes the history of freed enslaved people who founded local communities across New York City.

Referred to the Committee on Education.

Int. No. 2115

By Council Members Dromm, Kallos and Chin.

A Local Law to amend the New York city charter in relation to requiring training for city agencies to promote gender, racial and sexual orientation equity, and to repeal section 3-161 of the administrative code of the city of New York relating to gender and racial equity training

Be it enacted by the Council as follows:

Section 1. Section 3-161 of the administrative code of the city of New York is REPEALED.

§ 2. The New York city charter is amended by adding a new section 815.2 to read as follows:

§ 815.2. *Gender, racial and sexual orientation equity training. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

Agency. The term “agency” has the same meaning as such term is defined in section 1150 of the charter and includes the offices of the borough presidents, the comptroller and the public advocate, but does not include the department of education or the New York city health and hospitals corporation.

Gender. The term “gender” includes actual or perceived sex and shall also include a person’s gender identity, self-image, appearance, behavior, or expression, whether or not that gender identity, self-image, appearance, behavior or expression is different from that traditionally associated with the legal sex assigned to that person at birth.

Cultural competency. The term “cultural competency” means knowledge and skills that enable a person to appreciate, understand and interact with members of diverse populations within the local community.

Sexual orientation. The term “sexual orientation” means an individual’s actual or perceived romantic, physical or sexual attraction to other persons, or lack thereof, on the basis of gender. A continuum of sexual orientation exists and includes, but is not limited to, heterosexuality, homosexuality, bisexuality, asexuality and pansexuality.

b. Training. In consultation with the department, the head of each agency shall provide all employees of the agency with trainings on all of the following: implicit bias, discrimination, cultural competency and structural inequity, including with respect to gender, race and sexual orientation, and on how these factors impact the work of such agency.

§ 3. This local law takes effect 90 days after becoming law.

Referred to the Committee on Women and Gender Equity.

Int. No. 2116

By Council Members Holden, Borelli, Deutsch, Ulrich and Matteo.

A Local Law to amend the administrative code of the city of New York, in relation to the repeal of section 10-181 of such code relating to unlawful methods of restraint during an arrest or attempted arrest

Be it enacted by the Council as follows:

Section 1. Section 10-181 of the administrative code of the city of New York is REPEALED.

§ 2. This local law takes effect immediately and is retroactive to, and deemed to have been in effect as of July 15, 2020.

Referred to the Committee on Public Safety.

Int. No. 2117

By Council Members Powers and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring the posting of mayoral executive orders online within 24 hours of execution

Be it enacted by the Council as follows:

Section 1. Paragraph (2) of subdivision a of section 3-113.1 of the administrative code of the city of New York, as amended by local law number 78 for the year 2020, is amended to read as follows:

(2) All mayoral executive orders issued on or after [July 1, 2011] *July 1, 2021* shall be provided to the council and made available on the city's website in accordance with paragraph (1) of this subdivision within [five business days] *24 hours* from the [date] *time* of execution.

§ 2. This local law takes effect immediately.

Referred to the Committee on Governmental Operations.

Int. No. 2118

By Council Members Powers, Adams, Kallos, Constantinides, Levine and the Public Advocate (Mr. Williams).

A Local Law to amend the administrative code of the city of New York, in relation to press credentials

Be it enacted by the Council as follows:

Section 1. Section 12-208 of the administrative code of the city of New York, as added by local law number 18 for the year 2019, is renumbered section 12-209.

§ 2. Chapter 2 of title 12 of the administrative code of the city of New York is amended by adding a new section 12-210 to read as follows:

§ 12-210 *Press credentials. a. Definitions. For purposes of this section, the following terms have the following meanings:*

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

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

Press card. The term "press card" means a press credential that is issued to an individual member of the press and which may be used at multiple events during the period that the press card is valid.

Press credential. The term "press credential" means a document that entitles the bearer, subject to safety and evidence preservation concerns or space limitations, to cross police lines, fire lines or other restrictions, limitations or barriers established by the city at emergency, spot, or breaking news events and public events of a non-emergency nature where police lines, fire lines or other restrictions, limitations or barriers established by the city have been set up for security or crowd control purposes and to attend events sponsored by the city which are open to members of the press.

Reserve press card. The term "reserve press card" means a press credential that is issued to a news organization for use by individuals retained by such news organization.

Single event press card. The term "single event press card" means a press credential that is issued to an individual member of the press for use at a single event only.

b. The commissioner shall have the sole authority to issue, suspend and revoke press credentials. The commissioner shall issue press cards, reserve press card and single press cards and may establish by rule additional types of press credentials.

c. The commissioner shall by rule establish procedures and criteria for the issuance, suspension and revocation of press credentials, including, without limitation:

1. *Application procedures;*
2. *Criteria for denial of an application for a press credential and procedures for appeal of such a denial;*
and
3. *Criteria and procedures for suspension or revocation of a press credential and procedures for appeal of such a suspension or revocation.*
- d. *The commissioner may not issue a press credential to an individual member of the press unless a city agency has completed a background check of such individual.*

§ 3. Any press credential issued by the police department and valid on the effective date of this local law shall remain valid until the later of (i) its expiration date or (ii) 180 days after the effective date of this local law.

§ 4. This local law takes effect 180 days after it becomes law, except that the commissioner of citywide administrative services shall take any necessary actions to implement this local law, including the promulgation of rules, prior to such effective date.

Referred to the Committee on Governmental Operations.

Int. No. 2119

By The Public Advocate (Mr. Williams) and Council Members Kallos and Chin.

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 training for medical care for transgender and gender non-conforming persons

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 17-167.2 to read as follows:

§ 17-167.2 *Report on training for transgender and gender non-conforming medical care. a. No later than February 1, 2021, and annually thereafter, the commissioner shall submit to the speaker of the council and publish on the department's website a report regarding training on medical care for transgender and gender non-conforming individuals provided to medical staff at hospitals. To the extent such information is available to the department, such report shall include, but need not be limited to, the following information, disaggregated by hospital:*

1. *The number of physicians, nurses and other medical staff who have received training on the provision of medical care to transgender or gender non-conforming individuals, including but not limited to (i) common medical needs of transgender and gender non-conforming patients; (ii) medical and surgical treatment; and (iii) treatment and care related to social and medical transitions; and*

2. *A summary of the information included in any training provided by a hospital to medical staff relating to the provision of medical care to transgender or gender non-conforming individuals, including whether such training includes information on sensitivity and patient interactions or bias or discrimination in relation to medical care.*

b. Information required to be reported pursuant to this section shall be reported in a manner that does not violate any applicable provision of federal, state or local law relating to the privacy of information.

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

Referred to the Committee on Health.

Int. No. 2120

By The Public Advocate (Mr. Williams) and Council Member Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to signage regarding transgender rights and services at hospitals

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 17-167.2 to read as follows:

§ 17-167.2 *Signage regarding transgender rights and services at hospitals. a. Transgender patient rights. No later than March 1, 2021, the department shall distribute signs on transgender patient rights to every hospital in the city. Such signage shall include, but need not be limited to, information on the right to be referred to by an individual's preferred name, title, gender and pronoun.*

b. Transgender-specific services offered. Within six months of the effective date of the local law that added this section, to the extent practicable, the department shall:

1. Coordinate with every hospital in the city to determine the services offered by each hospital related to a transgender individual's medical transition and any other transgender-specific services offered;

2. Establish guidance to encourage hospitals to list and conspicuously post the transgender-specific services offered by each hospital and provide such guidance to every hospital in the city; and

3. Post such guidance conspicuously on the department's website.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Health.

Int. No. 2121

By the Public Advocate (Mr. Williams) and Council Member Kallos.

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

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 27-2107 of the administrative code of the city of New York is amended to read as follows:

a. A person who is required to file a statement of registration or an amendment of a statement of registration or any other statement required under this article and who fails to file as required may, whenever appropriate, be punished under the provisions of article three of subchapter five of this code, and such person shall be subject to a civil penalty of not less than [two hundred and fifty dollars] \$500 and not more than [five hundred dollars] \$1000, recoverable by the department by civil action in a court of appropriate jurisdiction.

§ 2. Subdivision (a) of section 27-2115 of the administrative code of the city of New York, as amended by local law number 65 for the year 1987, is amended to read as follows:

(a) A person who violates any law relating to housing standards shall be subject to a civil penalty of not less than [ten] *one hundred* dollars nor more than [fifty] *five hundred* dollars, *and twenty-five dollars per day* for each non-hazardous violation, not less than [twenty-five] *two hundred fifty* dollars nor more than [one hundred] *one thousand* dollars and [ten] *one hundred* dollars per day for each hazardous violation, *one hundred fifty* dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing five or fewer dwelling units, from the date set for correction in the notice of violation until the violation is corrected, and not less than *two hundred fifty* dollars nor more than [one] *seven hundred fifty* dollars and, in addition, [one] *six hundred twenty-five* dollars per day for each immediately hazardous violation, occurring in a multiple dwelling containing more than five dwelling units, from the date set for correction in the notice of violation until the violation is corrected. A person willfully making a false certification of correction of a violation shall be

subject to a civil penalty of not less than [fifty] *five hundred* dollars nor more than [two hundred fifty] *two thousand five hundred* dollars for each violation falsely certified, in addition to the other penalties herein provided.

§ 3. Subdivision (f) of section 27-2115 of the administrative code of the city of New York is amended by adding new paragraphs (9), (10) and (11) to read as follows:

(9) *No later than January 15 of each year, the department shall post on its website a certification of correction watch list. Such watch list shall include any person that:*

(i) *Owens a multiple dwelling that is subject to the alternative enforcement program pursuant to section 27-2153 or has been discharged from such program within the previous two years;*

(ii) *Has been found to have submitted a false certification of correction to the department within the previous five years; or*

(iii) *Pursuant to criteria established by rule by the department, should be subject to additional monitoring with respect to the correction of violations. Such criteria shall include, at a minimum, the number and severity of violations occurring in any multiple dwelling owned by such person.*

(10) *Whenever the department issues a notice of violation to correct a condition in a multiple dwelling owned by a person on the certification of correction watch list, the department shall within fourteen days after the date set for the correction of such violation conduct a final inspection to verify that the violation has been corrected. Notwithstanding any other provision of law, the department shall not deem that any such violation is corrected unless the records of the department contain written verification that the department has conducted a final inspection of the premises and that such inspection verifies that the violation has been corrected.*

(11) *The department shall establish by rule a process which allows property owners to request removal from the certification of correction watch list and the criteria for such removal.*

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

(k) (1) (i) Notwithstanding any other provision of law, a person who violates section 27-2028, subdivision a of section 27-2029, section 27-2031 or section 27-2032 of this chapter shall be subject to a civil penalty of not less than [two] *seven* hundred fifty nor more than *one thousand five hundred* dollars per day for each violation from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected and not less than *one thousand five hundred* nor more than [one] *three* thousand dollars per day for each subsequent violation of such sections at the same dwelling or multiple dwelling that occurs within two consecutive calendar years or, in the case of subdivision a of section 27-2029, during two consecutive periods of October first through May thirty-first. A person who violates subdivision b of section 27-2029 of this chapter shall be subject to a civil penalty of [twenty-five] *fifty* dollars per day from and including the date the notice is affixed pursuant to paragraph two of this subdivision until the date the violation is corrected but not less than [one] *two* thousand dollars. There shall be a presumption that the condition constituting a violation continues after the affixing of the notice.

§ 5. Paragraph (6) of subdivision (l) of section 27-2115 of the administrative code of the city of New York, as added by local law number 1 for the year 2004, is amended to read as follows:

(6) Notwithstanding any other provision of law, a person who violates article fourteen of subchapter two of this chapter by failing to correct such violation in accordance with paragraph one of subdivision a of section 27-2056.11 of this code shall be subject to a civil penalty of [two hundred fifty] *five hundred* dollars per day for each violation [to a maximum of ten thousand dollars] from the initial date set for correction in the notice of violation until the date the violation is corrected and certified to the department, and in addition to any civil penalty shall, whenever appropriate, be punished under the provisions of article three of subchapter five of this code. There shall be a presumption that the condition constituting a violation continues after the service of the notice of violation. The owner shall be responsible for the correction of all violations noticed pursuant to article fourteen of subchapter two of this chapter, but in an action for civil penalties pursuant to this subdivision may in defense or mitigation of such owner's liability for civil penalties show:

(i) That the condition which constitutes the violation did not exist at the time the violation was placed; or

(ii) That he or she began to correct the condition which constitutes the violation promptly upon discovering it but that full correction could not be completed expeditiously because of serious technical difficulties, inability to obtain necessary materials, funds or labor, or inability to gain access to the dwelling unit wherein the violation

exists, or such other portion of the building as might be necessary to make the repair, provided that a postponement was granted pursuant to this subdivision; or

(iii) That he or she was unable to obtain a permit or license necessary to correct the violation, provided that diligent and prompt application was made therefor; or

(iv) That the violation giving rise to the action was caused by the act of negligence, neglect or abuse of another not in the employ or subject to the direction of the owner, except that the owner shall be precluded from showing in defense or mitigation of such owner's liability for civil penalties evidence of any acts occurring, undertaken, or performed by any predecessor in title prior to the owner taking control of the premises. Where the aforesaid allegations are made by way of mitigation of penalties, the owner shall show, by competent proof, pertinent financial data and efforts made to obtain necessary materials, funds or labor or to gain access, or to obtain a permit or license and such other evidence as the court may require.

If the court finds that sufficient mitigating circumstances exist, it may remit all or part of any penalties arising from the violations, but may condition such remission upon a correction of the violation within a time period fixed by the court.

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

Referred to the Committee on Housing and Buildings.

Int. No. 2122

By the Public Advocate (Mr. Williams) and Council Members Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to responding to complaints filed about immediately hazardous and hazardous conditions in multiple dwellings

Be it enacted by the Council as follows:

Section 1. Article one of subchapter four of chapter two of title 27 of the administrative code of the city of New York is amended by adding a new section 27-2096.3 to read as follows:

§ 27-2096.3 *Inspections for immediately hazardous and hazardous conditions.* a. *For any dwelling unit in a multiple dwelling for which a complaint was filed describing a condition that would constitute an immediately hazardous violation, the department shall contact the complainant within five hours of receiving such complaint to determine whether the condition described in the complaint requires further investigation or inspection. The department shall conduct an inspection of the dwelling no later than one day after receiving such complaint, provided that an inspection is warranted after responding to such complaint, and shall notify the complainant.*

b. *For any dwelling unit in a multiple dwelling for which a complaint was filed describing a condition that would constitute a hazardous violation, the department shall contact the complainant within two days of receiving such complaint to determine whether the condition described in the complaint requires further investigation or inspection. The department shall conduct an inspection of the dwelling no later than one day after receiving such complaint, provided that an inspection is warranted after responding to such complaint, and shall notify the complainant.*

c. *No violation issued pursuant to a complaint filed pursuant to this section shall be closed until such violation has been certified to be corrected to the satisfaction of the department.*

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of housing preservation and development may take such action as is necessary for its implementation, including the promulgation of rules, before such effective date.

Referred to the Committee on Housing and Buildings.

Int. No. 2123

By the Public Advocate (Mr. Williams) and Council Members Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting food packaging containing perfluoroalkyl and polyfluoroalkyl substances from being labeled with the term compostable

Be it enacted by the Council as follows:

Section 1. Subchapter 2 of chapter 3 of title 16 of the administrative code of the city of New York is amended by adding a new section 16-312.1 to read as follows:

§ 16-312.1 Labeling perfluoroalkyl and polyfluoroalkyl substances in food packaging. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Food packaging. The term “food packaging” means a package or packaging component that is intended for direct food contact and is comprised, in substantial part, of paper, paperboard or other materials originally derived from plant fibers.

Perfluoroalkyl and polyfluoroalkyl substances. The term “perfluoroalkyl and polyfluoroalkyl substances” means a class of fluorinated organic chemicals containing at least one fluorinated carbon.

b. No person shall distribute, sell or offer for sale food packaging containing perfluoroalkyl and polyfluoroalkyl substances that is labeled with the term compostable.

c. Any person who violates this section shall be liable for a civil penalty in the amount of \$200 for the first violation, \$500 for a second violation committed on different days within a period of 12 months and \$1,000 for the third and each subsequent violation committed on different days within a period of 12 months, except that the commissioner shall not impose a monetary penalty but instead shall issue a warning for any violation that occurs within one year of the effective date of this section.

§ 2. This local law takes effect 1 year after it becomes law.

Referred to the Committee on Sanitation and Solid Waste Management.

Int. No. 2124

By the Public Advocate (Mr. Williams) and Council Members Rosenthal and Kallos.

A Local Law to amend the administrative code of the city of New York, in relation to requiring a specification for hazard pay in solicitations for certain emergency procurements made during a state of emergency related to the outbreak of a communicable disease

Be it enacted by the Council as follows:

Section 1. Chapter 1 of title 6 of the administrative code of the city of New York is amended by adding a new section 6-143 to read as follows:

§ 6-143 Hazard pay in solicitations for certain emergency procurements. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Client services vendor. The term “client services vendor” means a program contracted for by the city on behalf of third-party clients, including a program to provide social services, health or medical services, housing and shelter assistance services, legal services, employment assistance services or vocational, educational or recreational programs.

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.

Emergency procurement. The term “emergency procurement” means a procurement made pursuant to section 315 of the charter.

Essential entity. The term “essential entity” means an entity that is not subject to an in-person restriction issued during a state of emergency or public health emergency.

Essential worker. The term “essential worker” means any person employed or permitted to work in person at or for an essential entity. The term does not include any worker who is (i) covered by a collective bargaining agreement if such agreement expressly waives the provisions of this local law and provides comparable or superior benefits for essential workers, or (ii) covered by a program created pursuant to an emergency order issued by the governor that provides comparable or superior benefits for essential employees.

Hazard pay. The term “hazard pay” means a rate of pay, paid during a state of emergency or public health emergency, not less than time and one-half of a worker’s regular rate of pay.

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

State of emergency. The term “state of emergency” means a period of time during which one or both of the following are in effect: (i) a proclamation issued by the mayor, declaring a local state of emergency pursuant to section 24 of the executive law; or (ii) an executive order issued by the governor, declaring a state disaster emergency and the city of New York, or some portion thereof, an affected area pursuant to section 28 of the executive law.

Vendor. The term “vendor” means an actual or potential contractor.

b. During a state of emergency or a public health emergency related to an outbreak of a communicable disease, any agency seeking an emergency procurement of a client services vendor shall include a specification in its solicitation for the provision of hazard pay to such vendor’s essential workers.

§ 2. This local law takes effect immediately.

Referred to the Committee on Contracts.

Int. No. 2125

By the Public Advocate (Mr. Williams) and Council Members Cabrera, Rivera, Constantinides, Kallos and Chin.

A Local Law in relation to the development of informational guidance regarding the safe reopening and operation of New York city businesses in response to the COVID-19 pandemic, and the expiration and repeal thereof

Be it enacted by the Council as follows:

Section 1. Definitions. For the purposes of this local law, the following terms have the following meanings:
Agency. The term “agency” has the same meaning as set forth in section 1150 of the New York city charter.

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

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

§ 2. a. Informational guidance. The commissioner of emergency management, in consultation with the commissioner of small business services, the commissioner of health and mental hygiene and heads of other city agencies with relevant expertise, shall develop informational guidance for the purpose of facilitating and supporting the safe reopening of New York city businesses to prevent the spread of COVID-19 and infections caused thereby. Such guidance shall be targeted to owners, operators and employees of New York city businesses and shall include, but need not be limited to:

1. Information regarding federal, state and local laws and regulations related to the reopening of New York city businesses during and after the COVID-19 pandemic;
2. Recommended best practices to help reduce the risk of exposure to COVID-19 in business facilities;
3. Recommended best practices concerning employment policies to help limit the spread of COVID-19, such as flexible worksites and flexible hours; and

4. Any other considerations deemed by the commissioner of emergency management to be relevant to the reopening plans of New York city businesses.

b. Publication and dissemination. No later than 30 days after the effective date of this local law, the commissioner of emergency management shall publish the guidance developed pursuant to subdivision a of this section on the department's website in English and in the most commonly spoken languages of affected communities.

c. Periodic Review. Such guidance shall be routinely reviewed and updated as necessary and practicable.

§ 3. This local law takes effect immediately and expires and is deemed repealed 2 years after such effective date.

Referred to the Committee on Fire and Emergency Management.

Int. No. 2126

By the Public Advocate (Mr. Williams) and Council Members Gibson and Kallos.

A Local Law in relation to requiring the department of small business services to report on the impact of COVID-19 on small businesses

Be it enacted by the Council as follows:

Section 1. a. 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.

Commissioner. The term "commissioner" means the commissioner of small business services.

Department. The term "department" means the department of small business services.

Small business. The term "small business" means any business with no fewer than 1 and no more than 100 employees.

b. Report; required information. 1. The commissioner shall prepare a report to identify and assess the effects of COVID-19, including the effects of laws, executive orders and policies implemented in response to COVID-19, on small businesses. Such report shall include, but need not be limited to, the following information, as can be practicably obtained, for each affected small business in the city:

(a) The amount of revenue lost as a result of COVID-19;

(b) The number of jobs or positions eliminated as a result of COVID-19; and

(c) Whether such business closed permanently as a result of COVID-19.

2. The information required in paragraph 1 of this subdivision may be expressed in estimates if exact values cannot be determined or obtained, provided that such estimates are clearly indicated as such. The department shall explain the methodologies used to calculate and determine values set forth in the report required by paragraph 1.

3. The data used to prepare the report required in this subdivision shall be disaggregated by the following criteria for each small business:

(a) Business type;

(b) Number of employees;

(c) Neighborhood;

(d) ZIP code;

(e) Census tract; and

(f) Race, gender and age of the owner.

c. Report; when submitted. No later than one year after the effective date of this local law, the commissioner shall submit the report required in subdivision b of this section to the mayor, the speaker of the council and the public advocate, and shall post such report on the department's website.

d. Necessary measures. The commissioner shall take such measures as are necessary, including the development and issuance of a survey to small businesses, for the purpose of obtaining the information needed to prepare the report required in subdivision b of this section.

§ 2. This local law takes effect immediately.

Referred to the Committee on Small Business.

Res. No. 1443

Resolution calling on the United States Congress to pass, and the President to sign, legislation creating the “Heroes’ Fund” to provide hazard pay to employees required to work on-site during COVID-19.

By The Public Advocate (Mr. Williams) and Council Members Brannan, Kallos and Chin.

Whereas, In 2020, the novel coronavirus disease, COVID-19, spread rapidly throughout the United States, leading to over 1.1 million confirmed cases of the virus and nearly 64,000 confirmed deaths, as of May 1, 2020; and

Whereas, COVID-19’s impact has been especially damaging to New York City, which reports over 167,000 confirmed COVID-19 cases and nearly 13,000 confirmed COVID-19 deaths, as of May 1, 2020; and

Whereas, To combat the spread of the virus, Governor Andrew M. Cuomo issued Executive Order 202.6, also known as the New York State on PAUSE Executive Order, on March 20, 2020, which mandated that nonessential businesses close their in-person stores; and

Whereas, Executive Order 202.6 also outlined twelve categories of business that are designated as essential and are not subject to the in-person restriction, including essential health care, infrastructure, manufacturing, services, and retail; and

Whereas, Many workers in these industries, who are also referred to as essential workers, are still required to work on-site during the COVID-19 pandemic, and face heightened exposure to the virus as a result; and

Whereas, An April 8, 2020 report by the Fiscal Policy Institute (FPI) found that New York City has roughly one million essential workers; and

Whereas, Essential workers are disproportionately likely to be low-income, as the same FPI report also found that 24% of essential workers in New York City have a family income below 200% of the federal poverty level; and

Whereas, Hazard pay refers to extra payment for working under dangerous conditions; and

Whereas, The April 2020 COVID-19 Employer Response Survey, administered by the global human resources association WorldatWork, surveyed over 1500 employers and found that 70% did not plan to offer hazard pay or financial incentives of any kind to its workers; and

Whereas, In March 2020, the United States Congress passed a series of relief packages designed to provide worker benefits and economic stimulus in the midst of the pandemic; and

Whereas, On April 7, 2020, Senate Democrats proposed including a “Heroes’ Fund” in the next coronavirus relief package, which would be used to offer a \$25,000 pay increase to all essential frontline workers during the COVID-19 pandemic; and

Whereas, Granting hazard pay to essential frontline workers during the COVID-19 pandemic would compensate these workers for the heightened levels of risk they face, and would also grant these workers additional financial security during this crisis; and

Whereas, Provision of these funds by the federal government would alleviate any potential financial burden to employers, as well as to state and local governments; now, therefore, be it

Resolved, That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, legislation creating the “Heroes’ Fund” to provide hazard pay to employees required to work on-site during COVID-19.

Referred to the Committee on Civil Service and Labor.

Preconsidered Int. No. 2127-A

By Council Members Reynoso, Powers, Levine, Rodriguez, Rivera, Kallos, Van Bramer, Chin, Gjonaj, Louis, Rosenthal and Ayala.

A Local Law in relation to space heaters, the establishment of a permanent outdoor dining program, and to amend local law number 77 for the year 2020, in relation to the expiration of the outdoor dining program

Be it enacted by the Council as follows:

Section 1. Portable space heaters fueled by liquefied petroleum gas and portable electric space heaters may be used in a temporary outdoor seating area operated pursuant to local law number 77 for the year 2020 and emergency executive order number 126, dated June 18, 2020, as amended by subsequent orders, subject to guidance issued by the fire department pursuant to emergency executive order of the mayor.

§ 2. a. For the purposes of this section, the following terms have the following meanings:

Food service establishment. The term “food service establishment” has the same meaning as set forth in subdivision s of section 81.03 of the health code of the city of New York.

Pedestrian plaza. The term “pedestrian plaza” has the same meaning as set forth in section 19-157 of the administrative code of the city of New York.

Roadway seating. The term “roadway seating” means seating located in the roadway adjacent to the curb in front of the business frontage of a food service establishment.

b. By September 30, 2021, the department of transportation and any other agency designated by the mayor shall establish a permanent open restaurants program to succeed the temporary program established by local law number 77 for the year 2020, provided that any additional legislation necessary to authorize such program has been enacted. Such program shall include but not be limited to the following elements:

1. The use of roadway seating for outdoor dining;
2. The use of a pedestrian plaza, or other public outdoor location for outdoor dining; and
3. Accessibility for people with disabilities in compliance with applicable federal, state and local law.

§ 3. Subdivision f of section 1 of local law number 77 for the year 2020 is amended to read as follows:

f. Expiration. The outdoor restaurants program shall remain in effect until [September 8, 2020 or until such later date as the department of transportation shall determine; provided however that such program shall not remain in effect after December 31, 2020] *September 30, 2021*. [The department of transportation shall provide the speaker of the council notice five days prior to the termination of such the program.]

§ 4. This local law takes effect immediately, except that section one of this local law shall expire and be deemed repealed on May 1, 2021.

Adopted by the Council (preconsidered as amended and approved by the Committee on Consumer Affairs and Business Licensing).

Int. No. 2128

By Council Members Richards and Kallos.

A Local Law to amend the New York city charter, in relation to establishing an office of bias data analytics

Be it enacted by the Council as follows:

Section 1. Section 808 of chapter 34 of the New York city charter, as added by local law number 43 for the year 2018, is renumbered section 809.

§ 2. Chapter 34 of the New York city charter is amended by adding a new section 809-a to read as follows:

§ 809-a. *Office of bias data analytics. a. Definitions. As used in this section, the following terms have the following meanings:*

Commissioner. The term “commissioner” means the commissioner of investigation.

Director. The term “director” means the director of bias data analytics.

Office. The term “office” means the office of bias data analytics.

Protected group. The term “protected group” means any group of people protected by anti-discrimination laws based on actual or perceived characteristics, including, but not necessarily limited to, race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, uniformed service, any lawful source of income, status as a victim of domestic violence, status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record.

b. Office established; appointment and removal of director. The commissioner shall establish an office of bias data analytics, the head of which shall be the director of bias data analytics. No later than 90 days after the effective date of the local law that added this section, the commissioner shall appoint a director, who shall have the powers and execute the duties described in subdivision c of this section. The commissioner shall report to the council regarding the identity and qualifications of such individual, the number of personnel assigned or to be hired to assist such individual as deemed necessary by the commissioner, and the details of the management structure covering such personnel. In the event such individual is removed or resigns, the commissioner shall appoint a new director within 90 days of such removal or resignation. In such event, the commissioner shall report to the council regarding the identity and qualifications of the new director.

c. Powers and duties. The director shall have the power and duty to:

1. Collaborate with city agencies to:

(a) Analyze data provided to the office by an agency to determine whether such agency has implemented a policy or practice that results in biased or discriminatory decision-making against a protected group, and report the findings back to such agency;

(b) Conduct research;

(c) Make recommendations for policies and best practices to encourage non-discriminatory decision-making; and

(d) Support agencies in developing strategies to conduct their own analytics based on such data; and

2. Perform any other relevant duties the commissioner deems appropriate.

d. Report required. Within one year of the effective date of the local law that added this section, and quarterly thereafter, the director shall post on the office’s website and submit to the mayor and the speaker of the council a report containing, at a minimum, the findings and recommendations required by paragraph 1 of subdivision c of this section, except to the extent that disclosure of such data would conflict with other applicable law.

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

Referred to the Committee on Governmental Operations.

Res. No. 1444

Resolution calling on the New York State Legislature to pass, and the Governor to sign, a bill to amend the criminal procedure law to allow convictions for Loitering for the Purpose of Engaging in a Prostitution Offense (PL § 240.37) to be sealed and have the law apply retroactively.

By Council Members Rivera, Rosenthal, Kallos and Gibson.

Whereas, Penal Law section 240.37, Loitering for the Purpose of Engaging in a Prostitution Offense, penalizes merely appearing to be engaged in such an offense, an inherently problematic and vague standard that invites discriminatory enforcement; and

Whereas, In fact, the enforcement of this law disproportionately targets Black and Latina women and transgender women of color; and

Whereas, Eighty percent of people who were arrested under the law in 2018 were women, and of that, forty-nine percent were Black and forty-two percent were Latina, according to the New York State Division of Criminal Justice Services; and

Whereas, In 2013 and 2014, the nonprofit organization Red Umbrella Project found that in a Brooklyn court, over ninety percent of defendants charged under the law were Black; and

Whereas, Section 240.37 remains in the Penal Law even as Governor Cuomo has publicly supported repealing this statute; and

Whereas, The collateral consequences stemming from an arrest or conviction for criminal offenses are severe; and

Whereas, People who are arrested or convicted for Loitering for the Purposes of Engaging in Prostitution can lose their employment and housing; and

Whereas, Undocumented individuals who are arrested or convicted for Loitering for the Purposes of Engaging in Prostitution can be subject to deportation as immigration law disqualifies individuals from adjusting their immigration status if they have been arrested or convicted on a prostitution offense; and

Whereas, These collateral consequences overwhelmingly burdens Black and Latina women and transgender women of color as they are disproportionately subjected to enforcement of this problematic statute; and

Whereas, Under Criminal Procedure Law section 160.55, New Yorkers are prohibited from sealing their conviction for Loitering for the Purpose of Engaging in a Prostitution Offense; and

Whereas, This prohibition only exacerbates the burdens a conviction for Loitering for the Purposes of Engaging in a Prostitution Offense carries; and

Whereas, To reduce some of the needless burdens imposed on New Yorkers convicted of Penal Law 240.37 Offense, the New York State Legislature should amend Criminal Procedure Law 160.55 to permit New Yorkers to seal their conviction for this offense; and, now therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign, a bill to amend the Criminal Procedure Law to allow convictions for Loitering for the Purpose of Engaging in a Prostitution Offense to be sealed and have the law apply retroactively.

Referred to the Committee on Public Safety.

Int. No. 2129

By Council Member Rodriguez.

A Local Law to amend the administrative code of the city of New York, in relation to allowing a local community board to review the opening and operation of new non-tobacco hookah establishments

Be it enacted by the Council as follows:

Section 1. Subdivision g of section 17-513.5 of the administrative code of the city of New York, as added by local law number 187 for the year 2017, is amended to read as follows:

g. To obtain and renew a permit issued pursuant to this section for a non-tobacco hookah establishment, a person shall demonstrate that:

1. [such] *Such* non-tobacco hookah establishment generated 50 percent or more of its total annual gross sales during the preceding calendar year from the on-site sale of non-tobacco smoking products;

2. [such non-tobacco hookah establishment has been operating as a non-tobacco hookah establishment since at least the date of enactment of the local law that created this section, and has not expanded its size or changed its location on or after the date of enactment of the local law that added this section;] *The local community board has reviewed and provided comment on the opening and operation of such non-tobacco hookah establishment;*

3. [such] *Such* non-tobacco hookah establishment has not been found to have served shisha containing tobacco or nicotine, in violation of subdivision a of section 17-508 or subdivision 1 of section 1399-s of the public health law, after the effective date of the local law that added this section;

4. [such] *Such* non-tobacco hookah establishment does not owe a civil penalty for a violation of any provision of this chapter or of chapter 7 of title 17; and

5. [the] *The* permit of such non-tobacco hookah establishment issued pursuant to this section has not been revoked pursuant to subdivision 1 of section 17-508 or subdivision b of section 17-716.

§ 2. This local law takes effect 90 days after it becomes law, except that the commissioner of health and mental hygiene shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Health.

Int. No. 2130

By Council Members Rosenthal, Kallos, Adams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to providing notice regarding student loan forgiveness programs to certain employees and applicants for employment

Be it enacted by the Council as follows:

Section 1. Chapter 2 of title 12 of the administrative code of the city of New York, is amended by adding a new section 12-209 to read as follows:

§12-209 Notice regarding student loan forgiveness programs. a. Definitions. For purposes of this section, the following term has the following meaning:

City agency. The term “city agency” means an agency established by the charter and any other agency designated by the mayor.

b. Requirement to prepare notice. The commissioner of citywide administrative services shall prepare, in consultation with the director of the office of labor policy and standards, a notice for employees of city agencies regarding the availability of federal and state student loan forgiveness programs. The commissioner shall make the notice available on the website of the department of citywide administrative services in downloadable format.

c. Required information. The notice required under subdivision b shall:

1. Include, but need not be limited to, notice that an employee of a city agency may be eligible for loan forgiveness under a federal or state student loan forgiveness program;

2. Provide the official website address for each program; and

3. Encourage each employee or applicant for employment to review carefully the information provided on the websites to determine eligibility for such programs and the procedures for application.

d. Provision of notice to agency heads. The commissioner shall make the notice prepared under subdivision b available to the heads of city agencies to share with employees and employment applicants of such agencies.

e. Provision of notice to employees and applicants for employment. The head of each city agency shall provide the notice prepared under subdivision b:

1. To an individual who begins employment at the applicable city agency after the effective date of this section, within five days of beginning such employment;

2. To an individual already employed at the city agency on the effective date of this section, within fifteen days of such effective date; and

3. In advertisements for employment with the city agency, where appropriate.

§ 2. Title 20 of the administrative code of the city of New York is amended by adding a new chapter 11 to read as follows:

CHAPTER 11

INFORMATION ON STUDENT LOAN FORGIVENESS PROGRAMS

§ 20-1101 Information on student loan forgiveness for employees and job applicants. a. Definitions. For purposes of this section, the following term has the following meaning:

Employer. The term "employer" means any person or entity covered by the definition of "employer" set forth in subdivision 6 of section 651 of the labor law, except that such term does not include (i) the United States government; (ii) the state of New York, including any office, department, independent agency, authority, institution, association, society or other body of the state including the legislature and the judiciary; or (iii) the city or any local government, municipality or county or any entity governed by section 92 of the general municipal law or section 207 of the county law.

b. Provision of notice. 1. The director of the office of labor policy and standards, or any successor office, shall make available the notice prepared under section 12-209 to employers in the city of New York, as appropriate, in order that such employers may provide the notice to employees and applicants for employment.

2. The director shall make such notice available on the office's website in downloadable format.

c. The director shall conduct outreach and education about the availability of federal and state student loan forgiveness programs. Such outreach and education shall be provided to employers who are likely to be impacted by this section.

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

Referred to the Committee on Governmental Operations.

Int. No. 2131

By Council Members Rosenthal and Kallos.

A Local Law in relation to establishing a working group, feasibility study and pilot program on using community locations to provide domestic violence survivors access to the internet

Be it enacted by the Council as follows:

Section 1. a. Definitions. For the purposes of this section, the following terms have the following meanings:
Community-based domestic violence organization. The term "community-based domestic violence organization" means an organization that works with domestic violence survivors who are homeless, English language learners, immigrants, individuals with disabilities or Black, indigenous or people of color.

Director. The term "director" means the director of the office.

Domestic violence survivor. The term "domestic violence survivor" means any individual who is covered by the term "victim of domestic violence" as defined in section 459-a of the social services law.

Office. The term "office" means the office to end domestic and gender-based violence.

Working group. The term "working group" means the domestic violence survivors internet access working group established pursuant to this section.

b. Domestic violence survivors internet access working group. 1. By November 30, 2020, there shall be a domestic violence survivors internet access working group. The working group shall conduct the feasibility study and pilot program and prepare the reports required by this section regarding using locations in the community to provide domestic violence survivors access to the internet.

2. The working group shall consist of seven members: the director, or the designee thereof; and six members who represent community-based domestic violence organizations. The director shall appoint the six such members who shall provide domestic violence survivor-centered input and assist with the feasibility study, pilot program and reports. The director shall also facilitate the working group.

3. Each member shall serve at the pleasure of the officer who appointed the member. In the event of a vacancy in membership, a successor shall be selected in the same manner as the original selection for the remainder of the unexpired term. All members shall serve without compensation.

4. The director shall convene the first meeting of the working group no later than 30 days after the working group is established, except that where not all members have been selected within the time specified in this subdivision, the director shall convene the first meeting within 10 days of the appointment of a quorum.

5. The working group shall meet at least monthly during the feasibility study and pilot program to carry out the duties described in this section. Such meeting requirement shall be suspended once the working group submits the pilot program final report required by subdivision f.

c. Feasibility study and report. By January 31, 2021, the working group shall conduct a feasibility study to assess and determine the details of a pilot program to use locations in the community to provide domestic violence survivors access to the internet. The working group shall issue a report on such study, which the director shall submit to the mayor and speaker of the council and post on the office's website. Such study and report shall include, but need not be limited to:

1. The pilot program's design, including, but not limited to, the scope, the staffing and the rationale for such design;
2. Participation in the pilot programs, including, but not limited to, the criteria to participate and the number of participants;
3. The plan to ensure the safety of the participants, the pilot program site staff and the public, including, but not limited to, ensuring the computers and internet access are secure and confidential;
4. The plan to support the participants in using the computers and internet, including, but not limited to, technical support and training;
5. The plan to administer and conduct outreach on the pilot program in a culturally appropriate manner; and
6. The metrics to evaluate the pilot program.

d. Pilot program. 1. By March 1, 2021, the director shall establish a two-year pilot program, in no fewer than two boroughs, to use locations in the community to provide domestic violence survivors access to the internet. Such pilot program shall be informed by the recommendations in the feasibility study report required by subdivision c and established in consultation with the working group.

2. Prior to the establishment of the pilot program, and continuing thereafter, the working group and relevant agencies shall conduct culturally appropriate outreach on such program. Such outreach shall include, but need not be limited to, creating written materials, which shall be posted online and made available, as appropriate, at the pilot program sites, family justice centers and other locations in the designated citywide languages, as defined in section 23-1101 of the administrative code of the city of New York.

e. Pilot program progress report. By March 1, 2022, the working group shall issue a progress report on the pilot program, which the director shall submit to the mayor and speaker of the council and post on the office's website. The report shall include, but need not be limited to, the following, disaggregated by pilot program site:

1. The number of participants;
2. A description of the information and services that the participants accessed;
3. Anonymous feedback from the pilot program site participants and staff; and
4. A description of the implementation challenges and the efforts to address such challenges.

f. Pilot program final report. No later than June 30, 2023, the working group shall issue a final report on the pilot program, which the director shall submit to the mayor and speaker of the council and post on the office's website. The report shall include, but need not be limited to:

1. The information in the pilot program progress report required by subdivision e, updated for the final report;
2. A description of the barriers that impede participants from using the internet in their daily lives, including, but not limited to, cost, safety, lack of technical support, lack of training and lack of locations to access it;
3. Recommendations for improving domestic violence survivors' access to the internet, including the pilot program required by subdivision d; and
4. The cost of the pilot program and its potential expansion.

g. The working group shall terminate 180 days after the date on which it submits such final report.

h. The reports required by this section shall not contain personally identifiable information of any participant in a study or program conducted pursuant to this section.

i. Nothing in this section or the administration or application thereof shall be construed to create a private right of action on the part of any person or entity against the city or any agency, official or employee thereof.

§ 2. This local law takes effect immediately.

Referred to the Committee on Women and Gender Equity.

Int. No. 2132

By Council Members Rosenthal, Kallos, Adams and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to requiring signage in shelters regarding feminine hygiene products

Be it enacted by the Council as follows:

Section 1. Section 12-207 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

c. Signage in temporary shelters regarding feminine hygiene products. Each temporary shelter subject to subdivision b shall place signage informing the residents of such shelter of the availability of feminine hygiene products. Such signage shall be in a conspicuous location, visible to all residents, in the designated citywide languages, as defined in section 23-1101. The signage's size, style and content shall be determined in accordance with rules promulgated by the commissioner of social services.

§ 2. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Women and Gender Equity.

Int. No. 2133

By Council Members Rosenthal, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to resources for survivors of sexual offenses

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 14-180.1 to read as follows:

§ 14-180.1 Special victims case guidelines. a. Definitions. For the purposes of this section, the term "sexual offense" means conduct defined under article 130 of the penal law.

b. Working group. 1. There shall be a sexual offense case working group. Such working group shall meet within 60 days of the effective date of this section, and at least once a quarter thereafter. The working group shall include:

(i) At least eight members of the police department to be designated by the police commissioner; and

(ii) At least five members from community based organizations to be appointed by the mayor, including individuals with expertise in sexual offense survivor advocacy, women's rights advocacy, domestic violence survivor advocacy, sexual offense health treatment advocacy, at-risk youth programs, lesbian, gay, bisexual, transgender, non-gender conforming, non-binary and intersex anti-violence advocacy, and survivors of sexual offenses.

2. On or before December 1, 2020, the working group shall develop a sexual offense survivor's bill of rights, which shall include rights under chapter 238 of title 18 of the United States code, subdivision 13 of section 631 of the executive law, and sections 2805-i and 2805-p of the public health law, or any successor to such provisions, and any regulations promulgated pursuant thereto.

3. On or before December 1, 2020, the working group shall develop a list of best practices for investigating sexual offenses. Such list shall be distributed to police officers working in the special victims division of the police department. Such list shall include recommendations for communicating with survivors of sexual offenses on the status of their case and information about mental health resources available to survivors of sexual offenses. Such list shall also include a recommendation to distribute the survivor's bill of rights to survivors of sexual offenses. The working group may amend the list from time to time as necessary to keep it current.

4. The working group shall continue to meet to discuss complaints to the police department about how sexual offense cases are handled and make recommendations for improving departmental practices in response to such complaints.

§ 2. This local law takes effect 120 days after it becomes law. The mayor and the police commissioner may take any steps necessary for the implementation of this local law before such effective date.

Referred to the Committee on Women and Gender Equity.

Preconsidered Int. No. 2134

By Council Members Salamanca, Dromm, Kallos and Chin.

A Local Law to amend the administrative code of the city of New York, in relation to the preparation of plans in connection with petitions for revocable consents for sidewalk cafes

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 20-225 of the administrative code of the city of New York is amended to read as follows:

a. The petition shall be in such form as prescribed by the department[.] *and shall include an accurate drawing of required clearances, space to be occupied, and the locations of tables and chairs; provided, however that the department shall permit such drawings to be developed by the petitioner and shall not require that such drawings be developed, reviewed, or approved by an architect, engineer, or other professional third party.* The petition shall be filed with the department which, within five days of the filing of such petition shall forward copies thereof to the department of city planning, the department of environmental protection and the landmarks preservation commission for review pursuant to subdivision b of this section. The department shall forward copies of the petition, within five days of the filing of such petition, to the speaker of the council and to the council member in whose district the cafe is proposed to be located, for informational purposes.

§ 2. Subdivision a of section 20-226 of the administrative code of the city of New York is amended to read as follows:

a. The petition shall be in such form as prescribed by the department[.] *and shall include an accurate drawing of required clearances, space to be occupied, and the locations of tables and chairs; provided, however that the department shall permit such drawings to be developed by the petitioner and shall not require that such drawings be developed, reviewed, or approved by an architect, engineer, or other professional third party.* The department shall forward copies of the petition, within five days of the filing of such petition, to the president of the borough in which the cafe is proposed to be located, the speaker of the council and the council member in whose district the cafe is proposed to be located, for information purposes, and to the community board for the community district in which the cafe is proposed to be located, for review pursuant to subdivision b of this section.

§ 3. This local law takes effect 60 days after it becomes law.

Referred to the Committee on Consumer Affairs and Business Licensing (preconsidered but laid over by the Committee on Consumer Affairs and Business Licensing and the Committee on Transportation).

Preconsidered Res. No. 1445

Proposed authorizing resolution submitted by the Mayor pursuant to Section 363 of the Charter for the granting of franchises for the provision of telecommunications services.

By Council Members Salamanca and Moya (by request of the Mayor).

WHEREAS, by Executive Order 25, dated August 23, 1995, the Mayor has designated the Department of Information Technology and Telecommunications (“DoITT”) as the responsible agency for the granting of telecommunications franchises; and

WHEREAS, pursuant to Section 363 of the Charter (the “Charter”) of the City of New York (the “City”), the Commissioner of DoITT has made the initial determination of the need for franchises for telecommunications services; and

WHEREAS, the Mayor has submitted to the Council a proposed authorizing resolution for the granting of such franchises pursuant to Section 363 of the Charter; and

WHEREAS, the Council has determined that the granting of such franchises will promote the public interest, enhance the health, welfare and safety of the public and stimulate commerce by assuring the widespread availability of telecommunications services;

The Council hereby resolves that:

A. The Council authorizes DoITT, or any successor thereto, to grant non-exclusive franchises for the installation of cable, wire and/or optical fiber and associated equipment in the inalienable property of the City (including through pipes, conduits and similar improvements thereto) to be used in providing one or more telecommunications services (as that term is defined in Section C of this resolution) in the City.

B. For purposes of this resolution, “inalienable property of the City” shall mean the property designated as inalienable in Section 383 of the Charter. References herein to facilities “in the inalienable property” shall mean facilities located on, over or under the surface of such inalienable property.

C. The public services to be provided under such franchises shall be one or more “telecommunications services”, defined for the purposes of this resolution as the transmission of voice, data, information service and/or video signals, or any other form of wire communications or radio communications (as such terms are defined in subsections 59 and 40, respectively, of Section 3 of the federal Communications Act of 1934, as amended, or successor provisions thereto) but for purposes of this resolution “telecommunications services” shall not include any of the following: (i) “cable television services: as defined in the authorizing resolution adopted by the Council on May 15, 2012 as Resolution No. 1334, or any successor resolution thereto; (ii) “mobile telecommunications services” as defined in the authorizing resolution adopted by the Council on March 9, 2016 as Resolution No. 935 or any successor resolution thereto; and (iii) “public pay telephones” as defined in the authorizing resolution adopted by the Council on December 21, 2009 as Resolution No. 2309 or any successor resolution thereto.

D. All franchises granted pursuant to this resolution shall require the approval of the Franchise and Concession Review Committee and the separate and additional approval of the Mayor.

E. The authorization to grant franchises pursuant to this resolution shall expire on the fifth anniversary of the date on which this resolution is adopted by the Council (the “Expiration Date”). No franchises shall be approved pursuant to this resolution by DoITT, the Franchise and Concession Review Committee, or the Mayor pursuant to this resolution after the Expiration Date.

F. Prior to the grant of any such franchise, a request for proposals (“RFP”) or other solicitation shall be issued by DoITT. Prior to issuing any such RFP or other solicitation, all necessary environmental and land use review shall be conducted in accordance with City Environmental Quality Review (“CEQR”) and Section 197-c of the Charter. The criteria to be used by DoITT to evaluate responses to such RFP or other solicitation shall include, but not be limited to, the following to the extent permitted by law:

- (1) the financial, legal, technical and managerial experience and capabilities of the applicant(s);
- (2) the adequacy of the proposed compensation to be paid to the City; and

(3) the ability of the applicant(s) to maintain the property of the City in good condition throughout the term of the franchise and in a manner consistent with the City's management of the public rights-of-way. In no event, however, shall DoITT include any criteria in any such RFP or other solicitation which the City would be preempted, pursuant to federal law, from thus including; and in no event shall DoITT apply any criteria to be included in any such RFP or other solicitation in a manner which the City would be preempted, pursuant to federal law, from thus applying.

G. Any franchise granted pursuant to this authorizing resolution shall be by written agreement which shall include, but not be limited to, the following terms and conditions to the extent permitted by law (provided however, that no term or condition, whether or not listed hereinafter, shall be included in a written franchise agreement if the City is preempted, by federal law, from including such a term or condition in such agreement, and provided that no term or condition, whether or not listed hereinafter, shall be included in a written agreement in a form or manner which the City is preempted by federal law from using with respect to such agreement):

(1) the term of the franchise, including any option(s) to renew shall not exceed fifteen (15) years;

(2) the compensation to be paid to the City shall be adequate and may include the provision of facilities or services to the City, or both. Such compensation shall not be considered in any manner in the nature of a tax, but such payments shall be made in addition to any and all taxes of whatever kind or description that are now or at any time hereafter may be required to be paid pursuant to any local law of the City or any law of the State of New York;

(3) the franchise may be terminated or cancelled in the event of the franchisee's failure to comply with the material terms and conditions of the agreement;

(4) a security fund shall be established to ensure the performance of the franchisee's obligations under the agreement;

(5) the City shall have the right to inspect the facilities of the franchisee located in the inalienable property of the City and to order the relocation of such facilities at the direction of DoITT;

(6) there shall be adequate insurance and indemnification requirements to protect the interests of the public and the City;

(7) all franchisees shall be required to maintain complete and accurate books of account and records sufficient to assure franchisee's compliance with the franchise agreement, which books of account and records shall be made available on demand to the City for inspection;

(8) there shall be provisions to ensure quality workmanship and construction methods in the use of the inalienable property of the City;

(9) there shall be provisions containing the agreements required pursuant to paragraph 6 of subdivision (h) of Section 363 of the Charter relating to collective bargaining and other matters;

(10) there shall be provisions requiring the franchisee to comply with City laws, regulations and policies related to, but not limited to, employment and investigations;

(11) there shall be provisions to ensure adequate oversight by the City of franchisee's performance of its franchise obligations;

(12) there shall be provisions to restrict the assignment or other transfer of the franchise without the prior, written consent of the City and provisions to restrict changes in control of the franchisee without the prior written consent of the City;

(13) there shall be remedies to protect the City's interest in the event of the franchisee's failure to comply with the terms and conditions of the agreement;

(14) all franchisees shall have been subject, prior to the commencement of the franchise term to review under the City's Procurement and Sourcing Solutions Portal ("PASSPort") or any successor system;

(15) all franchises shall include provisions incorporating the MacBride Principles;

(16) there shall be provisions preserving the right of the City to perform public works or public improvements in and around those areas subject to the franchise;

(17) there shall be provisions requiring the franchisee to protect the property of the City, and the delivery of public services through, along or across such property, from damage or interruption of operation, as a result of the construction, installation, use, operation, maintenance, repair and/or removal of the franchisee's facilities in the inalienable property of the City;

(18) there shall be provisions designed to minimize the extent to which the public use of the streets of the City are disrupted in connection with the construction, installation, use, operation, maintenance, repair and/or removal of the franchisee's facilities in the inalienable property of the City; and

(19) there shall be provisions requiring the franchisee to provide maps and other information, including resiliency information, regarding locations of facilities in the inalienable property of the City.

H. DoITT shall file with the Council the following documents:

(1) within fifteen (15) days of issuance, a copy of each RFP or other solicitation issued pursuant to this resolution;

(2) within fifteen (15) days of approval by the Mayor, a copy of the agreement for each franchise granted pursuant to this resolution; and

(3) on or before July 1 of each year, a report detailing the revenues received by the City during the preceding calendar year from each franchise granted pursuant to this resolution.

I. If any clause, sentence, paragraph, section or part of this resolution shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this resolution or the application thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

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

Preconsidered L.U. No. 688

By Council Member Salamanca:

Application No. 20215006 HAM (505 West 134th Street Cluster) submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Article XI of the Private Housing Finance Law, requesting the waiver of the area designation requirements of Section 693 of the General Municipal Law and Sections 197-c and 197-d of the Charter, approval of an urban development action area project, and approval of an exemption from real property taxes for property located at 505 West 134th Street (Block 1988, Lot 27), 523 West 134th Street (Block 1988, Lot 12), and 527 West 134th Street (Block 1988, Lot 8), Borough of Manhattan, Community District 9.

Referred to the Committee on Land Use and the Subcommittee of Landmarks, Public Sitings and Dispositions (preconsidered but laid over by the Subcommittee of Landmarks, Public Sitings and Dispositions).

Preconsidered L.U. No. 689

By Council Member Salamanca:

Application No. C 200103 ZMQ (110-40 Saultell Avenue Rezoning) submitted by Tuchman Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 10b, changing from an R6B District to an R6 District, Borough of Queens, Council District 21, Community District 4.

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

Preconsidered L.U. No. 690

By Council Member Salamanca:

Application No. N 200104 ZRQ (110-40 Saultell Avenue Rezoning) submitted by Tuchman Associates, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Appendix F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Council District 21, Community District 4.

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

NEW YORK CITY COUNCIL

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

Friday, October 16, 2020

Committee on Education jointly with the
Committee on Health

Mark Treyger, Chairperson
Mark Levine, Chairperson

Oversight - Reopening NYC Public Schools: Health and Safety.

Int 2058 - By the Public Advocate (Mr. Williams) and Council Members Treyger, Kallos, Brannan, Gibson, Chin and Adams - **A Local Law** to amend the administrative code of the city of New York, in relation to requiring the department of education to report on remote learning attendance.

Int 2104 - By Council Members Treyger, Kallos, Louis, Adams and Chin - **A Local Law** in relation to requiring the Department of Education to report on metrics regarding remote learning during the COVID-19 pandemic.
Remote Hearing (Virtual Room 2).....10:00 a.m.

Committee on Higher Education jointly with the
Committee on Mental Health, Disabilities & Addiction

Inez Barron, Chairperson
Diana Ayala, Chairperson

Oversight – Mental Health Resources for Students at CUNY.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Transportation

Ydanis Rodriguez, Chairperson

Oversight - TLC's Response to COVID-19 and Driver Assistance Programs.

Int 18 - By Council Member Cabrera - **A Local Law** to amend the administrative code of the city of New York, in relation to providing for-hire vehicles with an initial thirty day inspection grace period.

Preconsidered Int ____ - By Council Member Rodriguez - A Local Law in relation to suspending monetary liability for parking violations issued to essential workers.

Res 98 - By Council Members Rodriguez and Brannan - **Resolution** calling upon the New York State Legislature to pass, and the Governor to sign, legislation making it a felony to assault a driver licensed by the Taxi and Limousine Commission.

Remote Hearing (Virtual Room 3)2:00 p.m.

Monday, October 19, 2020

Committee on Fire and Emergency Management

Joseph Borelli, Chairperson

Int 1849 - By Council Members Borelli, Cornegy, Powers and Maisel - **A Local Law** to amend the New York city fire code, in relation to establishing fire safety provisions for film production locations and requiring production location fire safety managers for certain scouting, rigging and production activities, and pyrotechnic usage.

Int 1852 - Council Members Cornegy, Borelli, Powers and Koslowitz - **A Local Law** to amend the New York city fire code, in relation to requiring any person permitted for scouting, rigging and production activities to provide film set blueprints in advance of permitted activities to the fire department.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Committee on Veterans

Chaim M. Deutsch, Chairperson

Oversight - Needs of Veterans During COVID-19.

Remote Hearing (Virtual Room 3)1:00 p.m.

Tuesday, October 20, 2020

[Committee on Cultural Affairs, Libraries & International Intergroup Relations](#)

James Van Bramer, Chairperson

Oversight - Black Lives Matter, Anti-racism, Structural Racism and the Arts.

Remote Hearing (Virtual Room 1).....10:00 a.m.

Wednesday, October 21, 2020

[Committee on Justice System](#) jointly with the
[Committee on Criminal Justice](#) and the
[Committee on General Welfare](#) and the
[Committee on Public Housing](#) and the
[Committee on Housing and Buildings](#)

Rory Lancman, Chairperson
Keith Powers, Chairperson
Stephen Levin, Chairperson
Alicka Ampry-Samuel, Chairperson
Robert Cornegy, Jr., Chairperson

Oversight - Housing and Reentry Remote Meeting.

Int 1760 - By Council Members Levine, Kallos, Torres, Rivera, Brannan, Cabrera, Rosenthal, Menchaca, Reynoso, Cornegy, Chin, Ampry-Samuel, Holden, Louis, Richards, Lander, Koo, Maisel, Rose, Constantinides, Ayala, Gibson, Grodenchik, Powers, Moya, Adams and Koslowitz - **A Local Law** to amend the administrative code of the city of New York, in relation to tenant data privacy

Remote Hearing (Virtual Room 2)1:00 p.m.

Thursday, October 22, 2020

[Committee on Contracts](#) jointly with the
[Committee on Governmental Operations](#) and the
[Committee on Economic Development](#)

Ben Kallos, Chairperson
Fernando Cabrera, Chairperson
Paul Vallone, Chairperson

Oversight - Sourcing Local Personal Protective Equipment for the Next COVID-19 Wave or a Future Pandemic.
Proposed Int 1980-A - 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.

Remote Hearing (Virtual Room 2).....10:00 a.m.

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

See Land Use Calendar

Remote Hearing (Virtual Room 3).....10:00 a.m.

[Committee on Parks and Recreation](#)

Peter Koo, Chairperson

Oversight: Improving the Equity of Green Space throughout the City in Light of the COVID Epidemic.

Remote Hearing (Virtual Room 1).....1:00 p.m.

Friday, October 23, 2020

[Committee on Civil & Human Rights](#)

Mathieu Eugene, Chairperson

Oversight – The New York City Commission on Human Rights’ Response to the COVID-19 Pandemic.

Remote Hearing (Virtual Room 1).....10:00 a.m.

[Committee on Education](#) jointly with the
[Committee on Mental Health, Disabilities & Addiction](#)
Oversight - Reopening NYC Public Schools: Impact on Students with Disabilities.
 Remote Hearing (Virtual Room 2).....10:00 a.m.

Mark Treyger, Chairperson
 Diana Ayala, Chairperson

Monday, October 26, 2020

[Committee on Hospitals](#) and jointly with
[Committee on Oversight and Investigations](#)
Oversight - Examining the City's Support of NYC Hospitals During the COVID-19 Pandemic.
 Remote Hearing (Virtual Room 2).....10:00 a.m.

Carlina Rivera, Chairperson
 Ritchie Torres, Chairperson

[Committee on Environmental Protection](#)
Oversight - Environmental Justice Impacts of COVID-19 Sewage Disposal.
Int 244 - By Council Members Reynoso and Rivera - **A Local Law** to amend the administrative code of the city of New York, in relation to the sale of nonwoven disposable products.
Int 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.
 Remote Hearing (Virtual Room 1).....11:00 a.m.

Costa Constantinides, Chairperson

Tuesday, October 27, 2020

[Committee on Resiliency and Waterfronts](#)..... Justin Brannan, Chairperson
Oversight - 8th Anniversary of Superstorm Sandy and the 2020 Hurricane Season.
 Remote Hearing (Virtual Room 1).....11:00 a.m.

Wednesday, October 28, 2020

[Committee on Women and Gender Equity](#) jointly with the
[Committee on Health](#)
Oversight - Sexual and Reproductive Rights in New York City.
 Remote Hearing (Virtual Room 1).....10:00 a.m.

. Helen Rosenthal, Chairperson
 . Mark Levine, Chairperson

Wednesday, October 28, 2020

[Committee on General Welfare](#)
Oversight - Racial Disparities in the Child Welfare System.
 Remote Hearing (Virtual Room 2).....1:00 p.m.

. Stephen Levin, Chairperson

Thursday, October 29, 2020

Stated Council Meeting (Virtual Room 1).....Agenda –1:30 p.m.

During the Communication from the Speaker segment of the meeting, the Speaker (Council Member Johnson) acknowledged the recent U.S. Supreme Court's decision allowing the Trump Administration to end the Census count early by 6 am on October 16th. He described the news as disappointing and characterized the Trump Administration's action as a war waged on immigrants and on democracy itself. He urged those who had not yet filled out their Census forms to do so by the new deadline.

Whereupon on motion of the Speaker (Council Member Johnson), the Majority Leader and Acting President Pro Tempore (Council Member Cumbo) adjourned these virtual proceedings to meet again for the Stated Meeting of Thursday, October 29, 2020.

MICHAEL M. McSWEENEY, City Clerk
Clerk of the Council

