

## **THE COUNCIL**

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*Minutes of the Proceedings for the*  
**STATED MEETING**  
*of*  
Thursday, August 26, 2021, 2:05 p.m.

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

### Council Members

Corey D. Johnson, *Speaker*

Adrienne E. Adams	Barry S. Grodenchik	Ydanis A. Rodriguez
Alicka Ampry-Samuel	Robert F. Holden	Deborah L. Rose
Diana Ayala	Ben Kallos	Helen K. Rosenthal
Inez D. Barron	Peter A. Koo	Rafael Salamanca, Jr
Joseph C. Borelli	Karen Koslowitz	Mark Treyger
Justin L. Brannan	Bradford S. Lander	Eric A. Ulrich
Selvena N. Brooks-Powers	Stephen T. Levin	Kalman Yeger
Fernando Cabrera	Mark D. Levine	
Margaret S. Chin	Farah N. Louis	
Robert E. Cornegy, Jr	Alan N. Maisel	
Darma V. Diaz	Steven Matteo	
Daniel Dromm	Carlos Menchaca	
Mathieu Eugene	Francisco P. Moya	
Oswald Feliz	Keith Powers	
James F. Gennaro	Antonio Reynoso	
Vanessa L. Gibson	Kevin C. Riley	
Mark Gjonaj	Carlina Rivera	

Absent: Council Members Cumbo, R. Diaz, Dinowitz, Miller, Perkins, Vallone, and Van Bramer.

At the time of this Stated Meeting, there were two vacancies in the Council (22nd District, Queens and 48th District, Brooklyn) pending the swearing-in of the respective certified winners of the November 2, 2021 General Election.

The Assistant Majority Leader (Council Member Cornegy) 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 Assistant Majority Leader and the Acting President Pro Tempore (Council Member Cornegy).

*There were 42 Council Members marked present at this Stated Meeting held in the Council Chambers at City Hall, New York, N.Y.*

### INVOCATION

The Invocation was delivered by Imam Mamadou Saliou Bah, spiritual leader at Futa Islamic Center, located at 3400 Third Avenue, Bronx, NY 10456.

*[Praying and singing in foreign language]*

In the name of Allah,  
 the Entirely Merciful, the Especially Merciful.  
 All praise is due to Allah, Lord of the Worlds;  
 the Entirely Merciful, the Especially Merciful;  
 Sovereign of the Day of Recompense.  
 It is you we worship and you we ask for help.  
 Oh God, guide us to the straight path,  
 the path of those upon whom you have bestowed favor,  
 not of those who have evoked your anger  
 and of those who have a-strayed.  
 Oh, Allah our Lord, we ask you  
 to give us the way out of every difficulty, worriedness or distress.  
 Our Master, we ask you to unify the hearts of our leaders,  
 and to benefit our state in America at large;  
 to guide & protect them, as they carry out their responsibilities.  
 O Allah, the all-powerful, the all-wise  
 as we are here before you today,  
 we ask you to bless this gathering of ours.  
 May Allah continue to bless America  
 and the people of America.  
 Amen.

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

The Speaker (Council Member Johnson) acknowledged the death of retired NYPD Detective Sergeant and first responder Christopher M. Tully, 52, who passed away on August 14, 2021 from a 9/11-related illness.

The Speaker (Council Member Johnson) acknowledged the death of two individuals who died during the course of their employment in New York City. Pedicab driver Ibrokhim Azizov, 24, was killed on July 30, 2021 after a driver struck his vehicle in midtown Manhattan. Mario Gonzalez, 33, was fatally shot and killed on August 23, 2021 in the Upper East Side auto repair shop which he managed. On behalf of the Council, the Speaker (Council Member Johnson) offered his thoughts and prayers to their loved ones and families during this extremely difficult time.

The Speaker (Council Member Johnson) acknowledged the death of Richard Trumka, president of the 12.5 million-member AFL-CIO labor federation. Mr. Trumka died on August 5, 2021 at the age of 72. The Speaker (Council Member Johnson) described him as a terrific leader for America's working class and a strong advocate for social and economic justice.

The Speaker (Council Member Johnson) acknowledged the death of retired New York State Supreme Court Justice Frank Torres who died at the age of 93 on August 12, 2021. Justice Torres worked for greater Hispanic representation in the judiciary.

The Speaker (Council Member Johnson) asked for a Moment of Silence in memory of the individuals named above and in memory of all those that were lost to COVID-19.

At this point, a Moment of Silence was observed in the Council Chambers.

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#### **ADOPTION OF MINUTES**

Council Member Riley moved that the Minutes of the Stated Meetings of June 30, 2021 and July 29, 2021 be adopted as printed.

**COMMUNICATION FROM CITY, COUNTY & BOROUGH OFFICES**

M-323

**Communication from the New York City Board of Corrections - Submitting letter as notice regarding the expiration and repeal of Local Law 84 of 2015, requiring the department of correction to provide reports regarding the number of inmates who are on waiting lists for placement in or transfer to alternative housing.**

August 18, 2021

City Council Speaker Corey Johnson  
City Hall Office  
New York, NY 10007

Re: Local Law 84 of 2015 Expiration and Repeal

Dear Speaker Johnson:

Please accept this letter as the Department of Correction's notice regarding the expiration and repeal of Local Law 84 of 2015 (LL84/2015). This local law added section 9-135 to the Administrative Code of the City of New York, which required the Commissioner of Correction to post notices on the Department's website regarding the number of City inmates who had been found guilty of violating Departmental rules but were not placed in punitive segregation housing, restrictive housing, or a clinical alternative to such punitive segregation housing. Section two of LL84/2015 states, in pertinent part:

This local law shall expire and be deemed repealed on October 1, 2020, provided that the commissioner of correction provides written notice to the council in the first six months of the year 2020 that this local law will expire without further action by the council. **If the commissioner does not provide such notice by June 30, 2020, this local law shall expire and be deemed repealed one year following the date on which the council receives such notice.** (Emphasis added.)

As the Department did not provide notice to the Council by June 30, 2020 regarding the expiration of this local law, this letter is submitted to satisfy the requirement in section two that the local law expire and be deemed repealed one year following the date on which the Council receives notice of the intended expiration of this local law. As such, this local law will expire and be deemed repealed one year following the date on which the Council receives this letter.

Thank you.

Sincerely,

Corey Forster  
Corey Forster  
Director of Legislative Affairs

Received, Ordered, Printed and Filed.

**LAND USE CALL-UPS**

M-324

By the Speaker (Council Member Johnson):

**Pursuant to Rule 11.20b and 11.20c of the Council and Section 197-d(b)(3) of the New York City Charter, the Council resolves that the action of the City Planning Commission on Uniform Land Use Review Procedure Application Number C 210202 ZSM (The Windmere) shall be subject to review by the Council.**

Coupled on Call-Up Vote.

M-325

By Council Member Reynoso:

**Pursuant to Rule 11.20(c) of the Council Rules and Section 197-d (b)(3) of the New York City Charter, the Council hereby resolves that the action of the City Planning Commission on Application No. C 210329 PCK (101 Varick Avenue) shall be subject to Council review.**

Coupled on Call-Up Vote.

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

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dromm, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **40**.

*Present, Not Voting* – Eugene and Rodriguez.

At this point, the Assistant Majority Leader and Acting President Pro Tempore (Council Member Cornegy) declared the aforementioned items **adopted** and referred these items to the Committee on Land Use and to the appropriate Land Use subcommittee.

**REPORTS OF THE STANDING COMMITTEES****Report of the Committee on Consumer Affairs and Business Licensing**

Report for Int. No. 1622-A

**Report of the Committee on Consumer Affairs and Business Licensing in favor of approving and adopting, as amended, a Local Law to repeal paragraph (11) of subdivision (h) of section 2203 of the New York city charter, in relation to the declaration of deceptive trade practices, to amend the administrative code of the city of New York, in relation to the licensing of industrial laundries and businesses that engage in industrial laundry delivery, the notification of accidents relating to amusement devices, the regulating of retail laundries, the remedying of fraudulent, deceptive and unconscionable business practices, and the imposition of civil penalties for violations of the provisions of title 20 of such code, to repeal section 20-635 of such code, relating to civil penalties applicable to industrial laundries and businesses that engage in industrial laundry delivery, and to amend local law number 80 for the year 2021, in relation to the effective date thereof.**

The Committee on Consumer Affairs and Business Licensing, to which the annexed proposed amended local law was referred on June 26, 2019 (Minutes, page 2172), respectfully

**REPORTS:****I. INTRODUCTION**

On August 26, 2021, the Committee on Consumer Affairs and Business Licensing, chaired by Council Member Diana Ayala, held a vote on Proposed Introduction Bill Number 1622-A (Int. 1622-A), in relation to the declaration of deceptive trade practices, to amend the administrative code of the city of New York, in relation to the licensing of industrial laundries and businesses that engage in industrial laundry delivery, the notification of accidents relating to amusement devices, the regulating of retail laundries, the remedying of fraudulent, deceptive and unconscionable business practices, and the imposition of civil penalties for violations of the provisions of title 20 of such code, to repeal section 20-635 of such code, relating to civil penalties applicable to industrial laundries and businesses that engage in industrial laundry delivery, and to amend local law number 80 for the year 2021, in relation to the effective date thereof. The Committee previously heard testimony from the Department of Consumer and Worker Protection (DCWP) (formerly the Department of Consumer Affairs), worker and trade groups, business associations, and other interested stakeholders. At the vote on August 26, the Committee voted 7 in favor, 1 opposed and 0 abstentions on the bill.

**II. BACKGROUND**

In response to concerns over rising food prices, price-fixing, and the passing of the federal Fair Packaging and Labeling Act of 1966, New York City Mayor John Lindsay created a NYC Consumer Council in 1967. The Consumer Council became the centralized agency for New Yorkers seeking information regarding consumer protections. Empowered to both receive suggestions from and act as a liaison to various consumer protection groups, it was comprised of ten members from various city agencies.<sup>1</sup> Two years later the City enacted the Consumer Protection Law (CPL) that codified a centralized agency dedicated to consumer protection by merging

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<sup>1</sup> Seth S. King “City sets up new agency for consumer protection”, *New York Times*, April 23, 1967, available at: <https://www.nytimes.com/1967/04/23/archives/city-sets-up-new-agency-for-consumer-protection-lindsay-establishes.html>.

the Department of Markets and the Department of Licensing, into one Department of Consumer Affairs (DCA).<sup>2</sup> In 2020, the Committee on Consumer Affairs and Business Licensing changed the Department's name to the Department of Consumer and Worker Protection (DCWP) to reflect additional mandates granted to the department, namely the enforcement of the City's labor laws.

Protecting consumers from deceptive business practices remains at the core of DCWP's work. However, DCWP has identified a need to update and modernize some of its enforcement tools. The current penalty provisions, for instance, have not been updated since 1969. In order to address this, Int. 1622-A would increase the penalties for violations, making the amounts more appropriate for businesses to comply. If enacted, Int. 1622-A would increase fines from the \$50-\$350 window to \$350-\$2,500 for numerous violations, and from \$500 to \$3,500 for knowing and third violations.

The bill also addresses changes in modern-day trading by updating what constitutes a "deceptive trade practice" to include digital or electronic conduct. Such an update reflects changes in consumer behavior since the law was first passed. In recent years alone, e-commerce sales have increased exponentially between 2012 and 2020, and currently represent around 13 percent of all retail sales in the US.<sup>3</sup> In 2020, during the height of the COVID-19 pandemic, e-commerce sales increased by more than 30 percent from the previous year, amounting to just under \$760 billion in sales.<sup>4</sup> While 2020 was a record year for e-commerce, the quarterly figures show that e-commerce is still growing. During the second quarter of 2021, e-commerce sales represented \$222.5 billion, which was a three percent increase from the previous quarter and a nine percent year-over-year rise.<sup>5</sup> Thus, businesses communicate with potential consumers using the web, more than ever imagined and this trend will continue.

Int. 1622-A would also make clear that DCWP is empowered to enforce penalties based on the number of days the deceptive practice was advertised; or on how many consumers have been reached by the claim, if the business knew or should have known that the communication was deceptive. To address the City's linguistic diversity, meanwhile, Int. 1622-A creates a violation if a business fails to provide translations of documents for transactions not predominantly negotiated in English.

A final modernization provided by Int. 1622-A relates to subpoena powers and relief. If enacted, Int. 1622-A would empower the Corporation Counsel to issue subpoenas to enforce the CPL, and would make explicit for the first time the forms of relief the agency can seek under the CPL at the Office of Administrative Trials and Hearings (OATH), including civil penalties and restitution.

This bill also includes technical and other cleanup amendments relating to Local Law No. 80 for the year 2021, which the Council passed in July 2021 and that provides wide-ranging civil penalty and other substantive relief aimed at small businesses.

### **III. BILL ANALYSIS**

#### **A. Consumer Protection Law Modernization**

Amendments to the CPL are found in sections 1 and 15-17 of the bill. The other sections contained in Int. 1622-A consist of technical amendments to Local Law No. 80 for 2021.

Section one of the bill would repeal a Charter provision that seemed to require the DCWP or the Council to promulgate a rule or pass a local law identifying each deceptive trade practice as such. Repealing this provision would prevent such an interpretation, which would be an unrealistic burden for the City and the Council to shoulder, especially given the speed with which business practices and technology evolve.

In order to better equip DCWP to confront online consumer fraud, section 15 would clarify what constitutes a deceptive trade practice under the CPL to include any deceptive or misleading statements that are made in

<sup>2</sup> NYC Department of Consumer Affairs "History of the Department", available at: <https://www1.nyc.gov/site/dca/about/overview.page>, last accessed August 23, 2021.

<sup>3</sup> Census Bureau "Quarterly retail e-commerce sales: 2<sup>nd</sup> quarter 2021", August 19, 2021, available at: [https://www.census.gov/retail/mrts/www/data/pdf/ec\\_current.pdf](https://www.census.gov/retail/mrts/www/data/pdf/ec_current.pdf).

<sup>4</sup> Oberlo "US commerce sales 2011-2021", available at: <https://www.oberlo.com/statistics/us-ecommerce-sales>.

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

“digital, or electronic” form. Any material “omissions” made in connection with a consumer transaction that would result in deceiving or misleading consumers would now be included as a deceptive practice. In addition, the bill would require the disclosure of any “material exclusions, reservations, limitations, modifications or conditions” on any offer made to a consumer. Finally, if a consumer transaction was predominantly negotiated in a designated citywide language other than English, the failure to provide a “complete and accurate translation of all documents, other than receipts, related to a consumer transaction” would constitute a deceptive practice.

Section 16 of the bill would increase civil penalties for deceptive trade practices and create new legal avenues and remedies for DCWP to pursue in the enforcement of the CPL. Civil penalties would be increased from the existing range of \$50-\$350 to \$350-\$2,500. The civil penalty for a knowing violation of the CPL would be increased from \$500 to \$3,500. The \$3,500 civil penalty would also now apply to a third violation within three years. In addition, DCWP may impose a fine of \$3,500, or both a fine and a civil penalty of \$3,500 each. Each individual representation or omission in a single communication would now constitute a distinct and independent violation. Each day on which an individual representation or omission is distributed, broadcast, posted, published, or otherwise exposed to the public would constitute a single, separate violation unless DCWP produces evidence that such representations were made multiple times in a single day, in which case each instance in a single day would constitute a violation. Alternatively, if DCWP is able to produce evidence that shows the number of consumers reached by the deceptive representation or omission, and the individual knew or should have known that the practice was deceptive, then each consumer would count as a separate violation.

Importantly, section 16 of the bill would also expand the relief and remedies that OATH may award to include the power to order restitution of “all monies, property, or other things of value, or proceeds thereof, received directly or indirectly as a result of any such violation,” injunctive relief, and any other appropriate relief.

Under existing law, DCWP could only commence an action in New York State Supreme Court to enforce the CPL. This bill would permit DCWP to commence a proceeding, which is a more streamlined process than an action. DCWP would be empowered to seek an order in Supreme Court to enforce fines and civil penalties, to obtain injunctive relief and restitution for affected consumers, and any other appropriate relief.

Section seventeen of the bill would amend subdivision a of § 20-704 for consistency with the abovementioned changes.

These sections that update the CPL would take effect in 120 days.

## **B. Local Law No. 80 for the Year 2021 Technical and Cleanup Amendments**

The remaining sections of Int. 1622-A (those other than the sections related to the CPL) contain technical and other cleanup amendments relating to Local Law No. 80 for the year 2021, which the Council passed in July 2021. The amendments would:

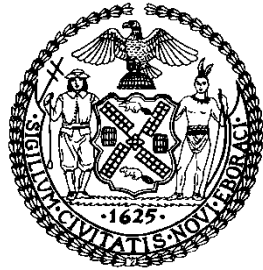
1. Reinstate the licensing scheme for industrial laundries and businesses that engage in industrial laundry delivery, involving in part the repeal of § 20-635 of the Administrative Code relating to lowered civil penalties applicable to laundry businesses (bill sections 6 through 11 and bill section 14);
2. Create a new subchapter in Chapter 4 of Title 20 of the Administrative Code to regulate retail laundries and to house civil penalties and penalty relief for retail laundries (bill section 13);
3. Codify a \$500 civil penalty, which exists in the Rules of the City of New York, for persons who assault, menace, imprison or harass DCWP personnel (bill section 2);
4. Codify a requirement, which exists in the Rules of the City of New York and the violation of which would result in a \$500 civil penalty pursuant to Local Law No. 80 for 2021, that amusement operators inform DCWP of any accidents (bill section 12);
5. Make technical corrections in Title 20 of the Administrative Code (bill sections 2 through 5 and 18 through 20); and
6. In bill section 109 of Local Law No. 80 for the year 2021, correct a typographical error, establish the Chief Administrative Law Judge of OATH as a rulemaking entity for sections 36-41 of such local law, and make rulemaking prior to the effective date of sections 36-41 of such local law permissive instead of mandatory (bill section 21).

These technical and other cleanup amendments would take effect at different times: sections 2, 4, 5 and 18 through 20 would take effect on the same date sections 35, 45, 46, 89, 94 and 96 of Local Law No. 80 for the



year 2021 take effect; sections 3 and 21 would take effect immediately; sections 6 through 11, 13 and 14 would take effect on the same date sections 53 through 59 of Local Law No. 80 for the year 2021 take effect; and section 12 would take effect on the same date section 39 of Local Law No. 80 for the year 2021 takes effect.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1622:)**



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

**PROPOSED INT. NO.:** Preconsidered Int. No. 1622

**COMMITTEE:** Small Business

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to limiting, without expiration, the fees charged to food service establishments by third-party food delivery services.

**Sponsors:** By Council Members Chin, Ayala, Rosenthal, Brannan, Adams, Levine, Powers, Cabrera, Gibson, Salamanca, Dromm, Lander, Rivera, Reynoso, Kallos, Barron, Rose, Ampry-Samuel and Gennaro (by request of the Mayor).

**SUMMARY OF LEGISLATION:** Preconsidered Int. No. would add a new section in the subchapter added by Proposed Introduction 1897-A, prohibiting third-party food delivery services from charging food service establishments more than 15% per order for delivery and more than 5% per order for all other fees, except for transaction fees. The bill would prohibit third-party food delivery services from charging more than 3% per order for transaction fees, except that it would allow for a higher charge if the third-party food delivery service can provide proof that such higher charge was imposed upon the service by a credit card company or internet-based payment system to the Department of Consumer and Worker Protection and the relevant food service establishment if requested. This bill would also require the Department to submit a report to the Mayor and the Speaker of the Council every two years, beginning no later than September 30, 2023, recommending the maintenance or adjustment of this bill's cap on fees, by looking at factors such as the effect of the cap on third-party food delivery services and food service establishments; whether the cap affects delivery workers' wages and working conditions; the products provided by third-party food delivery services for listing, processing and marketing; and figures related to the bill's subchapter such as the number of complaints and violations, total amount of penalties imposed and the amount of restitution recovered.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and to repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services as proposed in introduction number 1897-A for the year 2020, takes effect.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is estimated that there will be no revenue generated from the implementation of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there will be no cost from the implementing this legislation as the agency will use existing resources for reporting purposes.

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

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

**ESTIMATE PREPARED BY:** Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director  
Crielhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation will be considered as a preconsidered introduction by the Committee on Small Business (Committee) on August 26, 2021. Upon a successful vote by the Committee, this bill will be introduced to the full Council and then be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 20, 2021.

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

**(The following is the text of Int. No. 1622-A:)**

Int. No. 1622-A

By Council Members Chin, Ayala, Rosenthal, Brannan, Adams, Levine, Powers, Cabrera, Gibson, Salamanca, Dromm, Lander, Rivera, Reynoso, Kallos, Barron, Rose, Ampry-Samuel and Gennaro (by request of the Mayor).

**A Local Law to repeal paragraph (11) of subdivision (h) of section 2203 of the New York city charter, in relation to the declaration of deceptive trade practices, to amend the administrative code of the city of New York, in relation to the licensing of industrial laundries and businesses that engage in industrial laundry delivery, the notification of accidents relating to amusement devices, the regulating of retail laundries, the remedying of fraudulent, deceptive and unconscionable business practices, and the imposition of civil penalties for violations of the provisions of title 20 of such code, to repeal section 20-635 of such code, relating to civil penalties applicable to industrial laundries and businesses that engage in industrial laundry delivery, and to amend local law number 80 for the year 2021, in relation to the effective date thereof**

*Be it enacted by the Council as follows:*

Section 1. Paragraph (11) of subdivision (h) of section 2203 of the New York city charter, as amended by chapter 205 of the laws of 2020, is REPEALED and paragraph (12) of such subdivision is renumbered as paragraph (11).

§ 2. Section 20-119 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

§ 20-119 Penalties. *a.* Except as otherwise provided in this [chapter] *section and this chapter*, any person who violates any provision of this chapter or any rules promulgated pursuant to this chapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation committed; and (iii) five hundred dollars for the third and any subsequent violation committed [except that a person shall be subject to a civil penalty of zero dollars for a first-time violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of paragraph 2 of subdivision d of section 20-104 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal or the tribunal to which the department has delegated its adjudicatory authority, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination].

*b.* Any person who violates section 1-21 of title 6 of the rules of the city of New York, or any successor to such provision, shall be subject to a civil penalty of five hundred dollars.

§ 3. Subdivision c of section 20-237 of the administrative code of the city of New York, as amended by local law number 65 for the year 1992, is amended to read as follows:

*c.* It shall be unlawful for any person to lease or permit any other person to use any space on the sidewalk located adjacent to such store for the purpose of selling or displaying any merchandise. Violations of this [section] *subdivision* shall be punishable by a fine of one hundred dollars per day for each day said space is leased.

§ 4. Subdivision d of section 20-240.1 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

*d.* Any person who violates the provisions of this section or section 20-237 shall be considered to be an unlicensed general vendor or an unlicensed food vendor and, *except as otherwise provided in subdivision c of section 20-237*, shall be subject to the penalty and enforcement provisions of either subchapter twenty-seven of chapter two of this title or subchapter two of chapter three of title seventeen of the code, whichever is applicable; except that a person shall not be subject to the civil penalty described above for a first-time violation of subdivision b of section 20-237 and any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that he or she has cured the violation. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof of compliance shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision b of section 20-237 or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted to the department electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 5. Subdivisions a and b of section 20-241.2 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, are amended to read as follows:

*a.* [Any] *Except as otherwise provided in this subchapter*, any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) one hundred seventy-five dollars for the first violation; (ii) three hundred dollars for the second violation; and (iii) five hundred dollars for the third and any subsequent violation.

b. Notwithstanding any inconsistent provision of this section, a person shall be subject to a civil penalty of zero dollars for a first violation of: (i) restrictions imposed pursuant to section 20-231 relating to the display or offering for sale of merchandise from any public space adjacent to a newsstand or from any portion of a newsstand exterior, the affixation of materials to a newsstand or the location of sales made at a newsstand; (ii) paragraph 1 of subdivision h of section 20-231 or any rule or regulation promulgated thereunder; (iii) subdivision i of section 20-231 or any rule or regulation promulgated thereunder; (iv) subdivision b of section 20-233 of this subchapter or any rule or regulation promulgated thereunder, or (v) subdivision (a) of section 2-66 of title 6 of the rules of the city of New York, *or any successor to such provision*, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation for any violation described in *clauses (i) through (v) of this subdivision*. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within fifteen days of receiving written notification of such determination.

§ 6. Subchapter 3-B of chapter 4 of title 20 of the administrative code of the city of New York is renumbered as subchapter 14 of chapter 2 of title 20 of such code, and sections 20-631, 20-632, 20-633, and 20-634 of such code are renumbered as sections 20-297.1, 20-297.5, 20-297.6, and 20-297.7, respectively, and the heading of subchapter 3-B of chapter 4 of title 20 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021 and as renumbered by this section, is amended to read as follows:

SUBCHAPTER [3-B] 14  
*INDUSTRIAL LAUNDRIES AND INDUSTRIAL LAUNDRY DELIVERY*

§ [20-631] 20-297.1 Definitions.

§ 20-297.2 License required.

§ 20-297.3 Application.

§ 20-297.4 Fee; bond.

§ [20-632] 20-297.5 General provisions.

§ [20-633] 20-297.6 Additional provisions [for industrial laundries and industrial laundry delivery].

§ [20-634] 20-297.7 Advisory task force.

§ 7. Section 20-297.1 of the administrative code of the city of New York, as renumbered and amended by local law number 80 for the year 2021 and as renumbered by section six of this local law, is amended to read as follows:

§ 20-297.1 Definitions. For the purposes of this subchapter, the following terms have the following meanings:

Industrial laundry. The term “industrial laundry” means (i) a facility used to provide laundry services to commercial clients, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries, or (ii) a facility used to provide laundry services maintained or operated in connection with any commercial institution, including but not limited to any hotel, restaurant or gym. The term “industrial laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

Industrial laundry delivery. The term “industrial laundry delivery” means:

1. To transport laundry from a commercial client within the city to an industrial laundry within or outside the city for laundry services;
2. To transport laundry from a commercial client outside the city to an industrial laundry within the city for laundry services;
3. To transport laundry from an industrial laundry within the city to a commercial client within or outside the city after laundry services have been performed; or
4. To transport laundry from an industrial laundry outside the city to a commercial client within the city after laundry services have been performed.

Laundry. The term “laundry” means clothing, apparel, sheets, towels, linens and other fabrics that are intended for laundry services.

[Laundry operator. The term “laundry operator” means any person who operates an industrial laundry, a retail laundry or a business that engages in industrial laundry delivery.]

Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.

Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.

*Successor. The term “successor” means any applicant for a license to operate an industrial laundry that satisfies two or more of the following criteria:*

- 1. The applicant uses the same facility or workforce to offer substantially the same services as the predecessor industrial laundry.*
- 2. The applicant shared in the ownership or otherwise exercised control over the management of the predecessor industrial laundry.*
- 3. The industrial laundry employs in a managerial capacity any person who controlled the wages, hours or working conditions of the employees of the predecessor industrial laundry.*
- 4. At least one of the principals of the applicant is a spouse, domestic partner, parent, stepparent, foster parent, adoptive parent, sibling, stepsibling, foster sibling, adoptive sibling, child, stepchild, foster child or adopted child of any owner, partner, officer or director of the predecessor industrial laundry, or of any person who had a financial interest in the predecessor industrial laundry.*

§ 8. Subchapter 14 of chapter 2 of title 20 of the administrative code of the city of New York, as renumbered by section six of this local law, is amended by adding new sections 20-297.2, 20-297.3 and 20-297.4 to read as follows:

*§ 20-297.2 License required. a. No person may establish, maintain or operate an industrial laundry without obtaining an industrial laundry license pursuant to this subchapter.*

*b. No person may establish, maintain or operate a business that engages in industrial laundry delivery without obtaining an industrial laundry delivery license pursuant to this subchapter, except that any person who has obtained an industrial laundry license pursuant to this subchapter shall not be required to obtain an industrial laundry delivery license.*

*c. A license issued pursuant to subdivision a or b of this section is valid only for the licensee and location specified on the license.*

*§ 20-297.3 Application. a. An application for a license, or for any renewal thereof, to establish, maintain or operate an industrial laundry or a business that engages in industrial laundry delivery shall be made in writing in such form and manner as the commissioner shall prescribe and shall state each of the following:*

- 1. The name and business address of the applicant;*
  - 2. The addresses of all locations at which laundry services will be performed;*
  - 3. Whether the application is made for an industrial laundry or a business that engages in industrial laundry delivery; and*
  - 4. The number of persons employed by the applicant at the time of the application.*
- b. In addition to the requirements of subdivision a of this section, an application for a license to establish, maintain or operate an industrial laundry shall include the following:*
- 1. A description of the ownership and business structure of the applicant;*
  - 2. A written statement listing the categories of commercial clients for which the applicant will perform laundry services, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries;*
  - 3. A written statement signed by the applicant certifying compliance with all applicable laws, regulations and rules, including section 20-297.6;*
  - 4. A written statement signed by the applicant certifying that there are no outstanding final judgments or warrants against the applicant in any action arising out of a violation of this subchapter or any rules promulgated thereunder;*

5. A written statement signed by the applicant certifying that there are no outstanding final judgments against the applicant in any civil, criminal or administrative action involving nonpayment or underpayment of wages;

6. Certificates of insurance evidencing workers' compensation insurance and disability benefits insurance coverage in a form acceptable to the commissioner;

7. A certificate of insurance evidencing commercial general liability insurance, listing the city of New York as an additional insured, that provides coverage for property damage and bodily injury and death in an amount of at least \$1,000,000 per occurrence and \$2,000,000 in the aggregate;

8. A written statement detailing the applicant's procedures for complying with the minimum standards of cleanliness and hygiene set forth in subdivision a of section 20-297.6;

9. A written statement detailing the applicant's procedures for maintaining functional separation of laundered and unlaundered laundry, as required by subdivision b of section 20-297.6;

10. If the applicant is a nonresident of the city, the name and address of a registered agent within the city upon whom legal process or other notification of a judicial or administrative proceeding may be served or a designation of the commissioner for such purpose; and

11. If the applicant engages in or intends to engage in industrial laundry delivery, such applicant shall submit any information required to be submitted pursuant to subdivision c of this section that has not already been submitted to the department pursuant to this subdivision. If an industrial laundry licensee intends to engage in industrial laundry delivery during the term of a license, such licensee shall submit any information required to be submitted pursuant to subdivision c of this section before engaging in industrial laundry delivery if such licensee did not submit such information when applying for the industrial laundry license.

c. In addition to the requirements of subdivision a of this section, an application for a license to establish, maintain or operate a business that engages in industrial laundry delivery shall include the following:

1. A description of the ownership and business structure of the applicant;

2. The name, business address and business telephone number of all industrial laundries to which the applicant delivers laundry for laundry services;

3. A written statement listing the categories of commercial clients to which the applicant delivers laundry, including but not limited to hotels, hospitals, restaurants, gyms and retail laundries;

4. The make, model and license plate number of each vehicle used by the applicant for delivering laundry;

5. A written statement signed by the applicant certifying compliance with all applicable laws, regulations and rules, including section 20-297.6;

6. A written statement detailing the applicant's procedures for maintaining functional separation of laundered and unlaundered laundry, as required by subdivision b of section 20-297.6; and

7. If the applicant is a nonresident of the city, the name and address of a registered agent within the city upon whom legal process or other notification of a judicial or administrative proceeding may be served or a designation of the commissioner for such purpose.

d. In addition to any of the powers that may be exercised by the commissioner pursuant to this subchapter or chapter 1 of this title, the commissioner may deny an application for a license or renewal under this subchapter after finding that:

1. The applicant has failed to pay in full any civil penalty imposed in a judicial or administrative proceeding arising out of a violation of this subchapter or any rule promulgated thereunder;

2. An entity to which the applicant is a successor has failed to pay in full any civil penalty imposed in a judicial or administrative proceeding arising out of a violation of this subchapter or any rule promulgated thereunder; or

3. The applicant lacks good moral character. In making a finding that an applicant lacks good moral character, the commissioner may consider, but is not limited to, any of the following factors:

(a) Any failure by such applicant to provide truthful and complete information or documentation in connection with the application or other request for information;

(b) Any final determination of liability in a civil, criminal or administrative action involving egregious or repeated nonpayment or underpayment of wages or any other illegal act or omission bearing a direct relationship to the fitness of the applicant to conduct the business for which the license or renewal is sought; except that the commissioner shall consider mitigating factors, including (i) the passage of time since such determination of liability or the underlying illegal act or omission, (ii) the severity of the illegal act or omission

*underlying such final determination of liability, (iii) whether any such determination of liability or other illegal act or omission has been appealed and whether the appeal is pending and (iv) any change in circumstance that might reduce the likelihood of the illegal act or omission underlying any such determinations recurring during the period of licensure;*

*(c) Any prior refusal by the commissioner to issue a license to the applicant to establish, maintain or operate a retail laundry, an industrial laundry, or a business that engages in industrial laundry delivery pursuant to this chapter or to renew any such license held by the applicant; or*

*(d) Any finding that, within the 10 years prior to the submission of the application, a person to which the applicant is a successor has been denied the issuance or renewal of any license pursuant to this subchapter or has had any such license revoked.*

*§ 20-297.4 Fee; bond. a. Before the commissioner may issue a license to establish, maintain or operate an industrial laundry, an applicant shall pay a biennial fee and furnish a bond to the commissioner in the amount indicated in the following schedule, depending on the number of persons employed by such applicant:*

<i>Number of employees</i>	<i>Biennial license fee</i>	<i>Amount of bond</i>
<i>Five or fewer</i>	<i>\$340</i>	<i>\$500</i>
<i>Between six and 10</i>	<i>\$490</i>	<i>\$500</i>
<i>Between 11 and 25</i>	<i>\$740</i>	<i>\$500</i>
<i>Between 26 and 50</i>	<i>\$1,240</i>	<i>\$1,500</i>
<i>Between 51 and 75</i>	<i>\$1,740</i>	<i>\$2,500</i>
<i>Between 76 and 100</i>	<i>\$1,990</i>	<i>\$3,000</i>
<i>Between 101 and 125</i>	<i>\$2,240</i>	<i>\$3,000</i>
<i>126 or more</i>	<i>\$2,740</i>	<i>\$5,000</i>

*b. Before the commissioner may issue a license to establish, maintain or operate a business that engages in industrial laundry delivery, an applicant shall pay a biennial fee of \$340 and furnish a bond of \$500.*

*c. An applicant furnishing a bond under this section shall execute such bond with two or more sureties or a duly authorized surety company approved by the commissioner and shall make such bond payable to the people of the city. Such bond shall be conditioned on the following:*

*1. That such applicant will comply with the provisions of this subchapter; and*

*2. That such applicant will pay to the city any fine, penalty or other obligation within 30 days of its imposition, or any final judgment recovered by any person dealing or trading with such licensee for the loss or conversion of laundry within 30 days from the entry and filing of such judgment.*

*§ 9. Section 20-297.5 of the administrative code of the city of New York, as renumbered and amended by local law number 80 for the year 2021 and as renumbered by section six of this local law, is amended to read as follows:*

*§ 20-297.5 General provisions. a. Each licensee shall attach to all handcarts and pushcarts a label or tag that displays, in letters not less than two inches in height, such licensee's name, address and license number.*

*b. Bills, tickets, cards, advertising or stationery issued or distributed by any [laundry operator] licensee shall contain such [laundry operator's] licensee's name [and], address and license number.*

*[b.] c. Charges to laundry consumers shall state accurately and clearly the name and address of the consumer and computation of the laundry charge.*

*d. Each licensee shall notify the commissioner within 30 days of any sale, assignment or change in ownership of the industrial laundry or the business that engages in industrial laundry delivery.*

*[c. Each retail laundry where the general public may use self-service laundry machinery shall have on premises an attendant from 8:00 P.M. until closing or 6:00 A.M. the following day, whichever is earlier.*

*d.] e. Each vehicle used for [retail or] industrial laundry delivery shall display, in letters no less than two inches in height, the [laundry operator's] licensee's name, business address and business telephone number and the license number assigned by the commissioner.*

*§ 10. Section 20-297.6 of the administrative code of the city of New York, as renumbered and amended by local law number 80 for the year 2021 and as renumbered by section six of this local law, is amended to read as follows:*

§ 20-297.6 Additional provisions [for industrial laundries and industrial laundry delivery].

a. Minimum standards of cleanliness and hygiene.

1. In addition to complying with section [20-632] 20-297.5, each [operator of an] industrial laundry *licensee* shall:

(a) Launder all laundry using a detergent that is appropriate for each type of fabric;

(b) Handle, store and process laundered and unlaundered laundry in a manner that minimizes the spread of contaminants and keeps laundered articles clean; and

(c) Clean all work surfaces at regular intervals. Work surfaces include all surfaces in rooms where laundry is exposed to open air, including but not limited to laundry equipment, work stations, and floors, whether or not it is expected that laundry will come into direct contact with such surfaces.

2. No [operator of an] industrial laundry *licensee* may represent that laundry services have been provided when such laundry services in fact have not been provided.

3. Each [operator of an] industrial laundry *licensee* shall develop procedures for complying with the minimum standards of cleanliness and hygiene set forth in paragraph 1 of this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services are processed.

b. Functional separation of laundered and unlaundered laundry. 1. In addition to complying with section [20-632] 20-297.5, each [operator of an] industrial laundry *licensee* and [each laundry operator engaged in] industrial laundry delivery *licensee* shall maintain functional separation of laundered and unlaundered laundry in accordance with the following requirements:

(a) Each [operator of an] industrial laundry *licensee* and [each laundry operator engaged in] industrial laundry delivery *licensee* shall enclose laundry in suitable containers before and after laundering and shall not allow containers that hold unlaundered laundry to be subsequently used for laundered laundry without first having been thoroughly cleaned and sanitized; and

(b) Each [operator of an] industrial laundry *licensee* shall store laundered laundry and unlaundered laundry in separate, clearly marked areas of the facility when such laundry is not actively being processed.

2. Each [operator of an] industrial laundry *licensee* and [each laundry operator engaged in] industrial laundry delivery *licensee* shall develop procedures for maintaining functional separation of laundered and unlaundered laundry as required by this subdivision and shall post such procedures in a conspicuous manner in all places where laundry services and industrial laundry delivery are provided.

§ 11. Section 20-297.7 of the administrative code of the city of New York, as renumbered by section six of this local law, is amended by adding a new subdivision e to read as follows:

*e. The commissioner shall collect the written statements submitted by applicants in accordance with paragraphs 8 and 9 of subdivision b and paragraph 6 of subdivision c of section 20-297.3 solely for the purpose of providing such statements to the task force. Such statements, in addition to information about the number and type of complaints regarding alleged violations of this subchapter received by the commissioner, shall be submitted to the task force by the commissioner on or before June 15 of every fifth year after 2018.*

§ 12. Subdivision a of section 20-627 of the administrative code of the city of New York is amended by adding a new paragraph (4) to read as follows:

*(4) Notification of accidents. Every amusement operator shall provide notice to the department of any accident relating to an amusement device within twenty-four hours after the occurrence of such accident, or immediately after such accident if any person sustains an injury requiring medical treatment or dies as a result of such accident. The commissioner shall set by rule the form and content of such notice and the manner in which such notice shall be transmitted to the department.*

§ 13. Chapter 4 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 3-B to read as follows:

#### *SUBCHAPTER 3-B RETAIL LAUNDRIES*

*§ 20-631 Definitions. For purposes of this subchapter, the following terms have the following meanings:  
Laundry. The term "laundry" means clothing, apparel, sheets, towels, linens and other fabrics that are intended for laundry services.*

*Laundry operator. The term "laundry operator" means any person who operates a retail laundry.*



*Laundry service. The term “laundry service” means washing, drying, starching or ironing laundry for a fee, and includes such services when they are provided along with or as an incident to the rental of clothing, apparel or other fabrics. The term “laundry service” does not include dry cleaning.*

*Retail laundry. The term “retail laundry” means (i) a business that provides laundry services to the general public; (ii) a business that stores or collects laundry for laundry services or delivery for the general public; or (iii) a business that offers self-service laundry machinery for direct use by the general public. The term “retail laundry” does not include the laundry facilities of any hospital or the laundry facilities of any residential dwelling intended for use exclusively by the owners, tenants or occupants of such dwelling.*

*§ 20-632 General provisions. a. Bills, tickets, cards, advertising or stationery issued or distributed by any laundry operator shall contain such laundry operator’s name and address.*

*b. Charges to laundry consumers shall state accurately and clearly the computation of the laundry charge.*

*c. Each retail laundry where the general public may use self-service laundry machinery shall have on premises an attendant from 8:00 P.M. until closing or 6:00 A.M. the following day, whichever is earlier.*

*d. Each vehicle used for retail laundry delivery shall display, in letters no less than two inches in height, the laundry operator’s name, business address and business telephone number.*

*§ 20-633 Penalties. a. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$175 for the first violation; (ii) \$300 for the second violation; and (iii) \$500 for the third and any subsequent violation committed; except that a person shall be subject to a civil penalty of zero dollars for a first violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of subdivision a or d of section 20-632 of this subchapter, or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.*

*b. Notwithstanding any inconsistent provision of this section, there shall be a civil penalty of zero dollars imposed for a first violation of subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder. The notice of violation for such first violation shall inform the respondent of the provision of law or rule that the department believes the respondent has violated, describe the condition or activity that is the basis for the notice of violation, and advise the respondent that the law authorizes civil penalties for such violation and that subsequent violations may result in the imposition of such civil penalties. Any person who violates subdivision b of section 20-632 of this subchapter or any rule or regulation promulgated thereunder shall be subject to a civil penalty of \$175 for a second violation and a civil penalty of \$300 for a third or subsequent violation.*

*§ 14. Section 20-635 of the administrative code of the city of New York is REPEALED.*

*§ 15. Subdivision a of section 20-701 of the administrative code of the city of New York is amended to read as follows:*

*a. Deceptive trade practice. Any false, falsely disparaging, or misleading oral [or], written, digital, or electronic statement, visual description or other representation or omission of any kind made in connection with the sale, lease, rental, or loan or in connection with the offering for sale, lease, rental, or loan of consumer goods or services, or in the extension of consumer credit or in the collection of consumer debts, which has the capacity, tendency or effect of directly or indirectly deceiving or misleading consumers. Deceptive trade practices include but are not limited to: (1) representations that goods or services have sponsorship, approval, certification, accessories, characteristics, ingredients, uses, benefits, or quantities that they do not have; the supplier has a sponsorship, approval, status, affiliation, or connection that he or she does not have; goods are original or new if they are deteriorated, altered, damaged, refurbished, reconditioned, reclaimed, or secondhand; or, goods or services are of a particular standard, quality, grade, style, or model, if they are of another; (2) the use, in any [oral or written] representation, of exaggeration, innuendo, or ambiguity as to a material fact, or the failure to state a material fact, if such use of, or failure to state, a material fact deceives or tends to deceive; (3) disparaging*

the goods, services, or business of another by false or misleading representations *or omissions* of material facts; (4) offering goods or services with intent not to sell them as offered, *including by failing to disclose clearly and conspicuously all material exclusions, reservations, limitations, modifications, or conditions on such offer*; (5) offering goods or services with intent not to supply reasonable expectable public demand, unless the offer discloses [to] a limitation of quantity; [and] (6) making false or misleading representations of fact, *or omitting material facts*, concerning the reasons for, existence of, or amounts of price reductions, or price in comparison to prices of competitors or one's own price at a past or future time; (7) stating that a consumer transaction involves consumer rights, remedies, or obligations that it does not involve; (8) *falsely* stating that services, replacements or repairs are *or are not* needed [if they are not]; [and] (9) *falsely* stating the reasons for offering or supplying goods or services at scale discount prices; *and* (10) *failing to provide a complete and accurate translation of all documents, other than receipts, related to a consumer transaction conducted in a designated citywide language other than English, as defined in section 23-1101, provided that such transaction was predominantly negotiated in such language, and provided further that, for purposes of this subdivision, the term "predominantly negotiated" means the negotiation of material terms of a consumer transaction, including price, quantity, the description of goods or services, exclusions and conditions; and the term "receipt" means a document that provides only the amount paid by the consumer for each item, the total amount paid by such consumer, the date of the purchase and the legal name and address of the seller.*

§ 16. Section 20-703 of the administrative code of the city of New York is amended to read as follows:

§ 20-703 Enforcement. a. The violation of any provision of this subchapter or of any rule [or regulation] promulgated thereunder[,] shall be punishable [upon proof thereof,] by [the payment of] a civil penalty [in the sum] of [fifty dollars to three hundred and fifty dollars, to be recovered in a civil action] *not less than \$350 nor more than \$2,500. Notwithstanding any other provision of this subchapter, a person shall be subject to a civil penalty of \$150, \$250, and \$350 for a first, second and third or any subsequent violation, respectively, of the same rule for: (1) failing to display a sign in the required form or location or with the content required by rule, including but not limited to any such violation of section 24, 37, or 66 of chapter 5 of title 6 of the rules of the city of New York, or any successor to such provisions; (2) failing to provide a consumer with a required receipt for a retail purchase below \$250, including but not limited to any such violation of section 32 of chapter 5 of such title, or any successor to such provision; (3) charging sales tax on the sale of any good or service not subject to such tax, including but not limited to any such violation of section 41 of chapter 5 of such title, or any successor to such provision; or (4) imposing a restaurant surcharge, including but not limited to any such violation of section 59 of chapter 5 of such title, or any successor to such provision.*

*b. Each individual statement, description or other representation or omission that constitutes a deceptive trade practice shall give rise to a distinct and independent violation.*

*c. Each day on which an individual statement, description or other representation or omission that constitutes a deceptive trade practice is distributed, broadcast, posted, published, or otherwise exposed to the public shall give rise to a single separate violation; provided, however, that if the department produces evidence sufficient to show that such statement, description or other representation or omission was distributed, broadcast, posted, published, or otherwise exposed to the public on more than one occasion in a single day, each such exposure shall constitute a separate violation, or, alternatively, if the department produces sufficient evidence to show the number of consumers reached by such statement, description or other representation or omission, and that the person making such statement, description or other representation or omission knew, or should have known, that such statement, description or other representation or omission was a deceptive trade practice, a penalty for such violation shall be based instead on each individual consumer reached by such statement, description or other representation or omission.*

[b.] *d. 1. The knowing violation or the third violation of any provision of this subchapter or of any rule [or regulation] promulgated thereunder[,] shall be punishable [upon conviction thereof, by]:*

*i. [the payment of] by a civil penalty [in the sum] of [five hundred dollars, or as a violation for which a fine in the sum of five hundred dollars shall be imposed, or both] \$3,500; or*

*ii. as a violation for which a fine of \$3,500 shall be imposed; or*

*iii. both by a civil penalty and as a violation with a fine as provided in paragraphs i and ii of this subdivision.*

*2. For the purposes of this subdivision, the term "third violation" means a third violation of the same section of this subchapter or rule in a three-year period, provided that each such violation was set forth in a separate guilty plea, decision or settlement agreement.*

*e. Whenever any person has engaged in any act or practice which constitutes a violation of any provision of this subchapter or of any rule promulgated thereunder, the city may make application to the supreme court by action or proceeding or the commissioner may commence a proceeding by service of a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*

*f. In addition to the authority granted to the department under section 2203 of the charter, the corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of an action or proceeding pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.*

*g. An application to the supreme court made pursuant to subdivision e may seek an order:*

*1. enjoining such acts or practices, including by granting a temporary or permanent injunction or a restraining order;*

*2. imposing civil penalties pursuant to this section;*

[c. Upon a finding by the commissioner of repeated, multiple or persistent violation of any provision of this subchapter or of any rule or regulation promulgated thereunder, the city may, except as hereinafter provided, bring an action to compel the]

*3. compelling a defendant [or defendants in such action to pay in court] to make restitution of all monies, property, or other things of value, or proceeds thereof, received directly or indirectly as a result of any such [violations] violation;*

[to direct] *4. directing* that the amount of money or the property or other things of value recovered be paid into an account established pursuant to section [two thousand six hundred one] 2601 of the civil practice law and rules from which shall be paid over to any and all persons who purchased the goods or services during the period of violation such sum as was paid by them in a transaction involving the prohibited acts or practices, plus any costs incurred by such claimants in making and pursuing their complaints; provided that if such claims exceed the sum recovered into the account, the awards to consumers shall be prorated according to the value of each claim proved;

[to direct the] *5. directing* a defendant [or defendants, upon conviction,] to pay to the city the costs[,] and disbursements of the action *or proceeding* and [pay to the city for the use of the commissioner] the costs of [his or her] *the city's* investigation leading to the judgment; or if not recovered from [defendants] *a defendant*, such costs are to be deducted by the city from the grand recovery before distribution to the consumers;

[and to direct] *6. directing* that any money, property, or other things of value in the account *described in this subdivision* and unclaimed by any persons with such claims within [one year] *six years* from creation of the account, be paid to the city[, to be used by the commissioner for further consumer law enforcement activities]; *and*

*7. granting all other appropriate relief.*

*h. Consumers making claims against an account established pursuant to [this] subdivision g shall prove their claims to the commissioner in a manner and subject to procedures established by the commissioner [for that purpose]. The procedures established in each case for proving claims shall not be employed until approved by the court, which shall also establish by order the minimum means by which the commissioner shall notify potential claimants of the creation of the account. Restitution pursuant to a judgment in an action *or proceeding* under this subdivision shall bar, [pro tanto] *to the extent permitted by law*, the recovery of any damages in any other action *or proceeding* against the same defendant [or defendants] on account of the same acts or practices which were the basis for such judgment, up to the time of the judgment, by any person to whom such restitution is made. Restitution under this subdivision shall not apply to transactions entered into more than five years prior to commencement of an action by the [commissioner] *city*. Before instituting an action *or proceeding* under [this] *paragraphs 3 through 6 of subdivision g*, the commissioner shall give the prospective defendant written notice of the possible action[, and an opportunity to demonstrate in writing within five days, that no repeated, multiple, or persistent violations have occurred] *or proceeding at least five days prior to such action or proceeding.**

[d. Whenever any person has engaged in any acts or practices which constitute violations of any provision of this subchapter or of any rule or regulation promulgated thereunder, the city may make application to the

supreme court for an order enjoining such acts or practices and for an order granting a temporary or permanent injunction, restraining order, or other order enjoining such acts or practices.]

*i. A proceeding by service of a notice of violation returnable to any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings, made pursuant to subdivision e, may seek an order:*

- 1. granting all applicable civil penalties pursuant to this section;*
- 2. compelling a defendant to make restitution of all monies, property, or other things of value, or proceeds thereof, received directly or indirectly as a result of any such violations, to all affected consumers whether named or unnamed; and*
- 3. granting all other appropriate relief.*

[e.] *j.* To establish a cause of action under this section it need not be shown that consumers are being or were actually injured.

§ 17. Subdivision a of section 20-704 of the administrative code of the city of New York is amended to read as follows:

a. In lieu of instituting or continuing an action *or proceeding* pursuant to this subchapter, the commissioner may accept written assurance of discontinuance of any act or practice in violation of this subchapter from [the] *a* person [or persons] who [have] *has* engaged in such acts or practices. Such assurance may include a stipulation for voluntary payment by the violator of the costs of investigation by the commissioner and may also include a stipulation for the restitution by the violator to consumers, of money, property, or other things *of value* received from them *directly or indirectly* in connection with a violation of this subchapter, including money necessarily expended in the course of making and pursuing a complaint to the commissioner. All settlements shall be made a matter of public record. If [such] *a* stipulation applies to [consumers who have been affected by the violator's practices but have not yet complained to the commissioner] *potential claimants*, the assurance [must be approved by the court, which shall direct] *may specify* the minimum means by which [potential] *such* claimants shall be notified of the stipulation. A consumer need not accept restitution pursuant to such a stipulation; his or her acceptance shall bar, *to the extent permitted by law*, recovery of any other damages in any action *or proceeding* by him or her against [the] *a* defendant [or defendants] on account of the same acts or practices.

§ 18. Section 20-715 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-715 Penalties. Any person who [shall violate] *violates* the provisions of section 20-713.1 or regulations promulgated pursuant to this subchapter shall pay a civil penalty of one hundred seventy-five dollars for the first offense, five hundred dollars for the second offense and seven hundred and fifty dollars for the third offense and each succeeding offense and shall, upon conviction thereof, be punished by a fine of not less than two hundred fifty dollars nor more than five hundred dollars for the first offense and for each succeeding offense a fine of not less than five hundred dollars nor more than seven hundred fifty dollars for each such violation. For the purposes of this section, if on any single day the required signage is not displayed in accordance with section 20-713.1 or regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 19. Section 20-753 of the administrative code of the city of New York, as amended by local law number 80 for the year 2021, is amended to read as follows:

§ 20-753 Penalties. Any person who [shall violate] *violates* the provisions of this subchapter or the regulations promulgated pursuant to this subchapter shall, upon conviction thereof, pay a civil penalty of fifty dollars for the first offense; one hundred dollars for the second offense; and two hundred fifty dollars for the third offense and any subsequent offense; except that a person shall not be subject to the civil penalty described above for a first-time violation of section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753, if such person proves to the satisfaction of the department, within thirty days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as [satisfactory] proof that the violation has been cured, shall be deemed an admission of liability for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-750 or 20-751 of this subchapter or any rule or regulation promulgated thereunder or pursuant to section 20-753. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within

fifteen days of receiving written notification of such determination. For the purposes of this section, if on any single day the current selling price list is not displayed in accordance with this subchapter or the regulations promulgated pursuant to this subchapter, it shall be considered a single violation.

§ 20. Section 20-862 of the administrative code of the city of New York, as added by local law number 80 for the year 2021, is amended to read as follows:

§ 20-862 Penalties. Any person who violates any provision of this subchapter or any rules promulgated pursuant to this subchapter shall be subject to a civil penalty of: (i) \$150 for the first violation; (ii) \$250 for the second violation; and (iii) \$350 for the third and any subsequent violation; except that a person shall [not] be subject to [such] a civil penalty of [\$0] *zero dollars* for a first-time violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder, if such person proves to the satisfaction of the department, within 30 days of the issuance of the notice of violation and prior to the commencement of an adjudication of the violation, that the violation has been cured. The submission of proof of a cure, if accepted by the department as proof that the violation has been cured, shall be deemed an admission of liability [only if the department is satisfied by such proof that the violation has been cured] for all purposes. The option of presenting proof that the violation has been cured shall be offered as part of any settlement offer made by the department to a person who has received, for the first time, a notice of violation of section 20-861 of this subchapter or any rule or regulation promulgated thereunder. The department shall permit such proof to be submitted electronically or in person. A person may seek review, in the department's administrative tribunal, of the determination that the person has not submitted proof of a cure within 15 days of receiving written notification of such determination.

§ 21. Section 109 of local law number 80 for the year 2021 is amended to read as follows:

§ 109. Section thirty-six through forty-one of this local law take effect on March 15, 2022, provided that no license shall be required to operate an amusement arcade or a gaming café after January 15, 2022, and except that the commissioner of consumer and worker protection [a shall] *and the chief administrative law judge of the office of administrative trials and hearings may* take such measures as are necessary for their implementation, including the promulgation of rules, before such date.

§ 22. This local law takes effect 120 days after it becomes law, except that:

a. Sections two, four, five and eighteen through twenty of this local law take effect on the same date sections 35, 45, 46, 89, 94 and 96 of local law number 80 for the year 2021 take effect, and the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings may take such measures as are necessary for their implementation, including the promulgation of rules, before such date;

b. Sections three and twenty-one of this local law take effect immediately;

c. Sections six through eleven, thirteen and fourteen of this local law take effect on the same date sections 53 through 59 of local law number 80 for the year 2021 take effect, and the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings may take such measures as are necessary for their implementation, including the promulgation of rules, before such date; and

d. Section twelve of this local law takes effect on the same date section 39 of local law number 80 for the year 2021 takes effect, and the commissioner of consumer and worker protection and the chief administrative law judge of the office of administrative trials and hearings may take such measures as are necessary for its implementation, including the promulgation of rules, before such date.

DIANA AYALA *Chairperson*; MARGARET S. CHIN, PETER A. KOO, BRADFORD S. LANDER, BEN KALLOS, JUSTIN L. BRANNAN, CARLOS MENCHACA; Committee on Consumer Affairs and Business Licensing, August 26, 2021.

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 Criminal Justice

Report for Int. No. 1209-A

### Report of the Committee on Criminal Justice in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to utilize doula services.

The Committee on Criminal Justice, to which the annexed proposed amended local law was referred on October 31, 2018 (Minutes, page 4233), respectfully

#### REPORTS:

#### I. Introduction

On August 26, 2021, the City Council will hold a vote on proposed introduction number 12-09-A, relating to doula services provided by the Department of Correction (“DOC”). This bill was previously heard by the Committee on Criminal Justice, chaired by Council Member Keith Powers, on April 27, 2021, and voted out of committee on August 26, 2021.

#### II. Background

Approximately four percent of people in DOC custody identify as women,<sup>1</sup> most of whom are detained at the Rose M. Singer Center (“RMSC”) at Rikers Island.<sup>2</sup> According to a 2017 report by the Independent Commission on New York City Criminal Justice and Incarceration Reform, of the women in DOC custody, 80 percent have children.<sup>3</sup>

Historically, studies have shown that new mothers who stay with their young children in prison or jail-based nursery programs have lower rates of recidivism.<sup>4</sup> In an effort to address an expecting or existing mother’s childcare needs, RMSC is equipped with a 25 bed nursery that provides an area for new mothers to care for their newborn children.<sup>5</sup> State law also permits a child born outside of a custodial environment to be cared for by their mother in the nursery facility if their mother is admitted to DOC custody while the child is under the age of one.<sup>6</sup>

Research shows that nurseries like the one at RMSC provide an important way for mothers serving time to nurture and maintain a strong bond with their children.<sup>7</sup> In addition to prison nursery programs “providing mothers and babies with the tools necessary to succeed upon leaving prison,”<sup>8</sup> they have also been proven to foster the imperative mother-child attachment bond,<sup>9</sup> “which bears a positive effect on children later in life.”<sup>10</sup>

<sup>1</sup> “NYC Department of Correction at a Glance: Information for the First 6 Months of FY2021.” Department of Correction, [DOC At Glance first6 months FY2021-030921.pdf](https://www1.nyc.gov/site/doc/about/facilities.page)

<sup>2</sup> “Facilities Overview.” NYC Department of Correction, available at <https://www1.nyc.gov/site/doc/about/facilities.page>.

<sup>3</sup> “A More Just New York City.” Morejustnyc.org, Independent Commission on New York City Criminal Justice and Incarceration Reform, Apr. 2017, [www.morejustnyc.org/about-us](http://www.morejustnyc.org/about-us).

<sup>4</sup> Anne E. Jbara, *The Price They Pay: Protecting the Mother-Child Relationship Through the Use of Prison Nurseries and Residential Parenting Programs*, 87(4) IND. L. J. (2012), available at <https://www.repository.law.indiana.edu/ilj/vol87/iss4/10/>.

<sup>5</sup> DOC publicly available information, available at <https://www1.nyc.gov/site/doc/about/facilities.page>.

<sup>6</sup> N.Y. Correct. Law § 611 (2); New York City, N.Y., Code § 9-142(b).

<sup>7</sup> Erik Ortiz, *Rikers’ prison moms pen lullabies for their newborns behind bars* Apr. 1, 2013, <https://www.nydailynews.com/new-york/rikers-inmate-moms-pen-prison-lullabies-article-1.1304753>.

<sup>8</sup> Analisa Johnson, *The Benefits of Prison Nursery Programs: Spreading Awareness to Correctional Administrators Through Informative Conferences and Nursery Program Site Visits* (last visited Apr. 21, 2021), available at <https://www.bu.edu/writingprogram/journal/past-issues/issue-9/johnson/#:~:text=In%20addition%20to%20prison%20nursery,on%20children%20later%20in%20life.>

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*; See also Joseph R. Carlson Jr., *Prison Nurseries: A Pathway to Crime-Free Futures*, U.S. DEPARTMENT OF JUSTICE (2009), available at <https://www.ojp.gov/ncjrs/virtual-library/abstracts/prison-nurseries-pathway-crime-free-futures>; Anne E. Jbara, *The Price They Pay: Protecting the Mother-Child Relationship Through the Use of Prison Nurseries and Residential Parenting Programs*, 87(4) IND. L. J. (2012), available at <https://www.repository.law.indiana.edu/ilj/vol87/iss4/10/>.

In 2019, the City Council voted to close Rikers Island by 2026 and replace it with four smaller borough-based jails.<sup>11</sup> In 2020, due to COVID-related delays, this deadline was pushed to 2027.<sup>12</sup> With the pending closure of RMSC, the City is planning to move incarcerated women into a single jail in Queens.<sup>13</sup>

Doulas are individuals who are trained to provide non-medical physical, emotional, and informational support to childbearing people and their families. According to the City's Department of Health and Mental Hygiene, "doula care has been associated with lower rates of Cesarean birth, preterm birth, low birthweight, and postpartum depression, as well as with increased rates of breastfeeding, and greater patient satisfaction with maternity care."<sup>14</sup> Doulas can provide care, support, and education to pregnant individuals and new parents in DOC custody. Doula services include labor and birth education, breastfeeding techniques, and infant care.

### III. Legislation

#### a. *Proposed Int 1209-A*

Section one of this proposed legislation requires DOC to retain an organization to provide doula services twice a week, for four hours, at facilities that house incarcerated persons who identify as female, as well as to provide doula services during labor and delivery. DOC would be required to ensure that doula services are available at a frequency to be determined by factors including available resources and exigent circumstances. DOC would also be required to permit doulas to access the nursery, access programming areas, and accompany individuals to medical appointments. Doulas would also be permitted in labor, delivery, and postpartum rooms. Doulas would be subject to DOC's security clearance protocol.

DOC would be required to issue a report every six months on the doula service hours provided, the types of services provided, and the number of incarcerated individuals served in the previous six month period.

The DOC Commissioner would be required to convene a working group to address improving communication, collaboration, and efficiency related to pregnant individuals in custody. The working group would be composed of the Speaker of the City Council or the Speaker's designee, the DOC Commissioner or the Commissioner's designee, representatives from the Department of Health and Mental Hygiene, representatives from the organization providing doula services, and DOC staff who regularly work on programming for incarcerated persons who identify as female. The working group would meet every six months until two years after all incarcerated individuals are in the borough-based jails. The working group will then meet annually.

Section 2 makes the law take effect 120 days after it becomes law.

#### b. *Amendments to Int. 1209*

Since introduction, this bill was amended to remove provisions regarding midwife services. The bill also expanded the doula services requirement to provide such services on a regular basis, not just during labor and delivery. The bill was amended to add a working group to address the needs of pregnant individuals in custody.

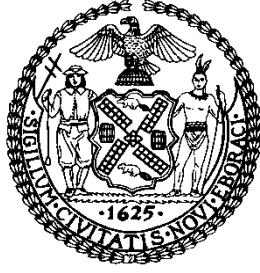
### (The following is the text of the Fiscal Impact Statement for Int. No. 1209-A:)

<sup>11</sup> Matthew Haag, "N.Y.C. Votes to Close Rikers. Now Comes the Hard Part." NY Times (Oct. 17, 2019), available at [rikers-island-closing-vote](#).

<sup>12</sup> Rachel Holliday Smith, "Manhattan Jail Design Forges Ahead Even as Plan to Replace Rikers is Delayed to 2027" The City (Oct. 19, 2020), available at [manhattan-jail-tombs-replace-rikers-delayed-nyc](#).

<sup>13</sup> David Brand, "New Queens Jail Would House All Detained Women in NYC" Queens Daily Eagle (Mar. 22, 2019), available at [new-queens-jail-would-house-only-women](#).

<sup>14</sup> "The State of Doula Care in NYC 2020." *New York City Department of Health and Mental Hygiene*, [www1.nyc.gov/assets/doh/downloads/pdf/csi/doula-report-2020.pdf](#).



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

**PROPOSED INT. NO. 1209-A**  
**COMMITTEE: Criminal Justice**

**TITLE:** To amend the administrative code of the city of New York, in relation to requiring the department of correction to utilize doula services.

**Sponsors:** By Council Members Rosenthal, Ampry-Samuel, Cornegy, Ayala, Yeger, Lander, Gennaro, Gibson, Cumbo, Koslowitz, Rivera, Brooks-Powers, Riley, Louis and Barron.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1209-A would require the Department of Correction (“DOC”) to retain an organization to provide doula services to incarcerated individuals twice a week, as well as during labor and delivery. DOC would be required to issue a report every six months regarding the delivery of doula services. The bill would also create a working group to review relevant reports and discuss ways to improve communication, collaboration, and efficiency related to pregnant individuals in custody.

**EFFECTIVE DATE:** This local law would take effect in 120 days.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no fiscal impact as a result of this legislation. Although DOC estimated that the fiscal impact of enacting the legislation would be \$55,453, the Council estimates that there would be no impact on expenditures as the Department could use existing resources to comply with the requirements of the legislation.

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

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

**ESTIMATE PREPARED BY:** Jack Storey, Financial Analyst

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



**LEGISLATIVE HISTORY:** This legislation was introduced to the Council on October 31, 2018, as Intro. No. 1209 and was referred to the Committee on Criminal Justice (Committee). A hearing was held by the Committee, jointly with the Committee on Women and Gender Equity on April 27, 2021, and the bill was laid over. The legislation was subsequently amended and the amended legislation, Proposed Int. No. 1209-A will be considered by the Committee at a hearing on August 26, 2021. Upon successful vote by the Committee, Proposed Int. No. 1209-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 23, 2021.

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

**(The following is the text of Int. No. 1209-A:)**

Int. No. 1209-A

By Council Members Rosenthal, Ampry-Samuel, Cornegy, Ayala, Yeger, Lander, Gennaro, Gibson, Cumbo, Koslowitz, Rivera, Brooks-Powers, Riley, Louis and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of correction to utilize doula services**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code of the city of New York is amended by adding a new section 9-161 to read as follows:

§ 9-161 *Doula services.* a. *Definitions.* For purposes of this section, the term “doula” means a trained person who provides continuous physical, emotional and informational support to a pregnant person and the family before, during or shortly after childbirth, for the purpose of assisting a pregnant person through the birth experience; or a trained person who supports the family of a newborn during the first days and weeks after childbirth, providing evidence-based information, practical help and advice to the family on newborn care, self-care and nurturing of the new family unit.

b. *The department shall retain an organization to make at least two doulas at any given time available to provide doula services twice a week, for four hours, at all department facilities that house incarcerated persons who identify as female, as well as to provide doula services during labor and delivery, upon request.*

c. *The department shall ensure that doula services are available at a frequency to be determined by factors including available department resources and exigent circumstances. The department shall permit doulas to access the nursery, as defined in section 9-142, to access areas where programming is typically provided and to accompany incarcerated individuals to medical appointments, upon request. All known pregnant individuals in the custody of the department are permitted to utilize doula services in labor, delivery and postpartum rooms. Prior to their entry into a departmental facility, doulas shall be subject to the department’s service provider processing security clearance protocol.*

d. *No later than January 15, 2023 and every six months thereafter, the department shall provide to the speaker of the council and publish on its website, in a machine readable format, a report on the number of doula service hours provided, the types of services provided, and the number of incarcerated individuals served in the previous six month period.*

e. *No later than January 31, 2023, the commissioner of correction shall convene a working group composed of the speaker of the city council or the speaker’s designee; commissioner of correction or the commissioner’s designee; representatives from the department of health and mental hygiene; representatives from the organization providing doula services pursuant to subdivision b of this section; and department staff who regularly work on programming for incarcerated persons who identify as female. Until August 31, 2029, the working group shall meet every six months to review the reports required by subdivision d of this section, review relevant reports issued by the organization providing doula services, consider any reports issued by city agencies regarding maternal health and discuss improving communication, collaboration and efficiency related to*

*pregnant individuals in custody. After September 1, 2029, the working group shall meet at least once a year to review relevant the reports required by subdivision d of this section, review relevant reports issued by the organization providing doula services, consider any reports issued by city agencies regarding maternal health and discuss improving communication, collaboration and efficiency related to pregnant individuals in custody.*

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

KEITH POWERS, *Chairperson*; ALICKA AMPRY-SAMUEL, ROBERT F. HOLDEN, DARMA V. DIAZ, KEVIN C. RILEY; Committee on Criminal Justice, August 26, 2021.

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 Environmental Protection**

Report for Int. No. 2283-A

**Report of the Committee on Environmental Protection 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 reductions in and reporting of greenhouse gas emissions.**

The Committee on Environmental Protection, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 944), respectfully

#### **REPORTS:**

#### **I. INTRODUCTION**

On August 26, 2021, the Committee on Environmental Protection, chaired by Council Member James F. Gennaro, held a hearing on Int. No. 2283-A, in relation to reductions in and reporting of greenhouse gas emissions.

The Committee previously held a hearing on Int. No. 2283 on April 5, 2021 and received testimony from the New York City Department of Buildings, architect and engineering experts, buildings stakeholders, labor and climate justice advocates, and interested members of the public. More information about this legislation is available with the materials for this hearing, which can be accessed online at <https://on.nyc.gov/3ydklk9>.

#### **II. INT. NO. 2283-A**

Int. No. 2283-A would require the New York city housing authority (NYCHA) report to the Mayor's Office of Long Term Planning and Stability (OLTPS) the amount of greenhouse gas emissions for the portfolio of buildings owned or operated by NYCHA by December 1, 2022, and no later than every December 1 thereafter, for the prior calendar year. Further, the Mayor shall include in the annual report on green building standards, due by December 1 each year, the amount of greenhouse gas emissions from capital projects involving buildings that are owned or operated by NYCHA, measured in carbon dioxide equivalent for the fiscal year ending in the previous calendar year, and the percentage change in such emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for calendar year 2005.

This bill would also amend the reporting date required by Local Law 22 of 2008 of inventory and analysis of citywide emissions and city government emissions, measured in carbon dioxide equivalent for the previous calendar year. The reporting date will be amended from September 17 to November 15 of each year. The bill would also amend the reporting date of relevant actions taken by OLTPS, including programs developed and education and outreach activities, from September 17 to November 15 of each year.

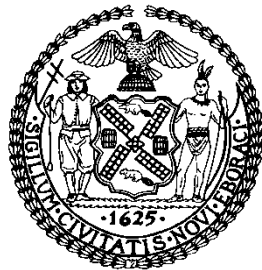
Finally, within 90 days after the adoption of the capital budget, the bill would require the OLTPS to complete and post on its website a list of current and future capital projects intended to reduce greenhouse gas emissions from city government operations.

This local law would take effect on January 1, 2022.

### III. UPDATE

On August 26, 2021, the Committee held a vote on Int. No. 2283-A. The Committee passed Int. No. 2283-A with 4 in the affirmative, 0 in the negative, and 0 abstentions. Thus, the Committee recommends adoption.

**(The following is the text of the Fiscal Impact Statement for Int. No. 2283-A:)**



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

**PROPOSED INTRO. NO. 2283-A**

**COMMITTEE:** Environmental Protection

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to reductions in and reporting of greenhouse gas emissions.

**SPONSORS:** Council Members Rosenthal, Kallos, and Rivera.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 2283-A would require the New York City Housing Authority (NYCHA) report to the Mayor's Office of Long Term Planning and Stability (OLTPS) the amount of greenhouse gas emissions for the portfolio of buildings owned or operated by NYCHA by December 1, 2022, and no later than every December 1 thereafter, for the prior calendar year. Further, the Mayor shall include in the annual report on green building standards, due by December 1 each year, the amount of greenhouse gas emissions from capital projects involving buildings that are owned or operated by NYCHA, measured in carbon dioxide equivalent for the fiscal year ending in the previous calendar year, and the percentage change in such emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for calendar year 2005.

Furthermore, this bill would amend the reporting date required by Local Law 22 of 2008 of inventory and analysis of citywide emissions and city government emissions, measured in carbon dioxide equivalent for the previous calendar year. The reporting date will be amended from September 17 to November 15 of each year. Additionally, the bill would amend the reporting date of relevant actions taken by OLTPS, including programs developed and education and outreach activities, from September 17 to November 15 of each year.

Finally, within 90 days after the adoption of the capital budget, the bill would require the OLTPS to complete and post on its website a list of current and future projects.

**EFFECTIVE DATE:** This local law would take effect on January 1, 2022.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$50,000
<b>Net</b>	\$0	\$0	\$50,000

**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 this legislation would cost approximately \$50,000 annually in consultancy costs to NYCHA, to compile and submit the data required by the legislation.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of City Legislative Affairs

**ESTIMATE PREPARED BY:** Jonathan Seltzer, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Crilhien Francisco, Unit Head  
Stephanie Ruiz, Assistant Counsel  
Nathan Toth, Deputy Director

**LEGISLATIVE HISTORY:** This legislation was first considered by the Committee on Environmental Protection (Committee), at a hearing held jointly with the Subcommittee on Capital Budget, as a Preconsidered Introduction on April 5, 2021 and the bill was laid over. This legislation was introduced to the Council as Intro. No. 2283 on April 22, 2021 and referred to the Committee. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2283-A, will be considered by the Committee on August 26, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2283-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 24, 2021.

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

**(The following is the text of Int. No. 2283-A:)**

Int. No. 2283-A

By Council Members Rosenthal, Kallos, Rivera, Ampry-Samuel, Barron and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to reductions in and reporting of greenhouse gas emissions**

*Be it enacted by the Council as follows:*

Section 1. Paragraph 3 of subdivision b of section 24-803 of the administrative code of the city of New York, as amended by local law number 97 for the year 2019, is amended to read as follows:

(3) Reduction of emissions by the New York city housing authority. The New York city housing authority shall make efforts to reduce greenhouse gas emissions by 40 percent by the year 2030 and 80 percent by the year 2050, relative to such emissions for calendar year 2005, for the portfolio of buildings owned or operated by the New York city housing authority. If the office determines that such emissions reduction is not feasible despite the best efforts of city government operations, such office shall report such findings and make recommendations with respect to policies, programs and actions that may be undertaken to achieve such reductions. *No later than December 1, 2022, and no later than every December 1 thereafter, the New York city housing authority shall report to the office the amount of greenhouse gas emissions for the portfolio of buildings owned or operated by the New York city housing authority for the prior calendar year.*

§ 2. Subdivision c of section 24-803 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

c. Carbon dioxide equivalent emission inventories. (1) No later than [September 17, 2008, and no later than every September 17 thereafter] *November 15 of every year after 2021*, the office shall complete and post on its website an inventory and analysis of citywide emissions measured in carbon dioxide equivalent for the previous calendar year, and shall calculate the percentage change in citywide emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for the base year for citywide emissions.

(2) No later than [September 17, 2008, and no later than every September 17 thereafter] *November 15 of every year after 2021*, the office shall complete and post on its website an inventory and analysis of city government emissions measured in carbon dioxide equivalent for the fiscal year ending in the previous calendar year, and shall calculate the percentage change in city government emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for the base year for city government emissions.

(3) *No later than 30 days after the publication of the report that, pursuant to paragraph 1 of subdivision d of section 219 of the charter, is required to be published no later than 90 days after the adoption of the capital budget, the office shall complete and post on its website a list of current and future capital projects intended to reduce greenhouse gas emissions from city government operations, and, for each such project, an estimate of the expected reductions of greenhouse gas emissions, a project timeline, the total projected budget, and the schedule of planned commitments, as such term is defined in such subdivision.*

(4) *The report required by subdivision m of section 224.1 of the charter shall include the amount of greenhouse gas emissions from capital projects involving buildings that are owned or operated by the New York city housing authority measured in carbon dioxide equivalent for the fiscal year ending in the previous calendar year, and the percentage change in such emissions measured in carbon dioxide equivalent for such calendar year, relative to such emissions for calendar year 2005.*

(5) *For the purposes of this subdivision, the term “capital project” means a capital project as defined in section 210 of the charter that is paid for in whole or in part from the city treasury.*

§ 3. Until the emissions reductions required by paragraph (1) of subdivision b of section 24-803 of the administrative code of the city of New York are achieved, each capital project set forth in the capital commitment plan that is intended to reduce emissions shall be designated as such in such plan. For the purposes of this section, the term “capital commitment plan” means each plan required to be published pursuant to section 219 of the New York city charter.

§ 4. Section 24-805 of the administrative code of the city of New York, as added by local law number 22 for the year 2008, is amended to read as follows:

§ 24-805. Annual report. No later than [September 17, 2008, and no later than every September 17 thereafter] *November 15 of every year after 2021*, the office shall submit to the mayor, the speaker of the council, the public advocate and the comptroller and post on its website a report regarding actions taken by the office pursuant to the provisions of this chapter. Such report shall include, but not be limited to:

a. changes in citywide emissions measured in carbon dioxide equivalent achieved for the previous calendar year, relative to such emissions for the base year for citywide emissions;

b. changes in city government emissions measured in carbon dioxide equivalent achieved for the fiscal year ending in the previous calendar year, relative to such emissions for the base year for city government emissions disaggregated according to city agency;

- c. a description of the programs developed and implemented in accordance with subdivision d of section 24-803 of this chapter and a list of the entities participating in such programs of which the office is aware; and
- d. a description of the education and outreach activities developed and implemented pursuant to section 24-804 of this chapter.

§ 5. This local law takes effect on January 1, 2022.

JAMES F. GENNARO, *Chairperson*; STEPHEN T. LEVIN, CARLOS MENCHACA, DARMA V. DIAZ; Committee on Environmental Protection, August 26, 2021.

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 Finance**

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

Report for Res. No. 1726

#### **Report of the Committee on Finance in favor of a Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

The Committee on Finance, to which the annexed preconsidered resolution was referred on August 26, 2021, respectfully

#### **REPORTS:**

Introduction. The Council of the City of New York (the “Council”) annually adopts the City’s budget covering expenditures other than for capital projects (the “expense budget”) pursuant to Section 254 of the Charter. On June 19, 2019, the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”). On June 30, 2020, the Council adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”). On June 30, 2021, the Council adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2022 Expense Budget”).

Analysis. In an effort to continue to make the budget process more transparent, the Council is providing a list setting forth new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2022 Expense Budget, new designations and/or changes in the designation of certain organizations receiving funding in accordance with the Fiscal 2021 Expense Budget, and amendments to the description for the Description/Scope of Services of certain organizations receiving funding in accordance with the Fiscal 2021, Fiscal 2020 and Fiscal 2019 Expense Budgets.

This Resolution, dated August 26, 2021, approves the new designation and the changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022 Expense Budget, approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding and funding for certain initiatives in accordance with the Fiscal 2021 Expense Budget, and amends the description for the Description/Scope of Services of certain organization receiving local and anti-poverty discretionary funding and funding for certain initiatives in accordance with the Fiscal 2022, Fiscal 2021 and Fiscal 2020 Expense Budgets.

This Resolution sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as described in Chart 1; sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in Chart 2; sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in Chart 3; sets forth the new designation certain organizations receiving anti-poverty discretionary funding in accordance with the Fiscal 2022 Expense Budget, as described in Chart 4; sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2022 Expense Budget, as described in Charts 5-73; sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as described in Chart 74; sets forth the changes in the designation of certain organizations receiving funding pursuant to certain initiatives pursuant to the Fiscal 2021 Expense Budget, as described in Charts 75-77; amends the description for the Description/Scope of Services of certain organizations receiving local and anti-poverty discretionary funding in accordance with the Fiscal 2021 Expense Budget, as described in Chart 78; amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as described in Chart 79; and amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as described in Chart 80.

Specifically, Chart 1 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 2 sets forth the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget.

Chart 3 sets forth the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2022 Expense Budget.

Chart 4 sets forth the new designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 5 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 6 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 7 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 8 sets forth the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 9 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 10 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 11 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 12 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 13 sets forth the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 14 sets forth the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 15 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 16 sets forth a removal of funds from the administering agency pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 17 sets forth a removal of funds from the administering agency pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 18 sets forth the new designation of certain organizations receiving funding pursuant to the College Career and Readiness Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 19 sets forth the new designation of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2022 Expense Budget. All of these changes will be effectuated upon a budget modification.

Chart 20 sets forth the change in the designation of a certain organization receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 21 sets forth the new designation of a certain organization receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 22 sets forth the new designation of a certain organization receiving funding pursuant to the Job Placement for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget. Such change will be effectuated upon a budget modification.

Chart 23 sets forth the new designation of a certain organization receiving funding pursuant to the Legal Services for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget.



Chart 24 sets forth the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 25 sets forth the new designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 26 sets forth the new designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 27 sets forth the new designation of certain additional organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 28 sets forth the new designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 29 sets forth the new designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 30 sets forth the new designation of certain organizations receiving funding pursuant to the Day Laborer Workforce Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 31 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 32 sets forth the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative. Such change will be effectuated upon a budget modification.

Chart 33 sets forth the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 34 sets forth the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 35 sets forth the new designation of a certain organization receiving funding pursuant to the Immigrant Survivors of Domestic Violence Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 36 sets forth the new designation of a certain organization receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 37 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 38 sets forth the new designation of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 39 sets forth the new designation of certain organizations receiving funding pursuant to the Communities of Color NonProfit Stabilization Fund Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 40 sets forth the new designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 41 sets forth the new designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 42 sets forth the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 43 sets forth the new designation of certain organizations receiving funding pursuant to the Elie Wiesel Holocaust Survivors Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 44 sets forth the new designation of certain organizations receiving funding pursuant to the Family Advocacy and Guardianship Support Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 45 sets forth the new designation of certain organizations receiving funding pursuant to the Wrap-Around Support for Transitional-Aged Foster Youth Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 46 sets forth the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2022 Expense Budget. Some of these changes will be effectuated upon a budget modification.

Chart 47 sets forth the new designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget.

Chart 48 sets forth the new designation of certain organizations receiving funding pursuant to the Unaccompanied Minors and Families Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 49 sets forth the new designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 50 sets forth the new designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 51 sets forth the new designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 52 sets forth the new designation of certain organizations receiving funding pursuant to the Foreclosure Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 53 sets forth the new designation of certain organizations receiving funding pursuant to the Home Loan Program Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 54 sets forth the new designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 55 sets forth the new designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 56 sets forth the new designation of certain organizations receiving funding pursuant to the Education Equity Action Plan Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 57 sets forth the new designation of certain organizations receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2022 Expense Budget. One such change will be effectuated upon a budget modification.

Chart 58 sets forth the new designation of certain organizations receiving funding pursuant to the Innovative Criminal Justice Programs Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 59 sets forth the new designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 60 sets forth a removal of funds from the administering agency pursuant to the Civic Education in New York City Schools Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 61 sets forth the new designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 62 sets forth the new designation of certain organizations receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 63 sets forth the new designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 64 sets forth the new designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 65 sets forth the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 66 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 67 sets forth the new designation of certain additional organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 68 sets forth the new designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 69 sets forth the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 70 sets forth the new designation of certain organizations receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 71 sets forth the new designation and the change in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 72 sets forth the new designation of certain organizations receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 73 sets forth the new designation of certain organizations receiving funding pursuant to the Food Access and Benefits Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 74 sets forth the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget.

Chart 75 sets forth the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 76 sets forth the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 77 sets forth the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget.

Chart 78 amends the description for the Description/Scope of Services for certain organizations receiving local and anti-poverty discretionary funding and funding pursuant to the Speaker's Initiative in accordance with the Fiscal 2022 Expense Budget.

Chart 79 amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2021 Expense Budget.

Chart 80 amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget.

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

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

Description of Above-captioned Resolution. In the above-captioned Resolution, the Council would approve the new designation and changes in the designation of certain organizations to receive funding in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets. Such Resolution would take effect as of the date of adoption.

*Accordingly, this Committee recommends its adoption.*

**(The following is the text of Res. No. 1726:)**

Preconsidered Res. No. 1726

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Dromm.

**Whereas**, On June 30, 2021, the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2022 with various programs and initiatives (the "Fiscal 2021 Expense Budget"); and

**Whereas**, On June 30, 2020, the Council of the City of New York (the "City Council") adopted the expense budget for fiscal year 2021 with various programs and initiatives (the "Fiscal 2021 Expense Budget"); and

**Whereas**, On June 19, 2019 the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the "Fiscal 2020 Expense Budget"); and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas,** The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves a removal of funds from the administering agency pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves a removal of funds from the administering agency pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the College Career and Readiness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Placement for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Legal Services for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the new designation of certain additional organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Day Laborer Workforce Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Immigrant Survivors of Domestic Violence Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 35; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 36; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 37; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 38; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Communities of Color NonProfit Stabilization Fund Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 39; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 42; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 43; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Family Advocacy and Guardianship Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 44; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Wrap-Around Support for Transitional-Aged Foster Youth Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 45; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 46; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 47; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Unaccompanied Minors and Families Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 48; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 49; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 50; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 51; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Foreclosure Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 52; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Home Loan Program Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 53; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 54; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 55; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Education Equity Action Plan Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 56; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 57; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Innovative Criminal Justice Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 58; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 59; and be it further

**Resolved,** That the City Council approves a removal of funds from the administering agency pursuant to the Civic Education in New York City Schools Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 60; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 61; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 62; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 63; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 64; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 65; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 66; and be it further



**Resolved,** That the City Council approves the new designation of certain additional organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 67; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 68; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 69; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 70; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 71; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 72; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Access and Benefits Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 73; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 74; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 75; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 76; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 77; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and anti-poverty discretionary funding and funding pursuant to the Speaker's Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 78; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 79; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 80.

**(For text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1726 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>)**

DANIEL DROMM, *Chairperson*; ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, August 26, 2021. *Other Council Members Attending: Council Members Lander, Yeger, Chin and Koo.*

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 Finance and had been favorably reported for adoption

Report for L.U. No. 822

**Report of the Committee on Finance in favor of a Resolution approving 310 East 4th Street HDFC.GHPP.FY22, Block 373, Lot 8; Manhattan, Community District No. 3, Council District 2.**

The Committee on Finance, to which the annexed preconsidered Land Use item was referred on August 26, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:**

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

August 26, 2021

TO: Hon. Daniel Dromm  
Chair, Finance Committee  
Members of the Finance Committee

FROM: Rebecca Chasan, Senior Counsel, Finance Division  
Stephanie Ruiz, Assistant Counsel, Finance Division

RE: Finance Committee Agenda of August 26, 2021 – Resolution approving a tax exemption for one Land Use item (Council District 2)

**Item 1: 310 East 4<sup>th</sup> Street HDFC**

310 East 4<sup>th</sup> Street HDFC is comprised of one building located in the East Village in Manhattan, containing 16 residential units. The residential units include two studios, six one-bedrooms, three two-bedrooms, and five three-bedrooms.

The building is owned and managed by 310 East 4th Street Housing Development Fund Corporation (“HDFC”). The project will support moderate rehabilitation of the building, which will include façade repair, elevator modernization, building envelope repairs, boiler replacement, elevator maintenance, baseboard repair and replacement, and common space door replacements. It is expected to receive approximately \$456,315 in City capital. In addition, the building will receive approximately \$72,000 through the New York City Housing Development Corporation’s Green Reserves, which will provide financing for energy efficiency and water conservation measures such as installing low flow faucets and showerheads, upgrading resident lighting to LED, and installing a solar PV system on the building’s rooftop.

The New York City Department of Housing Preservation and Development (“HPD”) is requesting that the Council approve a full, 40-year Article XI property tax exemption to support affordability. The tax exemption will be retroactive to address accumulated arrears, with an effective date of July 1, 2013. The HDFC and HPD

would enter into a regulatory agreement that would require that six units be leased to households with incomes up to 45 percent of the Area Median Income (“AMI”), that six units be leased to households with incomes up to 55 percent of the AMI, that two units be leased to households with incomes up to 90 percent of the AMI, and that two units be leased to households with incomes up to 110 percent of the AMI.

Summary:

- Borough – Manhattan
- Block 373, Lot 8
- Council District – 2
- Council Member – Rivera
- Council Member approval –Yes
- Number of buildings – 1
- Number of units – 16
- Type of exemption – Article XI, full, 40 years
- Population – affordable rental housing
- Sponsor – 310 East 4th Street HDFC
- Purpose – preservation
- Cost to the city - \$7.6 million
- Housing Code Violations
  - Class A – 25
  - Class B – 73
  - Class C – 9
- AMI target – six units at 45% of AMI; six units at 55% of AMI; two units at 90% of AMI; two units at 110% of AMI.

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

Res. No. 1729

**Resolution approving an exemption from real property taxes for property located at (Block 373, Lot 8) Manhattan, pursuant to Section 577 of the Private Housing Finance Law (Preconsidered L.U. No. 822).**

By Council Member Dromm.

**WHEREAS**, The New York City Department of Housing Preservation and Development (“HPD”) submitted to the Council its request dated July 26, 2021 that the Council take the following action regarding a housing project located at (Block 373, Lot 8) Manhattan (“Exemption Area”):

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

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

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

**RESOLVED:**

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

1. For the purposes hereof, the following terms shall have the following meanings:
  - a. “Effective Date” shall mean July 1, 2013.
  - b. “Exemption” shall mean the exemption from real property taxation provided hereunder.
  - c. “Exemption Area” shall mean the real property located in the Borough of Manhattan, City and State of New York, identified as Block 373, Lot 8 on the Tax Map of the City of New York.
  - d. “Expiration Date” shall mean the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the Regulatory Agreement, or (iii) the date upon which the Exemption Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company.
  - e. “HDFC” shall mean 310 East 4th Street Housing Development Fund Corporation or a housing development fund company that acquires the Exemption Area with the prior written consent of HPD.
  - f. “HPD” shall mean the Department of Housing Preservation and Development of the City of New York.
  - g. “Owner” shall mean the HDFC.
  - h. “Regulatory Agreement” shall mean the regulatory agreement between HPD and the Owner establishing certain controls upon the operation of the Exemption Area on or after the date such Regulatory Agreement is executed.
2. All of the value of the property in the Exemption Area, including both the land and any improvements (excluding those portions, if any, devoted to business, commercial, or community facility use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the Effective Date and terminating upon the Expiration Date.
3. Notwithstanding any provision hereof to the contrary:
  - a. The Exemption shall terminate if HPD determines at any time that (i) the Exemption Area is not being operated in accordance with the requirements of Article XI of the Private Housing Finance Law, (ii) the Exemption Area is not being operated in accordance with the requirements of the Regulatory Agreement, (iii) the Exemption Area is not being operated in accordance with the requirements of any other agreement with, or for the benefit of, the City of New York, (iv) any interest in the Exemption Area is conveyed or transferred to a new owner without the prior written approval of HPD, or (v) the construction or demolition of any private or multiple dwelling on the Exemption Area has commenced without the prior written consent of HPD. HPD shall deliver written notice of any such determination to Owner and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified therein, the Exemption shall prospectively terminate.
  - b. The Exemption shall apply to all land in the Exemption Area, but shall only apply to a building on the Exemption Area that exists on the Effective Date.

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

DANIEL DROMM, *Chairperson*; ROBERT E. CORNEGY, Jr., VANESSA L. GIBSON, HELEN K. ROSENTHAL, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, ALICKA AMPRY-SAMUEL, DIANA AYALA, KEITH POWERS, FARAH N. LOUIS, DARMA V. DIAZ, JAMES F. GENNARO, SELVENA N. BROOKS-POWERS, STEVEN MATTEO; Committee on Finance, August 26, 2021. *Other Council Members Attending: Council Members Lander, Yeger, Chin and Koo.*

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 General Welfare**

Report for Int. No. 1483-A

**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to a plan to accommodate pets of families and individuals experiencing homelessness in shelter.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on March 28, 2019 (Minutes, page 1214), respectfully

#### **REPORTS:**

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

On August 26, 2021, the Committee on General Welfare, chaired by Council Member Stephen Levin, will consider Proposed Ints. 1483-A, 1484-A and 2284-A. On February 26, 2020, the Committee held a hearing on Outreach NYC and barriers to shelter for individuals experiencing homelessness. The Committees also heard Ints. 1483 and 1484, sponsored by Council Member Levin, as well as several other pieces of legislation. On April 30, 2021, the Committee held a hearing on the City's audit of shelter providers and Int. 2284, sponsored by Council Member Rosenthal, as well as several other pieces of legislation.

## II. STREET HOMELESSNESS

The U.S. Department of Housing and Urban Development (HUD) defines unsheltered individuals as those “having a primary nighttime location [that] is a public or private place not designated for, or ordinarily used as, a regular sleeping accommodation ... such as the streets, vehicles or parks.”<sup>1</sup> The HUD-mandated Homeless Outreach Population Estimate Count (the “HOPE Count”) has volunteers canvass streets and subway station and identified 3,588 unsheltered individuals in New York City in 2019.<sup>2</sup> Additionally, since 2014, the Bronx Health and Housing Consortium has conducted a survey in hospitals in New York City on the same night as the Hope Count to capture the number of individuals in hospitals experiencing sheltered and unsheltered homelessness (the “Hospital Count”).<sup>3</sup> In 2019, there were 326 unsheltered adults identified in the Hospital Count.<sup>4</sup> Finally, since 2015, DYCD and the Center for Innovation through Data Intelligence (CIDI) have conducted a count to estimate the number of unsheltered youth, ages 24 and below, who are not counted during the HOPE Count (the “Youth Count”).<sup>5</sup> On the Tuesday to Friday after the HOPE Count, youth are surveyed regarding where they spent the night of the HOPE Count.<sup>6</sup> For the Youth Count, while 2019 data are not yet available, in 2018, 36 unsheltered youth were identified.<sup>7</sup>

Individuals experiencing street homelessness are typically single adult males.<sup>8</sup> A high percentage are over the age of 50.<sup>9</sup> They have higher rates of physical health issues in part due to their age and also due to exposure to the harshness of living on the streets without access to routine medical care.<sup>10</sup> Unsheltered individuals also have higher rates of mental and behavioral health issues and substance use disorders.<sup>11</sup> In Fiscal Year (FY) 2019, the leading causes of death among unsheltered individuals in New York City were drug-related causes (29%) followed by heart disease (16%), alcohol misuse/dependence (9%), accidents (7%), and cancer (4%).<sup>12</sup>

A subset of individuals experiencing street homelessness who have been unsheltered for an extended period are sometimes referred to as the chronically homeless. The City defines the chronically homeless as those who have lived on the street or subway for nine months of the past two years.<sup>13</sup> Chronic street homeless individuals have more entrenched needs, as their physical and mental health conditions are complicated by years of living on the streets<sup>14</sup> without access to routine medical, mental health, and dental care.<sup>15</sup> They also often mistrust others and public institutions because of repeated attempts to navigate street homelessness and the complicated government services systems.<sup>16</sup> Accordingly, they are often less responsive to traditional outreach efforts, such

<sup>1</sup> U.S. Dept. of Housing and Urban Development, The 2018 Annual Homeless Assessment Report (AHAR) to Congress, Part 1: Point-In-Time Estimates of Homelessness (December 2018), available at <https://files.hudexchange.info/resources/documents/2018-AHAR-Part-1.pdf>.

<sup>2</sup> Dept. of Homeless Services, NYC HOPE 2019 Results, available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/hope-2019-results.pdf>.

<sup>3</sup> The Bronx Health & Housing Consortium, 2019 Hospital Homeless Count: Results and Report (2019), available at [http://www.bxconsortium.org/uploads/2/5/2/4/25243029/bronx\\_consortiums\\_2019\\_hospital\\_homeless\\_count\\_report.pdf](http://www.bxconsortium.org/uploads/2/5/2/4/25243029/bronx_consortiums_2019_hospital_homeless_count_report.pdf).

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

<sup>5</sup> NYC Center for Innovation through Data Intelligence, Homeless Youth Count, available at <https://www1.nyc.gov/site/cidi/projects/homeless-youth-count.page> (last visited Jan. 4, 2020).

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Dept. of Homeless Services, Turning the Tide on Homelessness in New York City (2017), available at <https://www1.nyc.gov/assets/dhs/downloads/pdf/turning-the-tide-on-homelessness.pdf> (hereinafter Turning the Tide).

<sup>9</sup> *Id.*

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

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

<sup>12</sup> Bureau of Vital Statistics, NYC Dept. of Health and Mental Hygiene, Fourteenth Annual Report on Homeless Deaths, July 1, 2018 – June 30, 2019.

<sup>13</sup> NYC Mayor’s Office of Operations, NYC HOME-STAT, Stakeholder Research Insights Report, Documenting the Journey from Street to Home, Jan. – May 2016 (Nov. 2017), available at [https://www1.nyc.gov/assets/servicedesign/downloads/pdf/NYC-Home-Stat\\_Insights\\_Report-2017](https://www1.nyc.gov/assets/servicedesign/downloads/pdf/NYC-Home-Stat_Insights_Report-2017) (hereinafter NYC HOME-STAT, Documenting the Journey from Street to Home).

<sup>14</sup> Jeremy Hobson, “To Reduce Homelessness, a Chicago Hospital is Treating It as a Medical Condition,” WBUR, (Feb. 21, 2019), available at <https://www.wbur.org/hereandnow/2019/02/21/homelessness-as-medical-condition-chicago>.

<sup>15</sup> Health Care for the Homeless Clinicians’ Network, *Adapting Your Practice: General Recommendations for the Care of Homeless Patients, 2010 Edition*, available at <https://nhchc.org/wp-content/uploads/2019/08/GenRecsHomeless2010.pdf>.

<sup>16</sup> NYC HOME-STAT, Documenting the Journey from Street to Home, *supra* note 13.

as offers of a warm meal or a night in shelter,<sup>17</sup> and street outreach workers must repeatedly engage them to develop a rapport, bond, and trust.<sup>18</sup>

Numerous entities in the city work to engage these individuals and attempt to bring them off the streets and into transitional and permanent housing. For example, the public and the HOME-STAT canvassing team report individuals who appear to be street homeless by calling 311 and using the 311 app.<sup>19</sup> The HOME-STAT canvassing team traverses each block in Manhattan from Canal Street to 145<sup>th</sup> Street, as well as hot spots in the outer boroughs, to identify and inform the New York City Department of Homeless Services (DHS)-contracted street outreach teams about unsheltered individuals.<sup>20</sup> Additionally, five DHS-contracted homeless services nonprofits respond to 311 requests in their respective catchment areas and conduct daily street outreach across the five boroughs as follows:

- Center for Urban Community Services (CUCS) (110<sup>th</sup> Street and above), Goddard Riverside (to 10<sup>th</sup> Street and 59<sup>th</sup> Street to 110<sup>th</sup> Street), and Breaking Ground (10<sup>th</sup> Street to 59<sup>th</sup> Street) constitute the Manhattan Outreach Consortium and conduct homeless outreach in the four Manhattan catchment areas;<sup>21</sup>
- Breaking Ground provides street outreach services in Brooklyn and Queens;<sup>22</sup>
- BronxWorks conducts street outreach in the Bronx;<sup>23</sup> and
- Project Hospitality provides street outreach services in Staten Island.<sup>24</sup>

### III. CO-SHELTERING WITH PETS

A barrier to entering shelter is limited to no access to co-sheltering. Co-sheltering, or the sheltering of people and animals together at the same emergency or temporary housing facility, is a critical solution to bringing humans experiencing homelessness and their companion animals inside together and thereby reducing the overall number of street homeless that do not access existing services.<sup>25</sup> There are models across the country for successfully co-sheltering humans with their animals,<sup>26</sup> yet DHS shelters do not accommodate pets.<sup>27</sup> Pet owners who seek shelter services face the difficult problem of finding temporary pet care solutions, surrendering their pets to an animal shelter, or forgoing shelter services altogether.<sup>28</sup> While there are some not-for-profit organizations that foster the pets of homeless owners,<sup>29</sup> there are not enough to meet the demand for such services, and for many people already in crisis, the prospect of parting with a pet only compounds the trauma of homelessness (and the issues that bring about homelessness).<sup>30</sup>

The prohibition of animals in shelters, drop-in centers, and transitional housing programs presents a major barrier for those who may otherwise accept placement into such programs. According to one woman:

<sup>17</sup> Breaking Ground, Street to Home, available at <https://breakingground.org/what-we-do/street-to-home>

<sup>18</sup> NYC HOME-STAT, Documenting the Journey from Street to Home, *supra* note 13.

<sup>19</sup> *Id.*

<sup>20</sup> NYC Mayor's Office of Operations, NYC HOME-STAT website, available at <https://www1.nyc.gov/site/operations/projects/HomeStat.page> (last visited Dec. 23, 2019) (hereinafter NYC HOME-STAT).

<sup>21</sup> Manhattan Outreach Consortium, Consortium Catchment Areas, available at [http://goddard.chxo.com/uploads/programs\\_images/1371046981\\_Update-MOC-map-revised-11.15.12.jpg](http://goddard.chxo.com/uploads/programs_images/1371046981_Update-MOC-map-revised-11.15.12.jpg) (last visited Dec. 23, 2019).

<sup>22</sup> Breaking Ground, Street to Home, available at <https://breakingground.org/what-we-do/street-to-home> (last visited Dec. 23, 2019).

<sup>23</sup> Documenting the Journey from Street to Home, *supra* note 13.

<sup>24</sup> *Id.*

<sup>25</sup> See <https://www.mydogismyhome.org/>.

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

<sup>27</sup> *Homelessness and Pets*, MAYOR'S ALLIANCE FOR NYC'S ANIMALS, <http://www.helpingpetsandpeoplenyc.org/homelessness-and-pets/> (last visited February 21, 2020).

<sup>28</sup> *Id.*

<sup>29</sup> Emily S. Rueb, *Homelessness, Man's Best Friend and a Hard Choice*, N.Y. TIMES (Aug. 10, 2009), <https://cityroom.blogs.nytimes.com/2009/08/10/homelessness-mans-best-friend-and-a-hard-choice/>

<sup>30</sup> Michele C. Hollow, *For many homeless and domestic violence victims, moving on is near impossible without their pets*, PROJECT EARTH (Aug. 18, 2016, 11:31 A.M.), <https://projectearth.us/for-many-homeless-and-domestic-violence-victims-moving-1796422962>.

We don't wanna give our animals up because they're our children!...And they're our protectors. And they're also mental, and, um, emotional support for us. So, you know it's like having a child. Would somebody give up their child just to go into a shelter? No they wouldn't! They would wanna keep their child with them. So, it's the same for me!

Domestic violence is the single largest cause of homelessness among families in DHS shelters.<sup>31</sup> Research demonstrates the cross-therapeutic effects of a human-animal bond for domestic violence survivors and their pets.<sup>32</sup> Many abuse victims often refuse to leave their pets behind when fleeing dangerous situations, with 48% of domestic violence victims choosing to remain in a dangerous situation to avoid separation from a pet.<sup>33</sup> However, only 3% of shelters nationwide accommodate clients with pets.<sup>34</sup> In 2019, the Urban Resources Institute opened PALS Place in Brooklyn, the first domestic violence shelter in the U.S. sheltering pets alongside their families in the same apartment unit.<sup>35</sup>

#### IV. HOMELESS SHELTERS

The Department of Homeless Services (“DHS”), a component of the Department of Social Services (“DSS”), operates separate shelter systems for single adults,<sup>36</sup> families with children<sup>37</sup> and adult families.<sup>38</sup> While the majority of shelters are operated by non-profit providers under contract with DHS, the agency also enters into non-contractual arrangements with private landlords and commercial hotels<sup>39</sup> in order to meet its legal obligation to provide shelter to anyone who requires it.<sup>40</sup>

In Fiscal Year 2021 (“FY21”), DHS awarded \$1.8 billion for 288 homeless family service contracts and 143 are for individual homeless service contracts.<sup>41</sup> DHS contracts with 75 providers who carry out these services.<sup>42</sup>

#### V. BRONX PARENT HOUSING NETWORK INVESTIGATION

On February 7, 2021, the *New York Times* released an investigative report into dealings of Victor Rivera, the CEO of Bronx Parent Housing Network (“BPHN”), a City-contracted shelter provider.<sup>43</sup> The *Times* found

<sup>31</sup> NYC Comptroller Scott Stringer, Housing Stability for Survivors of Domestic Violence Report, available at <https://comptroller.nyc.gov/reports/housing-survivors/> (last visited Feb. 19, 2020).

<sup>32</sup> Urban Resource Institute, PALS: People and Animals Living Safely, available at <https://urinc.org/uripals/> (last visited Feb. 19, 2020).

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

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

<sup>35</sup> *Id.*

<sup>36</sup> DHS considers a single adult to be any man or woman over the age of 18 who seeks shelter independently, without being accompanied by other adults or minors. See <http://www1.nyc.gov/site/dhs/shelter/singleadults/single-adults.page>.

<sup>37</sup> DHS considers families with children to be the following households: families with children younger than 21 years of age, pregnant women and families with a pregnant woman. See <http://www1.nyc.gov/site/dhs/shelter/families/families-with-children.page>.

<sup>38</sup> DHS considers an adult family to be any family without minor children, including the following household compositions: applicants who are a legally married couple and present a valid original marriage certificate; or applicants who are a domestic partners couple and present a valid original domestic partnership certificate; or adults who provide, as part of their application for Temporary Housing Assistance, proof establishing the medical dependence of one applicant upon another; and two or more adults who can provide birth certificates to prove a parent and child or sibling family relationship or share a “caretaking” (emotionally or physically supportive) relationship. See <http://www1.nyc.gov/site/dhs/shelter/families/adult-families.page>.

<sup>39</sup> Shelter Repair Scorecard: Shelter Building Detail, <https://www1.nyc.gov/site/dhs/about/shelter-repair-scorecard.page>

<sup>40</sup> The right to shelter in New York State for homeless men was established by the 1981 consent decree in *Callahan v. Carey*, and was extended to homeless women by *Eldredge v. Koch* (1983), and homeless families by *McCain v. Koch* (1983).

<sup>41</sup> See “Agency Indicators Report Fiscal Year 2020: Department of Homeless Services” available at <https://www1.nyc.gov/site/mocs/reporting/agency-indicators/agency-indicators-department-of-homeless-services-dhs.page>.

<sup>42</sup> N.Y.C. Council Committee on General Welfare, Testimony of First Deputy Commissioner Molly Park Department of Homeless Services, (Dec. 16, 2019) available at <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4270305&GUID=E2716FA0-DE17-49F6-922A-B94BC59A35D7&Options=&Search=>.

<sup>43</sup> Amy Julia Harris, ‘Nobody Tells Daddy No:’ A Housing Boss’s Many Abuse Cases. NY Times (Feb. 7, 2021) available at <https://www.nytimes.com/2021/02/07/nyregion/victor-rivera-bronx-homeless.html>.



that Mr. Rivera had sexually harassed and assaulted 10 women, including former employees and women staying in shelters. Two employees submitted complaints to the state human rights agency, but BPNH paid them a total of \$175,000 to prohibit them from speaking publicly about their allegations. Additionally, the investigation found that Mr. Rivera gave jobs to family members, entangled his for-profit business with his non-profit, awarded contracts to close associates and filled the board of BPNH with friends.<sup>44</sup> In early 2017, DSS held a meeting with Mr. Rivera informing him that he could not share staff between his shelter non-profit and his for-profit business due to a conflict of interest.<sup>45</sup> Since 2017, BPNH has received \$274 million to run homeless shelters and provide related services and was allocated an additional \$10 million during the pandemic to provide rooms where infected people could isolate and recover.<sup>46</sup>

According to the *Times's* investigation, City officials knew about Mr. Rivera's financial irregularities because of a whistleblower complaint about nepotism and conflicts of interest in 2017. As a result of the complaint, the City placed BPNH on a special watch list, known as a corrective action plan.<sup>47</sup> When asked why the City continued to work with BPNH, officials indicated to the *Times* that there are very few organizations able to provide shelter services.<sup>48</sup> Also in 2017, a woman who lived in one of Mr. Rivera's shelters made a harassment complaint to 311, which alerted DSS. DSS officials sent the complaint back to BPNH to investigate which they determined, "were unfounded due to lack of evidence."<sup>49</sup> In response to the *Times* investigation, DSS stated that, "the complaint was not appropriately handled and should have been independently investigated."<sup>50</sup> Two other women also residing in the shelter made a complaint to their caseworkers but asked not to formalize the complaint for fear of losing shelter.

#### *Aftermath of the Investigation*

As a result of the *Times* investigation, BPNH said that the members with conflicts of interest had resigned. Mayor de Blasio has ordered an outside entity to audit the City's \$2 billion worth of shelter contracts and stated that any future complaints about sexual misconduct at any of the City's non-profit contractors would be independently investigated and would not be handled by the non-profit.<sup>51</sup> There has been little detail made public about the scope or timeline of the audit.<sup>52</sup> BPNH placed Mr. Rivera on leave and, at the City's direction, hired an external investigator to examine the allegations of sexual misconduct.<sup>53</sup> The City has also referred the *Times's* findings to the Department of Investigation ("DOI") for review.<sup>54</sup>

On March 3, 2021, Mayor de Blasio signed Executive Order 64, which requires all city agencies with human service contracts to amend those contracts to require that providers collect information about sexual harassment complaints made by an employee, client or other person.<sup>55</sup> In addition, the following information would need to be made available to DOI: (a) Each providers' sexual harassment policies and their complaint procedures must be uploaded to PASSPort; (b) Any complaint or allegation of sexual harassment or retaliation implicating the Chief Executive Officer or principal of the organization (identifying information must be redacted so DOI can publicize the information within 30 days of receipt); (c) A copy of a final determination or judgement with regard to any complaint covered in (b); and (d) Any additional information that DOI requests in order to conduct its review.<sup>56</sup> Based on DOI's findings, agencies can determine whether or not to suspend, modify, or terminate a contract. Additionally, according to E.O. 64, providers must still investigate complaints or allegations of sexual harassment, as the new reporting requirements do not release the provider of that duty.<sup>57</sup>

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Amy Julia Harris, *After Abuse Allegations, \$2 Billion Shelter Network Faces Scrutiny*, NY Times, (Feb. 8, 2021) available at <https://www.nytimes.com/2021/02/07/nyregion/victor-rivera-investigation.html>.

<sup>52</sup> Amy Julia Harris, *Housing Boss Is Fired and Faces Criminal Inquiry After Reports of Abuse*. NY Times (Feb. 8, 2021) available at <https://www.nytimes.com/2021/02/08/nyregion/victor-rivera-homeless-shelter-allegations.html>.

<sup>53</sup> *Supra* note 26.

<sup>54</sup> *Supra* note 34.

<sup>55</sup> N.Y.C. Executive Order 64 of 2021 (Mar. 3, 2021) available at <https://www1.nyc.gov/assets/home/downloads/pdf/executive-orders/2021/eo-64.pdf>.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

On February 8, 2020, Mr. Rivera was fired from BPHN and the Bronx district attorney opened a criminal investigation into the allegations of sexual assault and harassment.<sup>58</sup> On March 24, 2021, Mr. Rivera was arrested on federal charges alleging that he took thousands of dollars in kickbacks from contractors.<sup>59</sup> The charges allege that Mr. Rivera accepted bribes from contractors doing work for his non-profit, which helped to finance his lifestyle and that Mr. Rivera laundered money through a consulting company owned by one of his relatives.<sup>60</sup> Mr. Rivera has pleaded not guilty to charges including conspiracy, honest services fraud, wire fraud and money laundering.<sup>61</sup>

Ten of the City's non-profit providers have been flagged for financial mismanagement or financial improprieties, but continue to receive funding.<sup>62</sup> This is not the first time a shelter provider has come under serious scrutiny.<sup>63</sup> In 2019, the Acacia Network, a non-profit shelter provider, was investigated and found to have steered millions of dollars to a security company tied to top members of the non-profit.<sup>64</sup> In 2020, the City sued Children's Community Services, another shelter provider, after a City investigation found evidence of fraud and bid-rigging.<sup>65</sup> The City requested that Children's Community Services be put under receivership, while the City would seek other non-profits to run the operations.<sup>66</sup>

## VI. LEGISLATION

### PROPOSED INT. NO. 1483-A

Proposed Int. 1483-A would require the Department of Homeless Services, in collaboration with the Department of Social Services, to develop a plan to accommodate pets of homeless individuals and families with the objective of allowing homeless pet owners to keep their pets. Such plan would include, for example, the steps DHS can take to prioritize the acquisition of facilities that will permit homeless pet-owners to keep their pets, as well as identifying existing providers that will permit homeless pet-owners to keep their pets. The bill would also require that DHS submit the plan to the Speaker of the Council no later than 180 days after the effective date of the bill. The bill would also require that DHS collaborate with the Department of Social Services (DSS) to outline steps to address accommodating pets of homeless individuals and families in shelter under DSS programs such as those in shelters for domestic violence survivors. This local law would take effect immediately.

### PROPOSED INT. NO. 1484-A

Proposed Int. 1484-A would require the Department of Homeless Services (DHS) to post information on its website regarding the process for having a pet designated as an emotional support animal, and to report, every three months, information on how many individuals and families applied for shelter and reported they had a pet, as well as the placement or disposition of pets that belong to people who enter homeless shelters. Finally, the bill would require DHS to develop a questionnaire to obtain the information required to be reported. This local law would take effect immediately.

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<sup>58</sup> *Supra* note 35.

<sup>59</sup> U.S. Department of Justice Press Release, "CEO Of NYC Non-Profit Charged In Bribery And Kickbacks Scheme Involving Publicly Funded Housing And Social Services" (Mar. 24, 2021) available at <https://www.justice.gov/usao-sdny/pr/ceo-nyc-non-profit-charged-bribery-and-kickbacks-scheme-involving-publicly-funded>.

<sup>60</sup> Amy Julia Harris, *Housing Boss Who Was Accused of Sexual Assault Now Faces Bribery Charges*, NY Times, (Mar. 24, 2021) <https://www.nytimes.com/2021/03/24/nyregion/victor-rivera-arrested-bronx.html>.

<sup>61</sup> *Id.*

<sup>62</sup> *Supra* note 26.

<sup>63</sup> *Supra* note 43.

<sup>64</sup> Katie Honan, *New York City is Investigating Top Homeless Shelter Operator*, Wall Street Journal (Jul. 18, 2019) available at <https://www.wsj.com/articles/new-york-city-is-investigating-top-homeless-shelter-operator-11563471155>

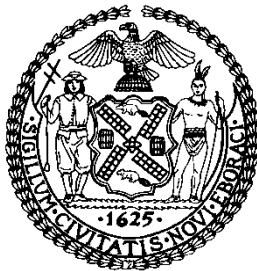
<sup>65</sup> *Supra* note 43.

<sup>66</sup> Nikita Stewart, *\$500 Million for the Homeless Targeted in Scheme with Bogus Address*, NY Times (Jan. 29, 2020) available at <https://www.nytimes.com/2020/01/29/nyregion/homeless-shelters-services-fraud.html>.

**PROPOSED INT. NO. 2284-A**

This bill would require the Department of Social Services (DSS) to deliver a survivor-centered response to complaints of sexual assault or harassment made by a client or staff of a DSS or Department of Homeless (DHS) provider. DSS would be required to offer sexual assault and harassment resources to each survivor, follow-up with each survivor as appropriate and review each complaint to assess the next steps. The bill would require the Office to End Domestic and Gender-Based Violence to develop a survivor resource guide and provide the guide to DSS. DSS would be required to post the survivor guide and other training resources on its website, and make such materials available to contracted providers. The bill would further require DSS to review whether a provider has entered a settlement in response to a complaint, or other actions taken in response to complaints. DSS would be required to submit an annual report to the Speaker of the Council on any steps taken to establish procedures pursuant to this bill. Finally, DHS would be required to provide resources, information, outreach materials and online training resources compiled by DSS to DHS' contracted providers. The bill would take effect 120 days after it becomes law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1483-A:)**



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO NO. 1483-A**

**COMMITTEE:** General Welfare

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to a plan to accommodate pets of families and individuals experiencing homelessness in shelter. By Council Members Levin, Levine, Brannan, Holden, Chin, Ayala, Louis, Adams, Rivera, Salamanca, Gennaro and the Public Advocate (Mr. Williams).

**SUMMARY OF LEGISLATION:** Proposed Intro No. 1483-A would require the Department of Homeless Services (DHS) to develop a plan to accommodate pets of homeless individuals and families with the objective of allowing homeless pet-owners to keep their pets and submit the plan to the Speaker of the Council no later than 180 days after the effective date of this bill. Such plan would include the steps DHS can take to prioritize the acquisition of facilities that will permit homeless pet-owners to keep their pets, as well as identifying existing providers that will permit homeless pet-owners to keep their pets. The bill would also require that DHS collaborate with the Human Resources Administration (HRA) to outline steps to address accommodating pets of homeless individuals and families in HRA shelter facilities.

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

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. The Council expects that DHS will be able to use existing resources to comply with Proposed Intro No. 1483-A.

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

**SOURCES OF INFORMATION:** New York City Council Finance Division  
Mayor's Office of Legislative Affairs

**ESTIMATE PREPARED BY:** Frank Sarno, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Dohini Sompura, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 28, 2019 and subsequently referred to the Committee on General Welfare (Committee). The Committee heard the legislation on February 28, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1483-A, will be considered by the Committee at a hearing on August 26, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1483-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 24, 2021.

**(For text of Int. Nos. 1484-A and 2284-A their Fiscal Impact Statements, please see the Report of the Committee on General Welfare for Int. Nos. 1484-A and 2284-A, respectively, printed in these Minutes; for text of Int. No. 1483-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. Nos. 1483-A, 1484-A, and 2284-A.*

**(The following is the text of Int. No. 1483-A:)**

Int. No. 1483-A

By Council Members Levin, Levine, Brannan, Holden, Chin, Ayala, Louis, Adams, Rivera, Salamanca, Gennaro and the Public Advocate (Mr. Williams).

**A Local Law to amend the administrative code of the city of New York, in relation to a plan to accommodate pets of families and individuals experiencing homelessness in shelter**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-325 to read as follows:

*§ 21-325 Pet accommodation plan. a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Pet. The term “pet” means a domesticated animal that is in the lawful possession of a person whose primary purpose in possessing such animal is to keep such animal as a pet.*

*Shelter. The term “shelter” means any form of temporary housing, including emergency housing, provided by the department to homeless individuals or families.*

*b. No later than 180 days after the effective date of the local law that added this section, the department shall submit to the speaker of the council a plan to accommodate pets of families and individuals experiencing homelessness with the objective that homeless individuals and families that possess pets need not surrender their pets upon entering shelter or forgo shelter to avoid surrendering their pets. Such plan shall:*

*1. Outline existing rules and regulations that apply to pets in shelter, including all licensing and vaccination requirements;*

*2. Assess and report on the health and sanitation implications of pets in shelter, as well as the physical plant requirements for facilities that accept pets;*

*3. Identify existing providers under contract with the department that have locations that will permit homeless individuals and families that possess pets to enter shelter with their pets;*

*4. Outline steps the department can take to prioritize acquisition of facilities and contracting for services, in each borough to the extent practicable, that will permit homeless individuals and families that possess pets to enter shelter with their pets;*

*5. Explore temporary arrangements for the care of pets of homeless individuals and families that will promote the return of such pets to the possession of their owners, including arrangements such as animal shelters, as defined in section 17-802, and not-for-profit organizations that provide foster care for such pets;*

*6. Identify city-provided and other resources available to homeless individuals and families that possess pets, including but not limited to not-for-profit organizations that provide housing that accommodates pets or that arrange foster care placements for pets of homeless persons, and develop an efficient method for consolidating and sharing information about such resources;*

*7. Outline the steps necessary in order to collect, where practicable, the following information:*

*(a) The average number of homeless individuals and families that possess pets that enter shelter each month, disaggregated by individuals and families and by the type of animal owned; and*

*(b) The amount of funds required to accommodate pets of families and individuals experiencing homelessness in shelter;*

*8. Identify barriers to the department’s ability to accommodate pets of families and individuals experiencing homelessness in shelter, and potential ways of overcoming such barriers; and*

*9. In collaboration with the department of social services, outline steps to address the accommodation of pets of individuals and families provided shelter under programs managed by the department of social services, including pets of victims of domestic violence who seek shelter pursuant to section 131-u of the social services law.*

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

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, August 26, 2021. *Other Council Members Attending: Council Member Rosenthal.*

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. 1484-A

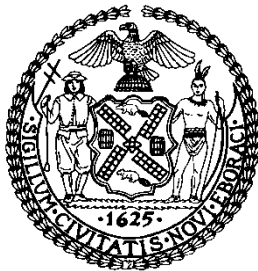
**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the administrative code of the city of New York, in relation to providing information about pets whose owners enter homeless shelters.**

The Committee on General Welfare, to which the annexed proposed amended local law was referred on March 28, 2019 (Minutes, page 1216), respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1483-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Int. No. 2284-A:*



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

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO NO. 1484-A**

**COMMITTEE: General Welfare**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to providing information about pets whose owners enter homeless shelters.

By Council Members Levin, Holden, Chin, Lander, Brannan, Ayala, Louis, Adams, Rivera, Salamanca and Gennaro.

**SUMMARY OF LEGISLATION:** Proposed Intro No. 1484-A would require the Department of Homeless Services (DHS) to post information on its website regarding the process for having a pet designated as an emotional support animal, and to report, every three months, information on how many individuals and families applied for shelter and reported they had a pet, as well as the placement or disposition of pets that belong to people who enter homeless shelters. The bill would also require the DHS to develop a questionnaire to obtain the information required to be reported.

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

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation. The Council expects that DHS will be able to use existing resources to comply with Proposed Intro No. 1484-A.

**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

**ESTIMATE PREPARED BY:** Frank Sarno, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Dohini Sompura, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on March 28, 2019 and was subsequently referred to the Committee on General Welfare (Committee). The Committee heard the legislation on February 28, 2020 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1484-A, will be considered by the Committee at a hearing on August 26, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 1484-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 24, 2021.

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

**(The following is the text of Int. No. 1484-A:)**

Int. No. 1484-A

By Council Members Levin, Holden, Chin, Lander, Brannan, Ayala, Louis, Adams, Rivera, Salamanca and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to providing information about pets whose owners enter homeless shelters**

*Be it enacted by the Council as follows:*

Section 1. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-327 to read as follows:

*§ 21-327 Information regarding the placement of pets.*

*a. Definitions. For purposes of this section, the following terms have the following meanings:*

*Family. The term "family" means any two or more people, at least one of whom is 18 years of age or older, who accompany each other upon entering shelter.*

*Individual. The term "individual" means any person who is 18 years of age or older who enters shelter without an accompanying person.*

*Pet. The term "pet" means a domesticated animal that is in the lawful possession of a person whose primary purpose in possessing such animal is to keep such animal as a pet.*

*Shelter. The term “shelter” means housing provided to individuals and families by the department or a provider under contract or similar agreement with the department.*

*b. No later than January 15, 2022, the department shall post on its website information regarding the placement of pets for families and individuals entering shelter and how to obtain any required paperwork for a pet to be designated as an emotional support animal. Such information must include the locations of the full-service animal shelters described in section 17-803.*

*c. No later than January 15, 2023 and every three months thereafter, the department shall post on its website and submit to the speaker of the council and the mayor a report that contains the following information:*

*1. The total number of families and individuals who applied for shelter disaggregated by those who reported that they had a pet; and*

*2. For each pet reported:*

*(a) Type of animal;*

*(b) Whether, upon the individual or family entering shelter, the pet was placed with a family member, friend or foster care provider, surrendered to an animal shelter or, in the case of any other placement or disposition of such pet, the details of such placement or disposition;*

*(c) Whether the individual or family reported forgoing shelter because they could not find an acceptable placement for their pet and, if so, the number of days such individual or family reported having forgone shelter for that reason;*

*(d) Whether the individual or family would have entered shelter with their pet if permitted to do so; and*

*(e) Whether the individual or family intended to regain possession of their pet upon obtaining housing that would accommodate their pet.*

*c. The information reported pursuant to subdivision b of this section shall be disaggregated by the borough in which the individual or family entered shelter. Where foster care providers are identified as placements, the name of any affiliated not-for-profit organization shall be identified. Where surrender to an animal shelter is identified as a placement, the name and location of the animal shelter shall be identified.*

*d. No later than 120 days after the effective date of the local law that added this section, the department shall develop and use a questionnaire for the purpose of obtaining and reporting the information this section requires.*

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

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, August 26, 2021. *Other Council Members Attending: Council Member Rosenthal.*

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. 2284-A

**Report of the Committee on General Welfare in favor of approving and adopting, as amended, a Local Law to amend the New York city charter, in relation to allowing lawful permanent residents in New York city to vote in municipal elections.**

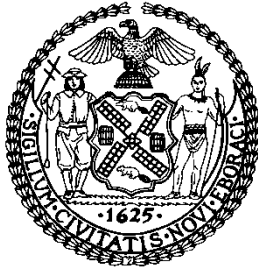
The Committee on General Welfare, to which the annexed proposed amended local law was referred on April 22, 2021 (Minutes, page 945), respectfully

#### **REPORTS:**

**(For text of report, please see the Report of the Committee on General Welfare for Int. No. 1483-A printed in these Minutes)**



*The following is the text of the Fiscal Impact Statement for Int. No. 2284-A:*



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

**FINANCE DIVISION**

LATONIA MCKINNEY, DIRECTOR

**FISCAL IMPACT STATEMENT**

**PROPOSED INTRO NO. 2284-A**

**COMMITTEE:** General Welfare

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to requiring the Department of Social Services and the Department of Homeless Services to provide resources for contracted client service providers to deliver a survivor-centered response in addressing gender-based harassment and sexual assault.

**SPONSORS:** Council Members Rosenthal, Kallos, Gennaro, Yeger and Rivera.

**SUMMARY OF LEGISLATION:** Proposed Intro 2284-A would require the Department of Social Services (DSS) to deliver a survivor-centered response to complaints of sexual assault or harassment made by a client or staff of a DSS or Department of Homeless Services' (DHS) provider. The bill would require DSS to offer sexual assault and harassment resources to each survivor, follow-up with each survivor as appropriate, and review each complaint to assess the next steps. The bill would also require the Office to End Domestic and Gender-Based Violence (ENDGBV) to develop a survivor resource guide and provide the guide to DSS. DSS would then be required to post the survivor guide and other training resources on its website, as well as make such materials available to contracted providers at DSS and DHS. The bill would further require DSS to review whether a provider has entered into a settlement in response to a complaint, or other actions taken in response to complaints, and submit an annual report to the Speaker of the Council on any steps taken to establish procedures pursuant to this bill.

**EFFECTIVE DATE:** This local law would take effect 120 days after becoming law.

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

**FISCAL IMPACT STATEMENT:**

	Effective FY22	FY Succeeding Effective FY23	Full Fiscal Impact FY23
<b>Revenues (+)</b>	\$0	\$0	\$0
<b>Expenditures (-)</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures resulting from the enactment of this legislation because DSS can use existing resources to comply with the requirements of Proposed Intro No. 2284-A. It is anticipated that the existing budgeted case managers will be able to provide the survivor-centered services to clients and staff and that the reporting, resource guide, and review requirements of the legislation can also be done by existing staff.

**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

**ESTIMATE PREPARED BY:** Frank Sarno, Financial Analyst

**ESTIMATE REVIEWED BY:** Regina Poreda Ryan, Deputy Director  
Dohini Sompura, Unit Head  
Noah Brick, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council on April 22, 2021 and subsequently referred to the Committee on General Welfare (Committee). The legislation was heard jointly by the Committee and the Committee on Oversight and Investigations on April 30, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 2284-A, will be considered by the Committee at a hearing on August 26, 2021. Upon a successful vote by the Committee, Proposed Intro. No. 2284-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 24, 2021.

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

**(The following is the text of Int. No. 2284-A:)**

Int. No. 2284-A

By Council Members Rosenthal, Kallos, Gennaro, Yeger, Rivera, Louis, Brooks-Powers, Salamanca and Barron.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services and the department of homeless services to provide resources for contracted client service providers to deliver a survivor-centered response in addressing gender-based harassment and sexual assault**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-146 to read as follows:

*§ 21-146 Resources for client service providers and responses to complaints of gender-based harassment and sexual assault. a. Definitions. As used in this section, the following terms have the following meanings:*

*Complaint. The term "complaint" means a complaint made by:*

*1. A client of a contracted client service provider regarding an incident that occurred while receiving services; or*

*2. Staff of a contracted client service provider regarding an incident that occurred during the course of their employment.*

*Contracted client service provider. The term "contracted client service provider" means a person that has entered into a contract with the department or, for the purposes of subdivision e of this section, the department or the department of homeless services, to provide client services.*

*Survivor. The term “survivor” means a person who has experienced or reported gender-based harassment or sexual assault.*

*Survivor assistance organizations. The term “survivor assistance organizations” means a community-based organization that provides trauma-informed assistance to survivors who are experiencing homelessness.*

*b. Access to information and resources.*

*1. The New York city commission on human rights and the office to end domestic and gender-based violence shall make available survivor-centered, culturally relevant, and trauma-informed gender-based harassment and sexual assault information and resources to the department. In addition to other such relevant information and resources, the office to end domestic and gender based violence shall make available to the department a survivor resource guide. This survivor resource guide shall be updated at least annually by the office to end domestic and gender-based violence, in consultation with relevant survivor assistance organizations. The department shall compile such information and resources and make such information and resources accessible through the department’s website. In addition to the online survivor resource guide, the information and resources accessible through the department’s website shall include but not be limited to:*

*(a) Survivor hotlines;*

*(b) Information regarding community-based and agency programs, including family justice centers, social services, benefits assistance, housing assistance, legal services and healthcare services; and*

*(c) Any other information deemed relevant by the commissioner.*

*2. The department shall provide the information and resources compiled pursuant to paragraph 1 of this subdivision, including the online survivor resource guide, to contracted client service providers to support a survivor-centered, culturally relevant, and trauma-informed response to complaints of gender-based harassment or sexual assault.*

*c. Training. No later than 30 days after the effective date of the local law that added this section, the department shall make available through its website links to online training resources related to gender-based harassment and sexual assault that are survivor-centered, culturally relevant, and trauma-informed for contracted client service providers. Such training resources shall include the online anti-sexual harassment training offered by the New York city commission on human rights pursuant to subdivision 30 of section 8-107 and any other training resources that the department obtains and deems appropriate to include on its website.*

*d. Outreach. No later than 30 days after the effective date of the local law that added this section, the department shall make available to contracted client service providers outreach materials, including informational flyers and signage. The department shall advise such contracted client service providers to distribute such materials to staff and clients, and to post such materials in conspicuous locations that are visible to staff and clients.*

*e. Complaints.*

*1. Any complaints related to gender-based harassment or sexual assault made to the department or the department of homeless services shall be reviewed by designated and trained staff of the department, in consultation with the office to end domestic and gender-based violence, as appropriate. The department shall, no later than 24 hours after receiving a complaint, connect such survivor to information and resources that may include information about how to file a complaint of discrimination with the New York city commission on human rights. The department shall provide, or direct survivors to, additional follow up and resources as the department deems appropriate.*

*2. The department and the department of homeless services shall take steps to protect the privacy of a survivor, including, but not limited to, anonymizing, where appropriate, any interagency communication.*

*3. On or before July 31, 2022 and every six months thereafter, the department shall review, to the extent that such information is available to the department or the department of homeless services, all complaints of gender-based harassment or sexual assault made to the department or the department of homeless services against contracted client service providers and any settlements entered into or outcomes reached by such contracted client service providers in response to such complaints of gender-based harassment or sexual assault, if any, including whether any referrals were made to the police department or to survivor assistance organizations.*

*4. On or before January 31, 2022 and annually thereafter, the department shall submit a report to the speaker of the council summarizing any steps it has taken to establish procedures pursuant to the requirements of this section.*

§ 2. Chapter 3 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-326 to read as follows:

§ 21-326. *Resources for client service providers and responses to complaints of gender-based harassment and sexual assault.*

*a. As used in this section, the following terms have the following meanings:*

*Complaint.* The term “complaint” has the meaning set forth in subdivision a of section 21-146.

*Contracted client service provider.* The term “contracted client service provider” means a person that has entered into a contract with the department to provide client services.

*Survivor.* The term “survivor” has the meaning set forth in subdivision a of section 21-146.

*b. The department shall provide information and resources compiled by the department of social services pursuant to paragraph 1 of subdivision b of section 21-146 to contracted client services providers to support a survivor-centered, culturally relevant and trauma-informed response to complaints of gender-based harassment and sexual assault made by staff or clients.*

*c. No later than 45 days after the effective date of the local law that added this section, the department shall make available through its website the links to online training resources related to gender-based harassment and sexual assault that that the department of social services included on its website pursuant to subdivision c of section 21-146.*

*d. No more than 45 days after the effective date of the local law that added this section, the department shall make available to contracted client service providers outreach materials prepared by the department of social services pursuant to subdivision d of section 21-146. The department shall advise such contracted client service providers to distribute such materials to staff and clients, and to post such materials in conspicuous locations that are visible to staff and clients.*

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

STEPHEN T. LEVIN, *Chairperson*; VANESSA L. GIBSON, ANTONIO REYNOSO, BARRY S. GRODENCHIK, RAFAEL SALAMANCA, Jr., DARMA V. DIAZ; Committee on General Welfare, August 26, 2021. *Other Council Members Attending: Council Member Rosenthal.*

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**

Report for L.U. No. 813

**Report of the Committee on Land Use in favor of approving Application number 20215027 HAK (TBK1002-Riseboro UDAAP and Article XI) submitted by the Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance 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 for property located at 135 Menahan Street (Block 3306, Lot 53), Community District 4, Council District 37.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 17, 2021 (Minutes, page 1890) and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

**SUBJECT****BRONX CBs - 3 and 4****20215030 HAX**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance 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 for properties located at 970 Anderson Avenue (Block 2504, Lot 70) and 1105 Tinton Avenue (Block 2661, Lot 52), Community Districts 3 and 4, Council Districts 8 and 16.

**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 for the project consisting rehabilitation of two (2) multiple dwellings which will provide approximately fifty-four (54) rental dwelling units and one (1) commercial unit in the Disposition Area.

**PUBLIC HEARING****DATE:** June 15, 2021**Witnesses in Favor:** Three**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 4, 2021

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:**

Riley, Koo, Treyger.

**Against:**

Barron

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** August 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1730

**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 135 Menahan Street (Block 3306, Lot 53), Borough of Brooklyn; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community District 4, Borough of Brooklyn (Preconsidered L.U. No. 813; 20215027 HAK).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on May 18, 2021 its request dated May 18, 2021 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 135 Menahan Street (Block 3306, Lot 53), Community District 4, Borough of Brooklyn (the "Disposition Area or Exemption 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 June 15, 2021; 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 May 18, 2021, 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 (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area ("Effective Date") and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company ("Expiration Date").
- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder ("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, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date.

**ATTACHMENT:****PROJECT SUMMARY**

1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
2. **PROJECT:** TBK1002 – RISEBORO
3. **LOCATION:**
  - a. **BOROUGH:** Brooklyn
  - b. **COMMUNITY DISTRICT:** 04
  - c. **COUNCIL DISTRICT:** 37
  - d. **DISPOSITION AREA:**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
3306	53	135 Menahan Street
4. **BASIS OF DISPOSITION PRICE:** Nominal (One dollar (\$1.00) per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value (“Land Debt”). For a period of up to sixty (60) years, 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 in the final year of that period.
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** One (1) Multiple Dwelling
7. **APPROXIMATE NUMBER OF UNITS:** Six (6) dwelling units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
10. **INCOME TARGETS:** The Disposition Area contains a vacant building which will be sold. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 120% of the area median.
11. **PROPOSED FACILITIES:** None



12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Type II
14. **PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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. 814

**Report of the Committee on Land Use in favor of approving Application number 20215030 HAX (TBK1002 MBD-UDAAP and Article XI) submitted by the New York City Department of Housing Preservation and Development (HPD), pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance 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 for properties located at 970 Anderson Avenue (Block 2504, Lot 70) and 1105 Tinton Avenue (Block 2661, Lot 52), Community Districts 3 and 4, Council Districts 8 and 16.**

The Committee on Land Use, to which the annexed Land Use item was referred on June 17, 2021 (Minutes, page 1890) and which same Land Use item was coupled with the resolution shown below, respectfully

#### **REPORTS:**

#### **SUBJECT**

#### **BROOKLYN CB - 4 20215027 HAK**

Application submitted by the New York City Department of Housing Preservation and Development pursuant to Article 16 of the General Municipal Law and Section 577 of Article XI of the Private Housing Finance 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 for property located at 135 Menahan Street (Block 3306, Lot 53), Community District 4, Council District 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 for the project consisting rehabilitation of one (1) multiple dwelling which will provide approximately six (6) rental dwelling units in the Disposition Area.

**PUBLIC HEARING****DATE:** June 15, 2021**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 4, 2021

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:**

Riley, Koo, Treyger.

**Against:**

Barron

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** August 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1731

**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 970 Anderson Avenue (Block 2504, Lot 70) and 1105 Tinton Avenue (Block 2661, Lot 52), Borough of the Bronx; and waiving the urban development action area designation requirement and the Uniform Land Use Review Procedure, Community Districts 3 and 4, Borough of the Bronx (Preconsidered L.U. No. 814; 20215030 HAX).**

By Council Members Salamanca and Riley.

**WHEREAS**, the New York City Department of Housing Preservation and Development ("HPD") submitted to the Council on June 1, 2021 its request dated June 1, 2021 that the Council take the following actions regarding the proposed Urban Development Action Area Project (the "Project") located at 970 Anderson

Avenue (Block 2504, Lot 70) and 1105 Tinton Avenue (Block 2661, Lot 52), Community Districts 3 and 4, Borough of the Bronx (the "Disposition Area or Exemption 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 June 15, 2021; 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 June 1, 2021, 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 (excluding those portions, if any, devoted to business or commercial use), shall be exempt from real

property taxation, other than assessments for local improvements, for a period commencing upon the later of (i) the date of conveyance of the Disposition Area to the Sponsor, or (ii) the date that HPD and the Sponsor enter into a regulatory agreement governing the operation of the Disposition Area (“Effective Date”) and terminating upon the earlier to occur of (i) a date which is forty (40) years from the Effective Date, (ii) the date of the expiration or termination of the regulatory agreement between HPD and the Sponsor, or (iii) the date upon which the Disposition Area ceases to be owned by either a housing development fund company or an entity wholly controlled by a housing development fund company (“Expiration Date”).

- b. Notwithstanding any provision hereof to the contrary, the exemption from real property taxation provided hereunder (“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, (ii) the Disposition Area is not being operated in accordance with the requirements of the regulatory agreement between HPD and the Sponsor, (iii) the Disposition 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) the demolition of any private or multiple dwelling on the Disposition Area has commenced without the prior written consent of HPD, or (v) the Disposition Area is conveyed without the prior written consent of HPD. HPD shall deliver written notice of any such determination to the owner of the Disposition Area and all mortgagees of record, which notice shall provide for an opportunity to cure of not less than sixty (60) days. If the noncompliance specified in such notice is not cured within the time period specified herein, the Exemption shall prospectively terminate.
- c. In consideration of the Exemption, the Sponsor and any future owner of the Disposition Area, for so long as the Exemption shall remain in effect, shall waive the benefits, if any, 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.
- d. The exemption shall not apply to buildings that do not exist on the Effective Date.

**ATTACHMENT:**

**PROJECT SUMMARY**

- 1. **PROGRAM:** MULTIFAMILY PRESERVATION LOAN PROGRAM
- 2. **PROJECT:** TBX1002 – MBD
- 3. **LOCATION:**
  - a. **BOROUGH:** Bronx
  - b. **COMMUNITY DISTRICTS:** 04, 03
  - c. **COUNCIL DISTRICTS:** 08, 16
  - d. **DISPOSITION AREA:**

<u>Block</u>	<u>Lot</u>	<u>Address</u>
2504	70	970 Anderson Avenue
2661	52	1105 Tinton Avenue

4. **BASIS OF DISPOSITION PRICE:** Nominal (One dollar (\$1.00) per building). The Sponsor will also deliver a note and mortgage for the remainder of the appraised value ("Land Debt"). For a period of up to seventy-five (75) years, the Land Debt or the City's capital subsidy may be repayable out of resale or refinancing profits. The remaining balance of the Land Debt, if any, may be forgiven at maturity.
5. **TYPE OF PROJECT:** Rehabilitation
6. **APPROXIMATE NUMBER OF BUILDINGS:** Two (2) Multiple Dwellings
7. **APPROXIMATE NUMBER OF UNITS:** Fifty-Four (54) dwelling units
8. **HOUSING TYPE:** Rental
9. **ESTIMATE OF INITIAL RENTS:** Initial rents will be established in compliance with federal regulations, where applicable, and will be affordable to the targeted income groups. All units will be subject to rent stabilization. Eligible tenants may apply for rent subsidies.
10. **INCOME TARGETS:** The Disposition Area contains occupied buildings which will be sold subject to existing tenancies. Vacant units, if any, will be rented in compliance with federal regulations, where applicable. Vacant units not subject to such regulations will be rented to families with annual household incomes up to 120% of the area median.
11. **PROPOSED FACILITIES:** One Commercial Unit
12. **PROPOSED CODES/ORDINANCES:** None
13. **ENVIRONMENTAL STATUS:** Type II
14. **PROPOSED TIME SCHEDULE:** Approximately twenty-four (24) months from closing to completion of construction.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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. 820

**Report of the Committee on Land Use in favor of approving Application No. 20215031 HIM (N 210467 HIM) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York for the designation of Holyrood Episcopal Church – Iglesia Santa Cruz (Block 2176, Lot 30) as an historic landmark [DL 523/LP-2649], Borough of Manhattan, Council District 10, Community District 12.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 29, 2021 (Minutes, page 2100) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT**

MANHATTAN CB - 12

20215031 HIM (N 210467 HIM)

Designation by the Landmarks Preservation Commission [DL-523/LP-2649] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Holyrood Episcopal Church-Iglesia Santa Cruz (Tax Map Block 2176, Lot 30), as an historic landmark.

**PUBLIC HEARING****DATE:** August 4, 2021**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 4, 2021

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

**In Favor:**

Riley, Koo, Barron, Treyger.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** August 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, and Feliz.

**Against:**     **Abstain:**  
None           None.

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

Res. No. 1732

**Resolution affirming the designation by the Landmarks Preservation Commission of the Holyrood Episcopal Church-Iglesia Santa Cruz located at 715 West 179<sup>th</sup> Street (aka 715-721 West 179<sup>th</sup> Street and 426-434 Fort Washington Avenue) (Tax Map Block 2176, Lot 30), Borough of Manhattan, Designation List No. 523, LP-2649 (L.U. No. 820; 20215031 HIM; N 210467 HIM).**

By Council Members Salamanca and Riley.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on May 27, 2021 a copy of its designation report dated May 18, 2021 (the "Designation"), designating the Holyrood Episcopal Church-Iglesia Santa Cruz located at 715 West 179<sup>th</sup> Street (aka 715-721 West 179<sup>th</sup> Street and 426-434 Fort Washington Avenue), Community District 12, Borough of Manhattan, as a landmark and Tax Map Block 2176, Lot 30, as its landmark site 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 July 16, 2021, its report on the Designation dated July 14, 2021 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on August 4, 2021; 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, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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. 821

**Report of the Committee on Land Use in favor of approving Application No. 20215018 HIM (N 210468 HIM) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter and Section 25-303 of the Administrative Code of the City of New York for the designation of Educational Building, 70 Fifth Avenue (Block 576, Lot 36) as an historic landmark [DL 523/LP-2650]. Borough of Manhattan, Council District 3, Community District 2.**

The Committee on Land Use, to which the annexed Land Use item was referred on July 29, 2021 (Minutes, page 2100) and which same Land Use item was coupled with the resolution shown below, respectfully

**REPORTS:****SUBJECT****MANHATTAN CB - 2****20215018 HIM (N 210468 HIM)**

Designation by the Landmarks Preservation Commission [DL-523/LP-2650] pursuant to Section 3020 of the New York City Charter of the landmark designation of the Educational Building, 70 Fifth Avenue (Tax Map Block 576, Lot 36), as an historic landmark.

**PUBLIC HEARING****DATE:** August 4, 2021**Witnesses in Favor:** None**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 4, 2021

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

**In Favor:**

Riley, Koo, Barron, Treyger.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** August 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz.



**Against:**        **Abstain:**  
None                None

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

Res. No. 1733

**Resolution affirming the designation by the Landmarks Preservation Commission of the Educational Building, 70 Fifth Avenue located at 70 Fifth Avenue (aka 2-6 West 13<sup>th</sup> Street) (Tax Map Block 576, Lot 36), Borough of Manhattan, Designation List No. 523, LP-2650 (L.U. No. 821; 20215018 HIM; N 210468 HIM).**

By Council Members Salamanca and Riley.

**WHEREAS**, the Landmarks Preservation Commission filed with the Council on May 27, 2021 a copy of its designation report dated May 18, 2021 (the "Designation"), designating the Educational Building, 70 Fifth Avenue located at 70 Fifth Avenue (aka 2-6 West 13<sup>th</sup> Street), Community District 2, Borough of Manhattan, as a landmark and Tax Map Block 576, Lot 36, as its landmark site 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 July 16, 2021, its report on the Designation dated July 14, 2021 (the "Report");

**WHEREAS**, upon due notice, the Council held a public hearing on the Designation on August 4, 2021; 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, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 823

**Report of the Committee on Land Use in favor of approving Application No. C 210148 ZMQ (133 Beach 116th Street Rezoning) submitted by Beach 116th Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b, eliminating from within an existing R7A District a C1-3 District and establishing within an existing R7A District a C2-4 District, Borough of Queens, Community District 14, Council District 32.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 26, 2021 and which same Land Use item was coupled with the resolution shown below, respectfully

### **REPORTS:**

#### **SUBJECT**

**QUEENS CB - 14**

**C 210148 ZMQ**

City Planning Commission decision approving an application submitted by Beach 116<sup>th</sup> Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b:

1. eliminating from within an existing R7A District a C1-3 District bounded by Beach 116<sup>th</sup> Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116<sup>th</sup> Street and Beach 117<sup>th</sup> Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard; and
2. establishing within an existing R7A District a C2-4 District bounded by Beach 116<sup>th</sup> Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116<sup>th</sup> Street and Beach 117<sup>th</sup> Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021.

#### **INTENT**

To approve the amendment to rezone the project area from an R7A/C1-3 to an R7A/C2-4 zoning district facilitate the development of a 4,000-square-foot gym located on the ground floor of a new eight-story mixed-used building located at 133 Beach 116<sup>th</sup> Street in Rockaway Park, Queens, Community District 14.

#### **PUBLIC HEARING**

**DATE:** August 3, 2021

**Witnesses in Favor:** One

**Witnesses Against:** None

**SUBCOMMITTEE RECOMMENDATION****DATE:** August 11, 2021

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

**In Favor:**

Moya, Levin, Grodenchik, Ayala, Rivera.

**Against:**

None

**Abstain:**

None.

**COMMITTEE ACTION****DATE:** August 11, 2021

The Committee recommends that the Council approve the attached resolution.

**In Favor:**

Salamanca, Gibson, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz.

**Against:**

None

**Abstain:**

None.

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

Res. No. 1734

**Resolution approving the decision of the City Planning Commission on ULURP No. C 210148 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 823).**

By Council Members Salamanca and Moya.

**WHEREAS**, Beach 116<sup>th</sup> Associates, LLC, filed an application pursuant Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b, eliminating from within an existing R7A District a C1-3 District and establishing within an existing R7A District a C2-4 District, in Rockaway Park, Queens, Community District 14 (ULURP No. C 210148 ZMQ) (the "Application");

**WHEREAS** the City Planning Commission filed with the Council on July 30, 2021, its decision dated July 28, 2021 (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 August 3, 2021;

**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 April 5<sup>th</sup>, 2021 (CEQR No. 21DCP015Q).

**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 210148 ZMQ incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission.

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended by changing the Zoning Map, Section No. 30b:

1. eliminating from within an existing R7A District a C1-3 District bounded by Beach 116<sup>th</sup> Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116<sup>th</sup> Street and Beach 117<sup>th</sup> Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard; and
2. establishing within an existing R7A District a C2-4 District bounded by Beach 116<sup>th</sup> Street, a line 200 feet northwesterly of Ocean Promenade, a line midway between Beach 116<sup>th</sup> Street and Beach 117<sup>th</sup> Street, and a line 150 feet southeasterly of Rockaway Beach Boulevard;

as shown on a diagram (for illustrative purposes only) dated April 5, 2021, Community District 14, Borough of Queens.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 824

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200230 ZMQ (Beach 67th Street Rezoning) submitted by Brisa Builders Development, LLC, and God's Battalion of Prayer Properties, Inc, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by changing from an R4A District to an R6 District, Borough of Queens, Community District 14, Council District 31.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 26, 2021, respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 824 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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

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

Report for L.U. No. 825

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200231 ZRQ (Beach 67th Street Rezoning) submitted by Brisa Builders Development, LLC, and God's Battalion of Prayer Properties, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 14, Council District 31.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 26, 2021, respectfully

**REPORTS:**

**(For text of updated report, please see the Report of the Committee on Land Use for L.U. No. 825 printed in the General Order Calendar section of these Minutes)**

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

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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

## Report of the Committee on Small Business

Report for Int. No. 1897-A

### **Report of the Committee on Small Business 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 licensing of third-party food delivery services, and to repeal subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services.**

The Committee on Small Business, to which the annexed proposed amended local law was referred on February 27, 2020 (Minutes, page 668), respectfully

#### **REPORTS:**

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

On August 26, 2021, the Committee on Small Business, chaired by Council Member Mark Gjonaj, will hold a vote on the following bills: (1) Proposed Introduction Number 1897-A (Int. 1897-A), in relation to the licensing of third-party food delivery services; and (2) Preconsidered Introduction Number 2390 (Preconsidered Int. 2390), in relation to limiting, without expiration, the fees charged to food service establishments by third-party food delivery services.

The Committee previously heard testimony on these bills from the Office of Special Enforcement (OSE), Department of Consumer Affairs and Worker Protection (DCWP), Department of Small Business Services (SBS), third-party delivery platforms, a myriad of restaurants citywide, and various trade associations. This feedback informed the final version of the bills.

##### **II. BACKGROUND**

###### **A. NYC's Restaurant Industry**

New York City is a mecca for acclaimed and diverse food options. With more than 23,000 establishments (as of 2019), the City's eateries represent food influenced by 150 different countries.<sup>1</sup> If a person attempted to eat, just once, at every restaurant in New York City, it would take over twenty years to visit them all.<sup>2</sup>

Just like the food they offer, the City's food and restaurant industry is not monolithic, but rather comprised of everything from small mom-and-pop establishments, to street vendors, to Michelin-starred, fine dining restaurants. Eighty percent of the City's restaurants are "small", with fewer than 20 employees, while only one percent have more than 500 workers.<sup>3</sup> With such a diverse food landscape within such a small geographic area, it is no wonder that New York City is consistently ranked as one of the culinary capitals of the world,<sup>4</sup> and that

<sup>1</sup> Thomas P. DiNapoli "The restaurant industry in New York City: Tracking the recovery", *Office of the New York State Comptroller*, September 2020, available at: <https://www.osc.state.ny.us/files/reports/osdc/pdf/nyc-restaurant-industry-final.pdf>, p. 1.

<sup>2</sup> Nick Hines "It would take 22.7 Years to eat at every New York City restaurant", *Vinepair*, May 9, 2017, available at: <https://vinepair.com/booze-news/new-york-restaurants-eat-at-every-on/>.

<sup>3</sup> Thomas P. DiNapoli "The restaurant industry in New York City: Tracking the recovery", *Office of the New York State Comptroller*, September 2020, available at: <https://www.osc.state.ny.us/files/reports/osdc/pdf/nyc-restaurant-industry-final.pdf>, p. 1.

<sup>4</sup> See for example: "New York beats Paris to be named the culinary capital of the world", *Luxury Travel Magazine*, June 4, 2019, available at: <https://www.luxurytravelmagazine.com/news-articles/new-york-beats-paris-to-be-named-the-culinary-capital-of-the-world>; and Kendall Cornish "These are the world's best cities for food", *Travel and Leisure*, July 8, 2020, available at: <https://www.travelandleisure.com/food-drink/worlds-best-cities-for-food>.

New York City's eateries form the second-largest component of the City's tourism industry, after accommodations.<sup>5</sup>

In addition to a key contributor to the City's economy, the restaurant industry is a vital source of employment. Prior to the COVID-19 pandemic, there were more than 23,600 food establishments in New York City, which contributed to nearly \$27 billion in taxable sales.<sup>6</sup> In 2019, the industry accounted for one in every 12 private sector positions, supporting around 317,800 jobs.<sup>7</sup> Clearly, the food and restaurant sector is a pivotal economic contributor and an essential component of the City's identity, to New Yorkers and visitors alike.

## B. Food Delivery in NYC

The history of food delivery in NYC began in the mid-20<sup>th</sup> century. Waves of Italian immigration at the turn of the 20<sup>th</sup> century led to the establishment of Italian restaurants in NYC in the early 20<sup>th</sup> century.<sup>8</sup> By 1944, an article in the New York Times described a restaurant that created pizzas to "be ordered to take home... they are packed, piping hot, in special boxes for that purpose."<sup>9</sup> Chinese restaurants that specialized in takeout became popular in NYC, notably with Jewish families in the mid-20<sup>th</sup> century.<sup>10</sup> Jewish customers' patronage of Chinese restaurants in the 1950s and 1960s led to a rise in food takeout and delivery services from restaurants such that, "After a hard day's work... families could eat delicious Chinese food without going farther than the front door."<sup>11</sup> Food takeout and delivery did not become common among other cuisines in NYC until the 1980s.<sup>12</sup>

In recent years, food delivery has become standard across all cuisines. As of 2015, around \$210 billion of food was ordered for delivery or takeout annually, while the two food delivery industry leaders, Grubhub and Eat24, generated a combined \$2.6 billion in food sales.<sup>13</sup> According to a 2016 Business Insider article, the food delivery marketplace was a "massive unfulfilled market opportunity...which will incentivize continued competition and, potentially, an influx of new entrants."<sup>14</sup> In 2016, seven percent of sales at U.S. restaurants occurred through food delivery.<sup>15</sup> Seeing the potential for profit in this industry, venture capital firms invested huge sums of money in food delivery companies. Over \$1 billion was invested in 2014 in food and grocery delivery, and a further half a billion dollars was invested in Q1 of 2015 in this sector.<sup>16</sup> DoorDash reportedly raised nearly \$2.5 billion in venture capital funding before its initial public offering.<sup>17</sup>

The influx of venture capital money into food delivery companies helped these companies grow and attract new customers. A 2017 Morgan Stanley report predicted that by 2020, 40 percent of total restaurant sales could occur through online delivery.<sup>18</sup> Online restaurant orders grew 23 percent annually from 2013 to 2017.<sup>19</sup> In 2018,

<sup>5</sup> Thomas P. DiNapoli "The restaurant industry in New York City: Tracking the recovery", *Office of the New York State Comptroller*, September 2020, available at: <https://www.osc.state.ny.us/files/reports/osdc/pdf/nyc-restaurant-industry-final.pdf>, p. 1.

<sup>6</sup> Thomas P. DiNapoli "The restaurant industry in New York City: Tracking the recovery", *Office of the New York State Comptroller*, September 2020, available at: <https://www.osc.state.ny.us/files/reports/osdc/pdf/nyc-restaurant-industry-final.pdf>, p. 1.

<sup>7</sup> Thomas P. DiNapoli "The restaurant industry in New York City: Tracking the recovery", *Office of the New York State Comptroller*, September 2020, available at: <https://www.osc.state.ny.us/files/reports/osdc/pdf/nyc-restaurant-industry-final.pdf>, p. 2.

<sup>8</sup> Emelyn Rude, "What Take-Out Food Can Teach You About American History", *Time Magazine*, April 14, 2016, available at: <https://time.com/4291197/take-out-delivery-food-history/>

<sup>9</sup> Jane Holy, "News of Food: Pizza, a Pie Popular in Southern Italy, is Offered here for Home Consumption", *The New York Times*, September 20, 1944, available at: [https://timesmachine.nytimes.com/timesmachine/1944/09/20/86730587.pdf?pdf\\_redirect=true&ip=0](https://timesmachine.nytimes.com/timesmachine/1944/09/20/86730587.pdf?pdf_redirect=true&ip=0)

<sup>10</sup> Do J. Lee, "Delivering Justice: Food Delivery Cyclists in New York City" Dissertation submitted to the Graduate Faculty in Psychology, City University of New York, September 2018, available at:

[https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc\\_etds](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc_etds)

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

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

<sup>13</sup> Evan Bakker, "THE ON-DEMAND MEAL DELIVERY REPORT: Sizing the market, outlining the business models, and determining the future market leaders" *Business Insider*, September 7, 2016, available at: <https://www.businessinsider.com/the-on-demand-meal-delivery-report-sizing-the-market-outlining-the-business-models-and-determining-the-future-market-leaders-2016-8>

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

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

<sup>16</sup> Martin Mignot, "The Billion Dollar Food Delivery Wars" July 11, 2015, available at: <https://techcrunch.com/2015/07/11/the-billion-dollar-food-delivery-wars/>

<sup>17</sup> Danny Crichton, "The VC and founder winners of DoorDash's IPO" *TechCrunch*, November 13, 2020, available at:

<https://techcrunch.com/2020/11/13/the-vc-and-founder-winners-of-doorashes-ipo/>

<sup>18</sup> "Alexa, What's for Dinner Tonight?" *Morgan Stanley*, June 26, 2017, available at: <https://www.morganstanley.com/ideas/online-food-delivery-market-expands>

<sup>19</sup> The NPD Group "Feeding the growing appetite for restaurant apps,

<https://www.npd.com/wps/portal/npd/us/news/infographics/2018/feeding-the-growing-appetite-for-restaurant-apps/>.

UBS predicted that by 2030 the global online food-ordering marketplace could grow to \$365 billion, up from \$35 billion in 2018.<sup>20</sup> A 2019 survey conducted by the National Restaurant Association found that 60 percent of consumers ordering takeout used a third-party delivery service.<sup>21</sup>

Within the food delivery marketplace, companies have adopted different business models that aim to either help restaurants increase their sales, or process and make deliveries. Grubhub, and its subsidiary Seamless, act as a software and marketing service that aggregate restaurants and create listings from which consumers can place orders. Typically, restaurants partnering with Grubhub manage their own fleet of couriers.<sup>22</sup> These software-based businesses market to restaurants by arguing they generate incremental orders, therefore increasing a restaurant's profitability,<sup>23</sup> and by replacing a restaurant's antiquated phone-ordering system with a more efficient web and mobile platform that is integrated with their kitchen workflow.<sup>24</sup>

Other delivery companies, such as Uber Eats and DoorDash, similarly offer marketing and software options, but also manage the delivery of the food from the restaurant to the customer. Through hiring independent contractors, these platforms have a fleet of couriers typically paid a per-trip payment to deliver the food. In addition to offering software and marketing services, these companies handle the logistics of delivering the food, which includes the hiring and paying of couriers and shift planning.<sup>25</sup> These companies help solve the "last-mile" problem, the last mile of transportation of a product being the most complicated and costliest part of getting a product to a consumer.<sup>26</sup>

During the pandemic, the Council passed Local Law 52 of 2020, which capped the fees these platforms could charge restaurants. The Local Law prohibits the platforms from charging restaurants more than 15% per order for delivery and more than 5% per order for all other fees. Local Law 52 of 2020 capped delivery-related commissions at 15 percent, recognizing that delivery services might be more costly to the platforms, and certainly more valuable to the restaurants.

Overall, food delivery is an incredibly popular way for New Yorkers to dine. According to a 2017 Department of Transportation (DOT) report, 55 percent of New Yorkers ordered take out a few times per month.<sup>27</sup> City residents spend around \$773.70 per year on food delivery, which is more money than residents of any other U.S. city.<sup>28</sup> The frequency with which New Yorkers order takeout is a consequence of the culture and cityscape of New York. As previously mentioned, there are over 23,000 eateries in NYC, the most of any city in the country.<sup>29</sup> The comparatively small percentage of New Yorkers that own cars in comparison to other American cities may also be a cause of City residents' high use of delivery services in NYC. According to the 2019 U.S. Census, in the tristate area<sup>30</sup>, 31 percent of households do not own a car.<sup>31</sup> The NYC Economic

<sup>20</sup> USB Investment Bank "Is The Kitchen Dead?", June 18, 2018, available at: <https://www.ubs.com/global/en/investment-bank/in-focus/2018/dead-kitchen.html>

<sup>21</sup> Hudson Riehle and Melissa Wilson "Harnessing Technology to Drive Off-Premises Sales", 2019, *National Restaurant Association*, available at: [https://www.restaurant.org/Downloads/PDFs/Research/research\\_offpremises\\_201910](https://www.restaurant.org/Downloads/PDFs/Research/research_offpremises_201910).

<sup>22</sup> Martin Mignot, "The Billion Dollar Food Delivery Wars" July 11, 2015, available at: <https://techcrunch.com/2015/07/11/the-billion-dollar-food-delivery-wars/>; and Conversations between Council Staff and Grubhub

<sup>23</sup> Pnina Feldman, Andrew E. Frazelle, and Robert Swinney, "Managing Relationships Between Restaurants and Food Delivery Platforms: Conflict, Contracts, and Coordination", July 30, 2021, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3258739](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3258739)

<sup>24</sup> Martin Mignot, "The Billion Dollar Food Delivery Wars" July 11, 2015, available at: <https://techcrunch.com/2015/07/11/the-billion-dollar-food-delivery-wars/>

<sup>25</sup> Martin Mignot, "The Billion Dollar Food Delivery Wars" July 11, 2015, available at: <https://techcrunch.com/2015/07/11/the-billion-dollar-food-delivery-wars/>

<sup>26</sup> Do J. Lee, "Delivering Justice: Food Delivery Cyclists in New York City" Dissertation submitted to the Graduate Faculty in Psychology, City University of New York, September 2018, available at: [https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc\\_etds](https://academicworks.cuny.edu/cgi/viewcontent.cgi?article=3854&context=gc_etds)

<sup>27</sup> "CITYWIDE MOBILITY SURVEY", DEPARTMENT OF TRANSPORTATION, August 2017, available at: <http://www.nyc.gov/html/dot/downloads/pdf/nycdot-citywide-mobility-survey-report-2017.pdf>

<sup>28</sup> RACHEL CHIU, "Send back the bad food delivery bill" Daily News, August 11, 2021, available at: <https://www.nydailynews.com/opinion/ny-oped-send-back-the-bad-food-delivery-bill-20210811-ubucnk4hpfac7gr64v4d3rlqzy-story.html>

<sup>29</sup> Darcy Schild, "The 25 best US cities for foodies", Insider, October 7, 2019, available at: <https://www.insider.com/best-cities-in-the-us-for-foodies-2019-10>

<sup>30</sup> The Census includes NYC with Newark and Jersey City

<sup>31</sup> Bailey Peterson, "Car Ownership Statistics (2021 Report)" ValuePenguin, available at: <https://www.valuepenguin.com/insurance/car-ownership-statistics>



Development Corporation estimates that 55 percent of households in NYC do not own a car.<sup>32</sup> Other major cities have much higher rates of car ownership: only 12 percent of households do not own cars in San Francisco, 12.5 percent in Chicago, 7.6% in Los Angeles.<sup>33</sup>

### C. Issues with Restaurants

While third-party delivery platforms provide restaurants a unique marketing and delivery service, small businesses have accused these platforms of acting in a predatory manner. A class action lawsuit was filed in the United States District Court for the Southern District of New York in April 2020 against the major third-party delivery platforms.<sup>34</sup> The lawsuit alleges that the platforms have violated U.S. antitrust law by requiring restaurants to charge delivery customers and dine-in customers the same price for each menu item, while imposing “exorbitant” fees of 10 to 40 percent of revenue to process delivery orders.<sup>35</sup> On June 7, 2021, a bakery in Manhattan filed a class action lawsuit against the third party delivery platforms<sup>36</sup> alleging they have violated Local Law 52 of 2020. The plaintiff alleged that the platforms failed to comply with the Council’s Local Law, as they overcharged the bakery above the permitted fee cap and inflated credit card processing fees.<sup>37</sup>

The City Council has conducted five hearings this legislative session on the rise of third-party delivery platforms in the City.<sup>38</sup> During these hearings, restaurateurs and their advocates have highlighted issues restaurants experience from using these platforms, including high commission fees, restrictions on menu pricing, and erroneous fees they are forced to pay from consumer phone calls that do not result in orders.<sup>39</sup>

Even before the COVID-19 pandemic reached the City, advocates and small businesses sounded the alarm about excessively high platform commission fees. At the Council’s first hearing on the issue in June 2019, a representative from the federal government’s Small Business Administration (SBA) termed the fees “predatory” and testified that they, too, had heard it “time and again from entrepreneurs... The New York City restaurant industry is known worldwide for its flexibility, but these predatory fees are placing an undue hardship on small businesses.”<sup>40</sup> He went to describe the fees as “ad hoc [sic],” and said it “worries the SBA that there’s no pricing standard.”<sup>41</sup> But yet, the platforms are so popular with consumers that the restaurants “more or less need to participate in them in order to stay relevant, stay noticeable, and be accessible to patrons.”<sup>42</sup> SBS also

<sup>32</sup> NYCEDC, “New Yorkers and Their Cars”, April 5, 2018, available at: <https://edc.nyc/article/new-yorkers-and-their-cars>

<sup>33</sup> Bailey Peterson, “Car Ownership Statistics (2021 Report)” ValuePenguin, available at: <https://www.valuepenguin.com/insurance/car-ownership-statistics>

<sup>34</sup> The four platforms are Grubhub Inc. (which also does business as Seamless), DoorDash Inc., Postmates Inc., and Uber Technologies, Inc., which is the parent company of Uber Eats.

<sup>35</sup> Jonathan Stempel, “Grubhub, DoorDash, Postmates, Uber Eats are sued over restaurant prices amid pandemic” April 13, 2020, *Reuters*, available at: <https://www.reuters.com/article/us-health-coronavirus-food-delivery-laws-idUSKCN21V2C1>.

<sup>36</sup> Including Grubhub and Seamless, Uber Eats and Postmates, and DoorDash.

<sup>37</sup> Micheli & Shel, LLC individually and on behalf of others similarly situated, v. GRUBHUB INC., GRUBHUB INC. d/b/a SEAMLESS, SEAMLESS NORTH AMERICA, LLC, UBER TECHNOLOGIES INC., UBER EATS, POSTMATES LLC, and DOORDASH INC., UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK

<sup>38</sup> New York City Council “Oversight – The Changing Market for Food Delivery”, June 6, 2019, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=705634&GUID=0BC09A92-5DB4-496B-90EE-BF75DF712131&Options=info&Search=>;

New York City Council “Oversight: ‘Ghost Kitchens’ ‘Virtual Restaurants’ and the Future of the Restaurant Industry”, February 6, 2020, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=759804&GUID=B42220FE-417A-484C-B7CF-51725F784A71&Options=info&Search=>;

New York City Council “Oversight - The Impact of COVID-19 on Small Businesses in New York City.” April 29, 2020, available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4424922&GUID=F205F93F-5C61-490F-ACA3-D343CA9C8584&Options=&Search=>;

New York City Council hearing on August 13, 2020, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=801012&GUID=CCFF5A84-A041-4A0C-A748-78E52F039345&Options=&Search=>;

and New York City Council hearing on July 1, 2021, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=874195&GUID=FC36A86D-9FE6-4CE6-9181-50687AA2E341&Options=&Search=>

<sup>39</sup> *Id.*

<sup>40</sup> Testimony of Matt Coleman, United States Small Business Administration Region II, New York City Council, “Oversight – The Changing Market for Food Delivery”, pg. 152, June 6, 2019, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=705634&GUID=0BC09A92-5DB4-496B-90EE-BF75DF712131&Options=info&Search=>;

<sup>41</sup> *Id.* at 151.

<sup>42</sup> *Id.* at 151-152.

acknowledged the need to join the platforms and the difficulty to “balance” that need against high commission fees.<sup>43</sup>

Restaurateurs have consistently echoed the sentiment expressed by the SBA at the Council’s June 2019 hearing. A Hospitality Alliance survey of 300 restaurants in February 2020 found that 90 percent said the Grubhub/Seamless’s commission fees were “unreasonable,” and over 60 percent were “barely profitable” on their Grubhub/Seamless orders.<sup>44</sup> In the Council’s most recent hearing on July 1, 2021, restaurateurs lauded the current temporary cap, testifying, “Many restaurants would not have survived without this legislation,”<sup>45</sup> and asking for it to be made permanent.<sup>46</sup> One restaurateur underscored the fact that “everybody” uses the platforms and that he does not feel he has a choice but to participate, despite “working for free during the pandemic [because of low profit margins]”.<sup>47</sup> Trade associations like the New York State Restaurant Association<sup>48</sup> and the Hospitality Alliance<sup>49</sup> affirmed the need for a permanent cap, calling the food delivery platform industry, “unchecked”<sup>50</sup>.

Small businesses at City Council hearings have also questioned whether the platforms actually drive revenue to their businesses. As mentioned, platforms that provide marketing resources to businesses argue that they drive “incremental” revenue, additional profits on top of their existing dine-in customers.<sup>51</sup> However, the commissions restaurants are forced to pay on those incremental sales are far less profitable than the revenue restaurants generate from dine-in customers.<sup>52</sup> According to a restaurant owner in NYC, “We know for a fact that as delivery increases, our profitability decreases,” and accordingly, “sometimes it seems like we’re making food to make Seamless profitable.”<sup>53</sup> Morgan Stanley analysts similarly found in a 2017 report that the increase in sales from online delivery channels poses the risk of cannibalization of dine-in customers, resulting in profit-margin pressure on restaurant owners.<sup>54</sup> The report found that 43 percent of consumers who ordered food for delivery say it replaced a meal at a restaurant, an increase from 38 percent in 2016, which suggests incremental cannibalization of dine-in meals.<sup>55</sup>

Restaurants have also questioned whether the marketing services the delivery platforms provide actually increase consumer traffic to their restaurant. At the Committee on Small Business hearing on June 17, 2021, Jeffrey Bank, CEO of the Alicart Restaurant Group, commented:

<sup>43</sup> Testimony of Steve Becker, New York City Department of Small Business Services, New York City Council, “Oversight – The Changing Market for Food Delivery”, pg. 15, June 6, 2019, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=705634&GUID=0BC09A92-5DB4-496B-90EE-BF75DF712131&Options=info&Search=>;

<sup>44</sup> NYC Hospitality Alliance Grubhub/Seamless Survey, February 2020, New York City Council “Oversight: ‘Ghost Kitchens’ ‘Virtual Restaurants’ and the Future of the Restaurant Industry”, pg. 8-28, February 6, 2020, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=759804&GUID=B42220FE-417A-484C-B7CF-51725F784A71&Options=info&Search=>;

<sup>45</sup> Testimony of Jeffrey Bank, New York City Council hearing, pg. 158, July 1, 2021, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=874195&GUID=FC36A86D-9FE6-4CE6-9181-50687AA2E341&Options=&Search=>

<sup>46</sup> *Id.*

<sup>47</sup> Testimony of George Buono, New York City Council hearing, pg. 134, July 1, 2021, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=874195&GUID=FC36A86D-9FE6-4CE6-9181-50687AA2E341&Options=&Search=>;

<sup>48</sup> Testimony of Kathleen Reilly, New York City Council hearing, pg. 166, July 1, 2021, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=874195&GUID=FC36A86D-9FE6-4CE6-9181-50687AA2E341&Options=&Search=>;

<sup>49</sup> Testimony of Andrew Rigie, New York City Council hearing, pg. 139-140, July 1, 2021, available at:

<https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=874195&GUID=FC36A86D-9FE6-4CE6-9181-50687AA2E341&Options=&Search=>;

and testimony of Robert Bookman, New York City Council hearing, pg. 144, July 1, 2021, available at: <https://legistar.council.nyc.gov/MeetingDetail.aspx?ID=874195&GUID=FC36A86D-9FE6-4CE6-9181-50687AA2E341&Options=&Search=>;

<sup>50</sup> Testimony of Andrew Rigie at 139.

<sup>51</sup> Pnina Feldman, Andrew E. Frazelle, and Robert Swinney, “Can Delivery Platforms Benefit Restaurants?”, April 30, 2019, Available at SSRN: <https://ssrn.com/abstract=3258739> or <http://dx.doi.org/10.2139/ssrn.3258739> \*

<sup>52</sup> Pnina Feldman, Andrew E. Frazelle, and Robert Swinney, “Can Delivery Platforms Benefit Restaurants?”, April 30, 2019, Available at SSRN: <https://ssrn.com/abstract=3258739> or <http://dx.doi.org/10.2139/ssrn.3258739>

<sup>53</sup> *Id.*

<sup>54</sup> “Alexa, What’s for Dinner Tonight?” Morgan Stanley, June 26, 2017, available at: <https://www.morganstanley.com/ideas/online-food-delivery-market-expands>

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

When you go to Google right now, type in Carmine's, my restaurant that I own, and write Carmine's delivery, cause you want to order from Carmine's... why does Seamless and Grubhub, DoorDash, and Postmates come up before my restaurant? My customers are looking for me. They do not want me to pay any fees. So, [the platforms] need more fees to charge me more money so they can advertise more to steal my own customers. It's crazy, a little genius.<sup>56</sup>

#### D. The Pandemic's Impact

During the COVID-19 pandemic, when lockdowns were in place across the country, many consumers turned to take-out due to restricted dine-in options. Over 65 percent of consumers in the United States are more likely to purchase takeout from a restaurant now than before the pandemic, and over 50 percent of consumers say that takeout and delivery are essential to the way they now live.<sup>57</sup> According to analysts from Morgan Stanley, the increase in use of food delivery that was projected to take years occurred in a few months.<sup>58</sup>

Even though most COVID-19 restrictions have been lifted in New York and City residents are able to dine-in at restaurants, the shift in consumer behavior may remain. According to Scott Duke Kominers, an associate professor at Harvard Business School, "People have gotten much more used to ordering food and other products through delivery services. Some of that will decline once it's safe to do things in person, of course... But new habit formation is powerful."<sup>59</sup> Uber CEO Dara Khosrowshahi similarly expects Uber Eats to experience a small decline in new customers as COVID-19 restrictions are lifted, however, he acknowledged "it looks like the habit [of consumers ordering food on Uber Eats] is sticking."<sup>60</sup>

Third-party platforms profited from the surge in consumer use of their platforms during the pandemic. The major food delivery platforms doubled their combined revenue during the pandemic, making a profit of \$5.5 billion in April to September 2020, compared to \$2.5 billion during the same months the previous year.<sup>61</sup> Food delivery companies generated \$50.6 billion in sales in 2020, more than double the \$22.7 billion in sales generated in 2019.<sup>62</sup> A study found that of the \$28 billion increase in sales that occurred between 2019 and 2020, over \$19 billion (69 percent) of this increase was due to the pandemic.<sup>63</sup> The report concludes, "Sales would have grown by 38% in the absence of the pandemic, significantly less than the 122% [growth] that was actually observed."<sup>64</sup>

The increase in consumer usage of third party food delivery platforms during the pandemic was also caused by an increase in restaurants joining delivery platforms. Because restaurants across the country were only open for take-out and delivery, many restaurants not previously on delivery platforms joined the platforms for the first time. The de Blasio administration issued a COVID-19 related guidance sheet for business owners on March 16, 2020, advising restaurants and food services to join food delivery platforms.<sup>65</sup> Accordingly, the platforms were able to expand their footprint in NYC by increasing the number of restaurants on their platforms. During an interview with MarketWatch, Grubhub CEO Matt Maloney acknowledged that the pandemic caused the platform

<sup>56</sup> NYC Council Committee on Small Business hearing, June 17, 2021, transcript available at: <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=4988638&GUID=7AD12CDE-B09E-486D-A189-98AD23128D8B&Options=&Search=>

<sup>57</sup> "National Restaurant Association Releases 2021 State of the Restaurant Industry Report", January 26, 2021, available at: <https://restaurant.org/news/pressroom/press-releases/2021-state-of-the-restaurant-industry-report>

<sup>58</sup> "COVID-19 Era Serves Up Big Changes for U.S. Restaurants", Morgan Stanley, available at: <https://www.morganstanley.com/ideas/coronavirus-restaurant-trends>

<sup>59</sup> Sara Ashley O'Brien, "The pandemic boosted food delivery companies. Soon they may face a reality check" December 6, 2020, available at: <https://www.cnn.com/2020/12/06/tech/food-delivery-pandemic-doorDash/index.html>

<sup>60</sup> "Food Delivery Is Keeping Uber Alive. Will It Kill Restaurants?" Kara Swisher, *The New York Times*, January 14, 2021, available at: <https://www.nytimes.com/2021/01/14/opinion/sway-kara-swisher-dara-khosrowshahi.html?showTranscript=1>

<sup>61</sup> Levi Sumagaysay "The pandemic has more than doubled food-delivery apps' business. Now what?", *MarketWatch*, November 27, 2020, available at: <https://www.marketwatch.com/story/the-pandemic-has-more-than-doubled-americans-use-of-food-delivery-apps-but-that-doesnt-mean-the-companies-are-making-money-11606340169>.

<sup>62</sup> Elliot Shin Oblander and Daniel Minh McCarthy, "How has COVID-19 Impacted Customer Relationship Dynamics at Restaurant Food Delivery Businesses?" April 26, 2021, available at: [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=3836262](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3836262)

<sup>63</sup> *Id.*

<sup>64</sup> *Id.*

<sup>65</sup> Flatiron District "Guidance for business owners – Updated March 16, 2020: Tips for addressing changes in customer behavior due to the Novel (New) Coronavirus (COVID19)", available at: <https://www.flatirondistrict.nyc/uploaded/files/COVID-19/COVID-19%20Guidance%20for%20Business%20Owners%20-%20203-16-2020.pdf>

to receive “10 to 15 times our usual new restaurant leads. This interest has led to four to five times more new restaurant go-lives compared to our previous record-breaking day.”<sup>66</sup> Maloney meanwhile acknowledged that restaurants could not survive on deliveries alone during the pandemic.<sup>67</sup> According to Maloney, “The industry isn’t large enough for all restaurants to survive just on delivery, but they can survive for a matter of weeks potentially. It’s definitely not a long-term solution to bridge across restaurants.”<sup>68</sup>

The financial success of these companies is also apparent from their corporate strategies during this period. Uber acquired the delivery service Postmates in November 2020, further consolidating the food delivery marketplace.<sup>69</sup> In December 2020, DoorDash made its public market debut and the DoorDash stock rose 86 percent during its initial public offering (IPO), one of the biggest IPOs of 2020.<sup>70</sup>

While platforms profited during the pandemic, the restaurant industry has struggled. Even before the pandemic, the costs to operate a restaurant in the City, including rent, labor and inventory, were high, leaving little room for added costs like platform commission fees.<sup>71</sup> From 2015 to 2016 the number of independent restaurants in the City fell three percent, slightly more than the national average.<sup>72</sup> The onset of the pandemic only worsened conditions for restaurants. According to Partnership for New York City, 5,000 eateries have closed in New York City since the start of the pandemic.<sup>73</sup> In December 2020, the National Restaurant Association reported that over 110,000 restaurants, around 17 percent of restaurants in the U.S., were either closed permanently or long-term due to the pandemic.<sup>74</sup> Opportunity Insights reports that revenue for small businesses in the leisure and hospitality industry are still down 70 percent in June 2021 in comparison to January 2020.<sup>75</sup>

While restaurants made a greater percentage of their earnings through off-premise sales during the pandemic, the increase in off-premise sales did not compensate for the loss of in-person dining. According to a NYS Restaurant Association survey from March 2021, among restaurant owners in New York whose off-premise business increased compared to pre-COVID levels, over 65 percent say their higher off-premises sales made up less than 30 percent of their lost on-premises sales.<sup>76</sup> Thirty-five percent of restaurant owners surveyed predicted it would take over a year before business conditions returned to their pre-COVID levels.<sup>77</sup>

In response to this financial devastation, the Council passed Local Laws 51 and 52, which went into effect in June 2020, and then further extended these pieces of legislation through the passage of Local Laws 87 and 88 of 2020. These laws prohibited platforms from charging restaurants for telephone orders that did not result in an actual transaction during the call and limited the amount of fees per order that may be charged by the platforms, respectively. Other jurisdictions have taken similar measures to limit third-party platform fees. The State of New Jersey has limited commission fees to 10 or 20 percent depending on whether the order is delivered by a

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<sup>66</sup> *Id.*

<sup>67</sup> Elisabeth Buchwald, “Restaurants can’t survive on delivery alone, says Grubhub CEO Matt Maloney”, March 23, 2020, MarketWatch, available at: <https://www.marketwatch.com/story/restaurants-wont-be-able-to-survive-on-delivery-only-says-grubhub-ceo-matt-maloney-2020-03-21>

<sup>68</sup> *Id.*

<sup>69</sup> Mike Isaac, Erin Griffith and Adam Satariano, “Uber Buys Postmates for \$2.65 Billion,” *The New York Times*, Updated November 13, 2020, available at: <https://www.nytimes.com/2020/07/05/technology/uber-postmates-deal.html#:~:text=SAN%20FRANCISCO%20%E2%80%94%20Uber%20has%20agreed,stock%20deal%20on%20Monday%20morning>

<sup>70</sup> Erin Griffith, “DoorDash Soars in First Day of Trading,” *The New York Times*, Updated March 19, 2021, available at: <https://www.nytimes.com/2020/12/09/technology/door-dash-ipo-stock.html>

<sup>71</sup> Karen Stabner, “Is New York Too Expensive for Restaurateurs? We Do the Math,” *The New York Times*, October 25, 2016, <https://www.nytimes.com/2016/10/26/dining/restaurant-economics-new-york.html>. See also Gabe Flores, “What Is the Average Profit Margin for a Restaurant?” *Restaurant365*, February 25, 2020, <https://www.restaurant365.com/blog/what-is-the-average-profit-margin-for-a-restaurant/> (asserting the average profit margin of a restaurant is three to six percent, with a possible margin of up to 10 percent).

<sup>72</sup> *Id.*

<sup>73</sup> “Jobs, not Taxes, Should be Top Priority for 2021-22” *Partnership for New York City*, February 17, 2021, available at: <https://pnyc.org/news/jobs-not-taxes-should-be-top-priority-for-2021-22/>

<sup>74</sup> “Restaurant Industry in Free Fall; 10,000 Close in Three Months”, *National Restaurant Association*, December 7, 2020, available at: <https://restaurant.org/news/pressroom/press-releases/restaurant-industry-in-free-fall-10000-close-in>

<sup>75</sup> “Percent Change in Small Business Revenue”, *Opportunity Insights*, Updated June 2, 2021, available at: <https://tracktherecovery.org/>

<sup>76</sup> “State Restaurant Association Survey: Majority of Operators Report Delivery and Take-Out Sales Make Up Less Than One Third of Lost Sales,” New York State Restaurant Association, March 4, 2021, available at: [https://www.nysra.org/uploads/1/2/1/3/121352550/nys\\_survey\\_results\\_march\\_4\\_2021.pdf](https://www.nysra.org/uploads/1/2/1/3/121352550/nys_survey_results_march_4_2021.pdf)

<sup>77</sup> *Id.*



restaurant worker or a restaurant's contractor;<sup>78</sup> Philadelphia,<sup>79</sup> Washington D.C.<sup>80</sup> and Portland<sup>81</sup> enacted laws limiting commission fees; and the mayors of Seattle<sup>82</sup> and San Francisco<sup>83</sup> issued emergency orders temporarily capping commission fees at 15 percent (Jersey City at 10 percent)<sup>84</sup>. On June 22, 2021, the San Francisco Board of Supervisors voted unanimously to pass a permanent fee cap on the amount that platforms can charge restaurants.<sup>85</sup> The cap prohibits the platforms from charging over 15 percent per order for delivery fees, however, the cap does not cover other costs like marketing fees.

### E. Listing Non-Participating Restaurants

Since the food delivery sector is a competitive marketplace, certain practices have become commonplace in the industry that are disadvantageous to restaurant owners. For example, restaurants that have not joined a third-party delivery service may find their restaurant listed on a delivery application without their consent. According to Grubhub spokesperson Grant Klinzman, a delivery service may add a restaurant to its platform without their consent if the service sees local demand for the restaurant owner's cuisine. Grubhub adds these unlisted restaurants so "the restaurant can receive more orders and revenue from deliveries completed by our drivers. This is a model that other food delivery companies have been doing for years as a way to widen their restaurant supply, and we're using it as well in some markets to create a level playing field."<sup>86</sup> A delivery application may add restaurants to their platform, even in the absence of a contract with the restaurant, to ensure they are not at a disadvantage in comparison to other food delivery platforms. This system may also benefit a restaurant owner, who could begin to get higher order volumes through the application.<sup>87</sup>

Nonetheless, the model of platforms adding restaurants without the restaurant owner's knowledge can be detrimental to a restaurant owner's business. Restaurants may not have designed dishes for long travel or high volume,<sup>88</sup> and menus posted by third-party platforms can be out of date or inaccurate, which can also further frustrate customers.<sup>89</sup> Delivery platforms' practice of listing restaurants without consulting the restaurant owner also robs the restaurant of the agency to decide whether they want to contract with a platform.<sup>90</sup> Restaurant owners unknowingly lose control of making their own business decisions and deciding the direction they want to take their business.<sup>91</sup> According to Grubhub, "[T]he non-partnered model is no doubt a bad experience for diners, drivers and restaurants.

<sup>78</sup> New Jersey Senate Bill 2437, available at: <https://legiscan.com/NJ/text/S2437/id/2203307>.

<sup>79</sup> The Philadelphia Code, Chapter 9-5000, available at:

[https://phila.legistar.com/LegislationDetail.aspx?ID=4553673&GUID=0DE18EE1-E462-4B1E-B58F-746F39D76748&Options=ID%7cText%7c&Search=200344&fbclid=IwAR02ax6pEBPrAZVOYk4jBY5ydrD\\_ZbeiA2WwwroV9E-CFOeQD4MKzlp5I-U](https://phila.legistar.com/LegislationDetail.aspx?ID=4553673&GUID=0DE18EE1-E462-4B1E-B58F-746F39D76748&Options=ID%7cText%7c&Search=200344&fbclid=IwAR02ax6pEBPrAZVOYk4jBY5ydrD_ZbeiA2WwwroV9E-CFOeQD4MKzlp5I-U); see also Jenn Ladd, "How Philly's new food-delivery law changes the rules for Grubhub, DoorDash, and other services", July 30, 2020, *The Philadelphia Inquirer*, <https://www.inquirer.com/food/philadelphia-caps-third-party-delivery-fees-restaurants-pandemic-20200730.html>.

<sup>80</sup> Code of the District of Columbia, § 48-641, available at: <https://code.dccouncil.us/dc/council/code/sections/48-641.html>.

<sup>81</sup> Portland Ordinance available at: <https://efiles.portlandoregon.gov/Record/13908986/File/Document>

<sup>82</sup> City of Seattle, Civil Emergency Order: Restricting Restaurant Delivery and Pick-Up Commission Fees, April 24, 2020, available at: <https://durkan.seattle.gov/wp-content/uploads/sites/9/2020/04/Emergency-Order-Delivery-Fee-Cap-4-24-2020.pdf>.

<sup>83</sup> City and County of San Francisco, Office of the Mayor, Mayor London Breed Announces Delivery Fee Cap to Support San Francisco Restaurants During COVID-19 Pandemic, April 10, 2020, available at: <https://sfmayor.org/article/mayor-london-breed-announces-delivery-fee-cap-support-san-francisco-restaurants-during-covid>.

<sup>84</sup> City of Jersey City Office of the Mayor, Executive Order – Third-Party Food Service Fee Cap, May 7, 2020, available at: [https://jerseycitynj.gov/UserFiles/Servers/Server\\_6189660/File/City%20Hall/Mayors%20Office/Mayoral%20Executive%20Orders/2020/Executive%20Order%20Food%20Delivery%20App%20Price%20Cap%20-%20205.4.20.pdf](https://jerseycitynj.gov/UserFiles/Servers/Server_6189660/File/City%20Hall/Mayors%20Office/Mayoral%20Executive%20Orders/2020/Executive%20Order%20Food%20Delivery%20App%20Price%20Cap%20-%20205.4.20.pdf).

<sup>85</sup> Tanay Warerker, "San Francisco will permanently cap food delivery fees for DoorDash, Grubhub and other apps", *San Francisco Chronicle*, June 23, 2021, available at: <https://www.sfchronicle.com/food/restaurants/article/Food-app-delivery-commission-in-S-F-capped-at-16266468.php>

<sup>86</sup> Christopher Robbins, "New Bill Aims To Curb "Parasite" Food Delivery Apps In NY State", *Gothamist*, January 6, 2021, available at: <https://gothamist.com/food/new-bill-aims-curb-parasite-food-delivery-apps-ny-state>

<sup>87</sup> Jaya Saxena, "Grubhub's New Strategy Is to Be an Even Worse Partner to Restaurants" *Eater NY*, October 30, 2019, available at: <https://www.eater.com/2019/10/30/20940107/grubhub-to-add-restaurants-without-permission-like-postmates>

<sup>88</sup> Caleb Pershan, "'We Don't Even Do Takeout': Why, Then, Is This Restaurant on Seamless?" *Eater*, January 29, 2020, available at: <https://www.eater.com/2020/1/29/21113416/grubhub-seamless-kin-khao-online-delivery-mistake-doordash>

<sup>89</sup> *Id.*

<sup>90</sup> "Restaurants File Class Action Lawsuit Against Grubhub for Adding Them to Its Platform Without Permission" *Business Wire*, October 27, 2020, available at: <https://www.businesswire.com/news/home/20201027006171/en/Restaurants-File-Class-Action-Lawsuit-Against-Grubhub-for-Adding-Them-to-Its-Platform-Without-Permission>

<sup>91</sup> *Id.*

But our peers have shown growth – although not profits – using the tactic, and we believe there is a benefit to having a larger restaurant network: from finding new diners and not giving diners any reason to go elsewhere.”<sup>92</sup>

Restaurants have filed lawsuits against delivery platforms after finding out they have been listed on a platform without their knowledge. In 2015, In-N-Out filed a lawsuit against DoorDash for trademark infringement and unfair competition under state and federal laws for DoorDash advertising and delivering In-N-Out orders without the company's agreement.<sup>93</sup> In October 2020, two restaurants in California filed a class action lawsuit against Grubhub for listing their restaurants on the platform without the restaurants' consent, which the restaurants have alleged has caused their businesses to suffer reputational harm and a loss in control over their customers' experiences.<sup>94</sup>

Regulators have taken action to stop the practice of platforms listing restaurants without the consent of the restaurant owner. In September 2020, Governor Newsom signed AB-2149, which prevents platforms from delivering food from a restaurant unless the restaurant has “expressly authoriz[ed] the food delivery platform to take orders and deliver meals prepared by the food facility.”<sup>95</sup> The Seattle City Council passed a similar law on June 14, 2021, which requires food delivery platforms to have a written agreement with a restaurant prior to offering consumers delivery from that restaurant.<sup>96</sup> In the New York State Legislature, A4651/S1630A, which would similarly prohibit the unauthorized listing of restaurants on food delivery platforms, passed in the State Senate and Assembly. It has not yet been delivered to the Governor for his signature.<sup>97</sup> In response to this problem, the City Council passed introduction 2333-A, which prohibits the inclusion of a food service establishment's products on a third-party food delivery platform without a written agreement authorizing such inclusion.

## F. Telephone Orders

As previously mentioned, during past Committee hearings on the rise of third party delivery platforms, restaurants have testified that they have been charged erroneous fees they are forced to pay from consumer phone calls that do not result in orders. When consumers call a restaurant directly instead of ordering from the platform's website or phone application, delivery platforms are left out of the transaction and therefore do not profit from the order. To capitalize off these transactions, certain third party platforms have generated their own numbers for restaurants online.<sup>98</sup> Telephone calls placed through the number are analyzed by an algorithm to determine whether an order was placed on the call.<sup>99</sup>

The algorithm often does not accurately identify telephone orders, however, according to restaurants that have been charged these fees. In 2018, a class action lawsuit was filed in the United States District Court for the Eastern District of Philadelphia against Grubhub. According to the plaintiff, an owner of a local Indian restaurant chain, Grubhub had committed wrongful conduct, including, but not limited to, “withholding commissions for sham telephone food orders, depriving more than 80,000 restaurants of revenues and profits that rightfully belong to them.”<sup>100</sup> At the Committee hearing on August 13, 2020, a restaurant owner testified that despite the Council's passage of Local Law 51, he continued to be charged by a platform erroneously for phone orders. The Council

<sup>92</sup> Jaya Saxena, “Grubhub's New Strategy Is to Be an Even Worse Partner to Restaurants” *Eater NY*, October 30, 2019, available at: <https://www.eater.com/2019/10/30/20940107/grubhub-to-add-restaurants-without-permission-like-postmates>

<sup>93</sup> Whitney Filloon, “In-N-Out Burger Sues DoorDash for Delivering Its Food Without Permission,” *Eater*, November 11, 2015, available at: <https://www.eater.com/2015/11/11/9714840/in-n-out-doordash-delivery-lawsuit>

<sup>94</sup> LYNN SCOTT, LLC; THE FARMER's WIFE, LLC, on behalf of themselves and all others similarly situated, v. GRUBHUB INC. UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION, October 26, 2020, available at: <https://www.classlawgroup.com/wp-content/uploads/Grubhub-Class-Action-Lawsuit-Gibbs-Law-Group.pdf?x96633>

<sup>95</sup> Assembly Bill No. 2149, California Legislative Information, available at: [https://leginfo.ca.gov/faces/billTextClient.xhtml?bill\\_id=201920200AB2149](https://leginfo.ca.gov/faces/billTextClient.xhtml?bill_id=201920200AB2149)

<sup>96</sup> “CB 120092, AN ORDINANCE relating to the regulation of food delivery businesses and platforms; adding a new Chapter 7.30 to the Seattle Municipal Code.” Office of the City Clerk, available at: <https://seattle.legistar.com/LegislationDetail.aspx?ID=4969081&GUID=75D6EFC5-36FB-4B08-AFA5-3898DC755786&Options=ID%7C&Search=120092>

<sup>97</sup> Assembly Bill A4651, New York State Assembly, <https://www.nysenate.gov/legislation/bills/2021/a4651>

<sup>98</sup> Jaya Saxena, “Delivery Apps Aren't Getting Any Better” *Eater*, May 29, 2019, available at: <https://www.eater.com/2019/5/29/18636255/delivery-apps-hurting-restaurants-grubhub-seamless-ubereats>

<sup>99</sup> *Id.*

<sup>100</sup> *TIFFIN EPS, LLC v. GrubHub, Inc.*, 2:18-cv-05630-PD, Complaint, p. 21.5., available at: [https://cdn.vox-cdn.com/uploads/chorus\\_asset/file/16288289/Grubhub\\_lawsuit.pdf](https://cdn.vox-cdn.com/uploads/chorus_asset/file/16288289/Grubhub_lawsuit.pdf).

subsequently extended Local Law 51 through the passage of Local Law 87. To address this problem, the Council passed Int. No. 2335-A, which requires third-party food delivery services to provide a description of the telephone numbers listed in connection with food service establishments. The Council also extended Local Law 87 through February 17, 2022.

On August 23, Grubhub started implementing a new system to process telephone calls. To the Committee's knowledge, instead of relying on an algorithm, the company is going to be using call centers with customer service representative to facilitate orders from Grubhub-owned phone lines to restaurants.<sup>101</sup>

### **III. BILL ANALYSIS**

#### **Int. 1897-A**

This bill would require the platforms (called "third-party food delivery services" in the bill) to obtain a license in order to do business in the City. Such services would be defined as "any website, mobile application or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment." The definition would encompass services like Grubhub, Uber Eats and DoorDash.

The third-party food delivery services would be required to apply for a license from DCWP every two years for a fee of \$200. They would also be required to comply with the requirements of recently passed Introductions 2311-A, 2333-A, 2335-A and 2356-A, which would be incorporated into this bill's licensing scheme. Thus, the licensed services would be required to share customer order data with the restaurant fulfilling the customer's order (Int. 2311-A); would be prohibited from listing restaurants on their platform without the restaurants' permission (Int. 2333-A); would be required to list a restaurant's brick-and-mortar telephone number on their platform, and if a platform-generated phone number is also listed, identify both numbers and any fees associated with them (Int. 2335-A); and would be prohibited from charging restaurants' for telephone orders for which a transaction did not take place during the call (Int. 2356-A). The services would also be required to comply with the provisions of Preconsidered Int. 2390, which would permanently cap the services' commission fees. A violation of these bills' requirements could lead to a denial, suspension or revocation of a license, among other consequences. The subchapter in which third-party food delivery service bills have been codified up until now would be repealed.

To ensure compliance with the bill's licensing scheme, the third-party food delivery services would be required to keep certain records, such as a list of restaurants on their platform, their written agreements with the restaurants, and documentation of the fees the services have charged restaurants. If a third-party food delivery service commits two or more violations of any provision of Int. 1897-A or Preconsidered Int. 2390, or makes a material false statement in connection with the license application, the Department could deny or refuse to renew the service's license, or suspend or revoke their license. Third-party food delivery services who violate the requirements in this bill would also be subject to civil penalties of \$500 per restaurant per day, or \$1000 per restaurant per day if the cap on commission fees in Preconsidered Int. 2390 is exceeded. The City would be empowered to seek restitution on behalf of a restaurant against which a violation is committed. The third-party food delivery services would also be subject to civil action from the City or any person against whom a violation was committed. The Department would be required to conduct culturally appropriate outreach to restaurants and third-party food delivery services for a period of 90 days, no more than 60 days after the bill becomes law, on the provisions of the bill.

This bill would take effect 120 days after becoming law.

#### **Preconsidered Int. No. 2390**

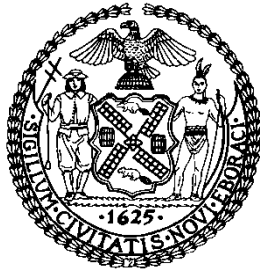
This bill would add a new section in the subchapter added by Int. 1897-A, prohibiting third-party food delivery services from charging food service establishments more than 15% per order for delivery and more than

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<sup>101</sup> Lisa Fickenscher, "Grubhub ditches controversial phone ordering system" NY Post, August 10, 2021, available at: <https://nypost.com/2021/08/10/grubhub-ditches-controversial-phone-ordering-system/>

5% per order for all other fees, except for transaction fees. The bill would prohibit third-party food delivery services from charging more than 3% per order for transaction fees, except that it would allow for a higher charge if the third-party food delivery service can provide proof that such higher charge was imposed upon the service by a credit card company or internet-based payment system to DCWP and the relevant food service establishment if requested. This bill would also require the Department to submit a report to the Mayor and the Speaker of the Council every two years, beginning no later than September 30, 2023, recommending the maintenance or adjustment of this bill's cap on fees, by looking at factors such as the effect of the cap on third-party food delivery services and food service establishments; whether the cap affects delivery workers' wages and working conditions; the products provided by third-party food delivery services for listing, processing and marketing; and figures related to the bill's subchapter such as the number of complaints and violations, total amount of penalties imposed and the amount of restitution recovered.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1897-A:)**



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

**PROPOSED INT. NO.: 1897-A  
COMMITTEE: Small Business**

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**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the licensing of third-party food delivery services, and to repeal subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services.

By Council Members Gjonaj, Brannan, Gibson, Perkins, Louis, Ayala, Lander, Chin, Koslowitz and Gennaro.

**SUMMARY OF LEGISLATION:** Proposed Int. No. 1897-A would require third-party food delivery services to obtain a license in order to do business in the City. It would also repeal the subchapter in the Administrative Code that contains existing laws regulating third-party food delivery services, and would instead incorporate the requirements of recently passed Introductions 2311-A, 2333-A, 2335-A and 2356-A into this bill's licensing scheme. Under the bill, the department could deny or refuse to renew a license, or suspend or revoke a license, if a third-party food delivery service committed two or more violations of the bill's subchapter. Third-party food delivery services who violate the requirements in the bill's subchapter would also be subject to civil penalties, as well as civil action from the City or a person against whom a violation was committed. The Department of Consumer and Worker Protection would be required to conduct outreach on the provisions of this bill.

**EFFECTIVE DATE:** This local law would take effect 120 days after becoming law.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$2,000</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is estimated that there will be recurring revenue of approximately \$2,000 every two years from the collection of approximately ten \$200 biennial fees for a license to operate third-party food delivery service.

**IMPACT ON EXPENDITURES:** It is estimated that there will be no cost from the implementing this legislation as the agency responsible for its implementation can use existing resources to conduct outreach on the provisions of this bill and implement it.

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

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

**ESTIMATE PREPARED BY:** Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director  
Crilhien Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation was introduced to the full Council as Int. No. 1897 on February 27, 2020 and was referred to the Committee on Small Business (Committee). A hearing was held jointly by the Committee and the Committee on Consumer Affairs and Business Licensing on April 29, 2020, and the legislation was laid over. The legislation was subsequently amended and the amended version, Proposed Int. No. 1897-A, will be voted on by the Committee at a hearing on August 26, 2021. Upon successful vote by the Committee, Proposed Int. No. 1897-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 20, 2021.

**(For text of Preconsidered Int. No. 2390 and its Fiscal Impact Statement, please see the Report of the Committee on Small Business for Preconsidered Int. No. 2390 printed in these Minutes; for text of Int. No. 1897-A, please see below)**

*Accordingly, this Committee recommends the adoption of Int. No. 1897-A and Preconsidered Int. No. 2390.*

**(The following is the text of Int. No. 1897-A:)**

Int. No. 1897-A

By Council Members Gjonaj, Brannan, Gibson, Perkins, Louis, Ayala, Lander, Chin, Koslowitz and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to the licensing of third-party food delivery services, and to repeal subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York is REPEALED.

§ 2. Chapter 2 of title 20 of the administrative code of the city of New York is amended by adding a new subchapter 36 to read as follows:

*Subchapter 36  
Third-Party Food Delivery Services*

*§ 20-563 Definitions. As used in this subchapter, the following terms have the following meanings:*

*Credit card. The term "credit card" means any credit card, charge card, courtesy card, debit card, or other device issued by a person to another person which may be used to obtain a cash advance or a loan or credit, or to purchase or lease property or services on the credit of the person issuing the credit card or a person who has agreed with the issuer to pay obligations arising from the use of a credit card issued to another person.*

*Customer data. The term "customer data" means the following information provided to a third-party food delivery service by a customer who has placed an online order:*

- i) Name;*
- ii) Telephone number;*
- iii) E-mail address;*
- iv) The delivery address of the online order; and*
- v) The contents of the online order being requested to be fulfilled by a food service establishment.*

*Delivery fee. The term "delivery fee" means a fee charged by a third-party food delivery service for providing a food service establishment with a service that delivers food from such establishment to customers. The term does not include any other fee that may be charged by a third-party food delivery service to a food service establishment, such as fees for listing or advertising the food service establishment on the third-party food delivery platform or fees related to processing the online order.*

*Direct telephone number. The term "direct telephone number" means a telephone number by which the caller communicates directly with a food service establishment, which is not a third-party telephone number.*

*Food service establishment. The term "food service establishment" means a business establishment located in the city where food is provided for individual portion service directly to the consumer whether such food is provided free of charge or sold, and whether consumption occurs on or off the premises or is provided from a pushcart, stand or vehicle.*

*Internet-based payment system. The term "internet-based payment system" means any mobile application or other internet service that facilitates electronic payments.*

*Online order. The term "online order" means any order placed by a customer through or with the assistance of a third-party food delivery platform, including a telephone order.*

*Purchase price. The term "purchase price" means the total price of the items contained in an online order that are listed on the menu of the food service establishment where such order is placed. Such term does not include taxes, gratuities and any other fees that may make up the total cost to the customer of an online order.*

*Telephone order. The term "telephone order" means an order placed by a customer through a third-party telephone number.*

*Third-party food delivery platform. The term "third-party food delivery platform" means the online or mobile platform of the third-party food delivery service on which a customer can view products available for sale and place an online order for a food service establishment's products.*

*Third-party food delivery service. The term "third-party food delivery service" means any website, mobile application or other internet service that: (i) offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, a food service establishment; and (ii) that is owned and operated by a person other than the person who owns such food service establishment.*

*Third-party telephone number. The term "third-party telephone number" means a telephone number for a food service establishment that is provided by or on behalf of a third-party food delivery service, through which an online order may be placed.*

*Transaction fee.* The term “transaction fee” means a charge for the processing of a payment for an online order imposed upon a third-party food delivery service either by: (i) a credit card issuer or (ii) an internet-based payment system.

§ 20-563.1 License. a. License required. It shall be unlawful for any person to operate a third-party food delivery service without first having obtained a license therefor issued pursuant to this subchapter. All licenses issued pursuant to this subchapter shall be valid for no more than two years and expire on a date the commissioner prescribes by rule.

b. License application. An application for any license required under this subchapter or for any renewal thereof shall be made to the commissioner in such form or manner as the commissioner shall prescribe by rule, provided that such application shall include, but need not be limited to:

1. The address of the applicant;
2. A list of all websites, mobile applications, or other third-party food delivery platforms, with relevant uniform resource locators, that the applicant uses or plans to use to conduct the business of a third-party food delivery service;
3. An e-mail address that the department can use to send the applicant license application materials, official notifications, or other correspondence; and
4. If the applicant is a non-resident of the city, the name and address of a registered agent within the city upon whom process or other notifications may be served.

c. Fee. There shall be a biennial fee of \$200 for a license to operate a third-party food delivery service.

§ 20-563.2 Issuance of license. A license to operate a third-party food delivery service shall be granted in accordance with the provisions of this subchapter and any rules promulgated by the commissioner thereunder.

§ 20-563.3 Reserved.

§ 20-563.4 Telephone orders. No third-party food delivery service may charge any fee from a food service establishment for a telephone order if a telephone call between such establishment and a customer does not result in an actual transaction during such telephone call.

§ 20-563.5 Telephone number listings. a. A third-party food delivery service that lists or links to a telephone number for a food service establishment shall include in such listing or link the direct telephone number of such food service establishment. A third-party food delivery service may also list or link to a third-party telephone number in addition to such direct telephone number, provided that such listing or link includes a prominent and conspicuous description of each telephone number, including but not limited to identification of each telephone number as a third-party telephone number or a direct telephone number, as applicable, and any fee associated with the use of each telephone number for telephone orders, whether imposed on the food service establishment or on the caller.

b. The commissioner shall adopt such rules and regulations as may be necessary to effectuate the purposes of this section, including but not limited to defining the contents, size and location of the descriptions required by this section.

§ 20-563.6 Unauthorized listings. a. A third-party food delivery service shall not list, advertise, promote, or sell a food service establishment’s products on, or arrange for the delivery of an order of such products through, the website, mobile application or other platform of such third-party food delivery service without a written agreement between such third-party food delivery service and such food service establishment to include the food service establishment’s products on such website, mobile application or other platform.

b. An agreement executed in accordance with this section shall not include a provision, clause, or covenant that requires a food service establishment to indemnify a third-party food delivery service, any independent contractor acting on behalf of the third-party food delivery service, or any registered agent of the third-party food delivery service, for any damages or harm by an act or omission occurring after the food service establishment’s product leaves the place of business of the food service establishment. To the extent an agreement executed in accordance with this section contains such a provision, such provision shall be deemed void and unenforceable.

§ 20-563.7 Customer data. a. A food service establishment may request customer data from a third-party food delivery service. Upon such a request, a third-party food delivery service shall provide to the food service establishment all applicable customer data, until such food service establishment requests to cease receiving such customer data.

*b. Notwithstanding the requirements of subdivision a of this section, a third-party food delivery service shall not share customer data applicable to an online order pursuant to subdivision a of this section if such customer requests that such data not be shared in relation to such online order. The customer shall be presumed to have consented to the sharing of such customer data applicable to all online orders unless such customer has made such a request in relation to a specific online order. The third-party food delivery service shall provide in a conspicuous manner on its website, in a style and form required by the commissioner, a means for a customer to make such request. To assist its customers with deciding whether their data should be shared, a third-party food delivery service shall clearly and conspicuously disclose to the customer the customer data that may be shared with the food service establishment and shall identify the food service establishment fulfilling such customer's online order as a recipient of such data.*

*c. Third-party food delivery services that share customer data pursuant to this section shall provide such data in a machine-readable format, disaggregated by customer, on an at least monthly basis. Third-party food delivery services shall not limit the ability of food service establishments to download and retain such data, nor limit their use of such data for marketing or other purposes outside of the third-party food delivery service website, mobile application or other internet service.*

*d. Food service establishments that receive customer data pursuant to this section shall not sell, rent, or disclose such customer data to any other party in exchange for financial benefit, except with the express consent of the customer from whom the customer data was collected; shall enable a customer to withdraw their consent to use of their data by the food service establishment; and shall delete any such customer data upon request by a customer.*

*e. Nothing in this section shall prevent a third-party food delivery service or a food service establishment from complying with any other law or rule.*

*§ 20-563.8 Records. a. Every third-party food delivery service required to be licensed under this subchapter shall maintain the following records in an electronic format for a period of at least three years:*

*1. A roster of all food service establishments the third-party food delivery service lists on its website, mobile application, or other third-party food delivery platform and has listed on such website, mobile application, or other third-party food delivery platform;*

*2. All written agreements with a food service establishment;*

*3. Records listing itemized fees the third-party food delivery service has charged each food service establishment with which the third-party food delivery service maintains an agreement;*

*4. Such records related to the ownership of the third-party food delivery service as the commissioner may prescribe by rule; and*

*5. Such other records as the commissioner may prescribe by rule.*

*b. All records required by this section or by the commissioner by rule shall be made available to the department electronically upon request, consistent with applicable law and in accordance with rules promulgated hereunder and with appropriate notice.*

*§ 20-563.9 Denial, renewal, suspension and revocation of license. In addition to any powers of the commissioner and not in limitation thereof, the commissioner may deny or refuse to renew any license required under this subchapter and may suspend or revoke any such license, after due notice and opportunity to be heard, if the applicant or licensee, or, where applicable, any of its officers, principals, directors, members, managers, employees, or stockholders owning more than ten percent of the outstanding stock of the corporation, is found to have:*

*a. Committed two or more violations of any provision of this subchapter or any rules promulgated thereunder in the preceding two years;*

*b. Made a material false statement or concealed a material fact in connection with the filing of any application pursuant to this subchapter; or*

*c. Committed two or more violations of chapter five of title twenty of this code and any rules promulgated thereunder in the preceding two years.*

*§ 20-563.10 Enforcement, civil penalties and restitution. a. Any person who violates, or causes another person to violate, a provision of this subchapter or any rule promulgated pursuant thereto, shall be subject to a civil penalty that shall not exceed \$500 for each violation, except that a person that violates any provision of section 20-563.3 or any rule promulgated pursuant thereto shall be subject to a civil penalty that shall not exceed \$1,000 for each violation. Violations by third-party food delivery services under this subchapter shall accrue on*

*a daily basis for each day and for each food service establishment with respect to which a violation of this subchapter or any rule promulgated pursuant to this subchapter was committed. The department may also recover restitution on behalf of any food service establishment harmed by a violation of this subchapter or any rules promulgated pursuant to this subchapter by a third-party food delivery service. A proceeding to recover any civil penalty or restitution authorized pursuant to this subchapter may be brought in any tribunal established within the office of administrative trials and hearings or within any agency of the city designated to conduct such proceedings.*

*§ 20-563.11 Enforcement by the corporation counsel. a. A civil action may be brought by the corporation counsel on behalf of the city in any court of competent jurisdiction to recover any or all of the following:*

- 1. Civil penalties authorized by this section;*
- 2. Injunctive relief to restrain or enjoin any activity in violation of this subchapter;*
- 3. Restitution in an amount not to exceed the amount of fees collected by a third-party food delivery service in excess of the maximum amounts permitted pursuant to this subchapter;*
- 4. Attorneys' fees and costs, and such other remedies as a court may deem appropriate.*

*b. 1. Where reasonable cause exists to believe that a third-party food delivery service is engaged in a pattern or practice of violations of this subchapter, the corporation counsel may commence a civil action on behalf of the city in a court of competent jurisdiction.*

*2. A civil action pursuant to paragraph 1 of this subdivision shall be commenced by filing a complaint setting forth facts relating to such pattern or practice and requesting relief, which may include injunctive relief, civil penalties and any other appropriate relief.*

*3. In any civil action commenced pursuant to paragraph 1 of this subdivision, the trier of fact may impose a civil penalty of not more than \$25,000 for a finding that a third-party food delivery service has engaged in a pattern or practice of violations of this subchapter. Any civil penalty so recovered shall be paid into the general fund of the city.*

*c. The corporation counsel may initiate any investigation to ascertain such facts as may be necessary for the commencement of a civil action pursuant to this section, and in connection therewith shall have the power to issue subpoenas to compel the attendance of witnesses and the production of documents, to administer oaths and to examine such persons as are deemed necessary.*

*d. Nothing in this section prohibits a person alleging a violation of this subchapter from filing a civil action pursuant to section 20-563.12 based on the same facts as a civil action commenced by the corporation counsel pursuant to this section.*

*§ 20-563.12 Private cause of action. Any person alleging a violation of any provision of this subchapter may bring a civil action, in accordance with applicable law, in any court of competent jurisdiction to recover any or all of the following remedies:*

- a. Injunctive relief to restrain or enjoin any activity in violation of this subchapter;*
- b. Restitution in an amount not to exceed the amount of fees collected by a third-party food delivery service in excess of the maximum amounts permitted pursuant to this subchapter; and*
- c. Attorneys' fees and costs, and such other remedies as a court may deem appropriate.*

*§ 20-563.13 Outreach. No more than 60 days after the effective date of this local law, and continuing for 90 days thereafter, the commissioner, in collaboration with relevant agencies, shall conduct culturally appropriate outreach in the designated citywide languages, as defined in section 23-1101, to alert food service establishments and third-party food delivery services to the requirements of this subchapter. Such outreach shall include, but need not be limited to, posting information on relevant agency websites and distributing information to food service establishments, third-party food delivery services and other relevant stakeholders.*

*§ 3. This local law takes effect 120 days after it becomes law, except that the commissioner of consumer affairs may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.*

MARK GJONAJ, *Chairperson*; BILL PERKINS, YDANIS A. RODRIGUEZ, HELEN K. ROSENTHAL, SELVENA N. BROOKS-POWERS; Committee on Small Business, August 26, 2021.

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 Small Business and had been favorably reported for adoption.

Report for Int. No. 2390

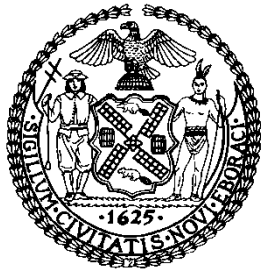
**Report of the Committee on Small Business in favor of approving and adopting, a Local Law to amend the administrative code of the city of New York, in relation to limiting, without expiration, the fees charged to food service establishments by third-party food delivery services.**

The Committee on Small Business, to which the annexed preconsidered proposed local law was referred on August 26, 2021, respectfully

**REPORTS:**

(For text of report, please see the Report of the Committee on Small Business for Int. No. 1897-A printed in these Minutes)

*The following is the text of the Fiscal Impact Statement for Preconsidered Int. No. 2390:*



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

**PROPOSED INT. NO.:** Preconsidered Int. No. 2390  
**COMMITTEE:** Small Business

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to limiting, without expiration, the fees charged to food service establishments by third-party food delivery services.

**Sponsors:** By Council Members Moya and Gjonaj.

**SUMMARY OF LEGISLATION:** Preconsidered Int. No. would add a new section in the subchapter added by Proposed Introduction 1897-A, prohibiting third-party food delivery services from charging food service establishments more than 15% per order for delivery and more than 5% per order for all other fees, except for transaction fees. The bill would prohibit third-party food delivery services from charging more than 3% per order for transaction fees, except that it would allow for a higher charge if the third-party food delivery service can provide proof that such higher charge was imposed upon the service by a credit card company or internet-based payment system to the Department of Consumer and Worker Protection and the relevant food service establishment if requested. This bill would also require the Department to submit a report to the Mayor and the Speaker of the Council every two years, beginning no later than September 30, 2023, recommending the maintenance or adjustment of this bill's cap on fees, by looking at factors such as the effect of the cap on third-party food delivery services and food service establishments; whether the cap affects delivery workers' wages and working conditions; the products provided by third-party food delivery services for listing, processing and marketing; and figures related to the bill's subchapter such as the number of complaints and violations, total amount of penalties imposed and the amount of restitution recovered.

**EFFECTIVE DATE:** This local law would take effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and to repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services as proposed in introduction number 1897-A for the year 2020, takes effect.

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

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**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues (+)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Expenditures (-)</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>
<b>Net</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**IMPACT ON REVENUES:** It is estimated that there will be no revenue generated from the implementation of this legislation.

**IMPACT ON EXPENDITURES:** It is estimated that there will be no cost from the implementing this legislation as the agency will use existing resources for reporting purposes.

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

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

**ESTIMATE PREPARED BY:** Aliya Ali, Principal Financial Analyst

**ESTIMATE REVIEWED BY:** Noah Brick, Assistant Counsel  
Nathan Toth, Deputy Director  
Cirilhen Francisco, Unit Head

**LEGISLATIVE HISTORY:** This legislation will be considered as a preconsidered introduction by the Committee on Small Business (Committee) on August 26, 2021. Upon a successful vote by the Committee, this bill will be introduced to the full Council and then be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 20, 2021.

*Accordingly, this Committee recommends its adoption.*

**(For text of the preconsidered bill, please see the Introduction and Reading of Bills section printed in these Minutes)**

MARK GJONAJ, *Chairperson*; BILL PERKINS, YDANIS A. RODRIGUEZ, HELEN K. ROSENTHAL, SELVENA N. BROOKS-POWERS; Committee on Small Business, August 26, 2021.

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. 1811-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 a theatre district zone.**

The Committee on Transportation, to which the annexed proposed amended local law was referred on November 26, 2019 (Minutes, page 4029), respectfully

#### **REPORTS:**

#### **INTRODUCTION**

On August 26, 2021, the Committee on Transportation, chaired by Council Member Ydanis Rodriguez, will hold a hearing to vote on Proposed Int. No. 1811-A. Proposed Int. No. 1811-A, introduced by Council Member Keith Powers and Speaker Corey Johnson, is a local law in relation to the creation of a theatre district zone. A previous hearing on an earlier version of this legislation was held on May 5, 2021. At that hearing, the Committee heard testimony from the Department of Transportation (DOT), the Department of Buildings (DOB), delivery and logistics companies, transportation advocates, disability advocates, theater district advocacy groups and other interested parties.

#### **BACKGROUND**

#### **NEW YORK CITY'S TOURISM INDUSTRY**

New York City (NYC or the City) is a top global destination for visitors, with a large number of museums, entertainment venues, restaurants and commerce entwined together by hospitality and transport industries. The tourism industry in NYC supports more than 376,800 jobs, which represents nearly 10 percent of all private sector employment.<sup>1</sup> In 2019, 66.6 million visitors, a record high, visited the City, which generated \$47.4 billion

<sup>1</sup> Office of the New York State Comptroller. Reports. *The Tourism Industry in New York City-Reigniting the Return*. April 2021. Available at: <https://www.osc.state.ny.us/reports/osdc/tourism-industry-new-york-city>.



in spending.<sup>2</sup> Although the most visitors came to NYC in 2019, in March of 2020, with the COVID-19 pandemic shutting down most parts of the world and their economies, the number of visitors to the City dropped by 67 percent, with a decrease of 73 percent in total spending.<sup>3</sup> It was estimated by the Office of the State Comptroller (OSC) that this decline in total spending cost the City \$1.2 billion in lost tax revenues.<sup>4</sup> In addition, the OSC estimated that the tourism industry lost nearly a third of its employment in 2020, with visitors and their spending not projected to reach pre-pandemic levels until the year 2025.<sup>5</sup> In order to help reignite the tourism industry in the City, the OSC believes that the City should, in combination with its reliance on vaccinations and reopening steps, “develop a proactive strategy that cultivates and attracts international and business travelers to restore the industry to robust health.”<sup>6</sup>

### **NYC DOT’S PLAZA PROGRAM**

The NYC Plaza Program was created in 2007 in an effort “to transform underused streets into vibrant, social public spaces,” while ensuring that all New Yorkers live within a 10-minute walk of quality open space.<sup>7</sup> As part of the program, the DOT works with selected organizations to create these neighborhood plazas throughout the City.<sup>8</sup> Eligible organizations are allowed to propose new plaza sites for their neighborhoods through a competitive application process, with DOT prioritizing sites that are in neighborhoods that lack open space.<sup>9</sup> Once chosen for a site, DOT partners with community groups in an effort to ensure that these sites are properly operated, maintained and managed.<sup>10</sup>

The NYC Plaza Program has offered residents and visitors the ability to access nearby open space, while also allowing for local businesses/economies to flourish. Due to the program’s nature, increases in foot traffic among these areas has aided in the increase in economic revenue for a number of industries within the tourism sector. The benefits have been particularly pronounced in Times Square, following the installation of its pedestrian plaza in 2014.

### **PROPOSED INT. NO. 1811-A**

Int. No. 1811-A, sponsored by Council Member Keith Powers and the Speaker, would create a Theatre District zone around Times Square in Manhattan, where the Department of Transportation would redesign sidewalks to facilitate the safe travel of pedestrians. Commercial activity – such as solicitation carried out by costumed characters, CD sellers and others – on the sidewalks around Times Square presents a significant problem for the safe flow of pedestrian traffic through one of the City’s most congested neighborhoods. Sidewalks and subway entrances are often obstructed, and entering or exiting theaters, offices, restaurants and other establishments can be difficult. Commercial activity on sidewalks in the area also presents an especially serious problem for people with disabilities, and has contributed to recent safety incidents around Times Square.

### **ANALYSIS OF PROPOSED INT. NO. 1811-A**

Proposed Int. No. 1811-A would create a Theatre District zone in Manhattan’s Theatre District, where pedestrians would have space to safely travel. The bill would mandate that DOT create “pedestrian flow zones” that allow for the safe passage of pedestrians where necessary to accommodate the demand for pedestrian space and “designated activity zones” that maintain space for commercial activity, including solicitation of any kind,

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

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

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

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

<sup>6</sup> *Id.*

<sup>7</sup> NYC DOT. Pedestrians. NYC Plaza Program. Available at: <https://www1.nyc.gov/html/dot/html/pedestrians/nyc-plaza-program.shtml>.

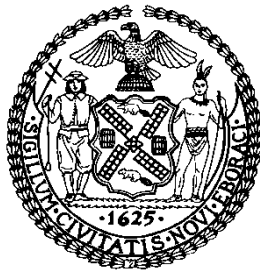
<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

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

distribution of anything, entertainment, performances or the taking of pictures, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Additionally, DOT may establish rules to set the parameters of and address public safety concerns in the Theatre District zone. The bill would take effect 60 days after becoming law.

**(The following is the text of the Fiscal Impact Statement for Int. No. 1811-A:)**



**THE COUNCIL OF THE CITY OF NEW YORK**  
**FINANCE DIVISION**  
**LATONIA MCKINNEY, DIRECTOR**  
**FISCAL IMPACT STATEMENT**  
**PROPOSED INTRO. NO: 1811-A**  
**COMMITTEE: Transportation**

**TITLE:** A Local Law to amend the administrative code of the city of New York, in relation to the creation of a theatre district zone.

**SPONSORS:** Council Members Powers, the Speaker (Council Member Johnson), Vallone, and Yeger.

**SUMMARY OF LEGISLATION:** Proposed Intro. No. 1811-A would create a Theatre District zone on the streets surrounding Times Square in Manhattan. In the zone, the Department of Transportation (DOT) would be required to establish additional pedestrian flow zones where necessary to accommodate demand for pedestrian space. The department would also have the authority to add new designated activity zones for commercial activities. For the purpose of this bill, designated activities means commercial activities, which includes solicitation of any kind, distribution of anything, entertainment or performances by individuals or groups, posing for or taking photographs or videos, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Lastly, the bill would clarify that persons engaged in designated activities are deemed to be engaged in such activities for the entirety of their interactions with the public for the purpose of providing commercial activity.

**EFFECTIVE DATE:** This local law would take effect 60 days after it becomes law, except that the Commissioner of Transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

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

**FISCAL IMPACT STATEMENT:**

	<b>Effective FY22</b>	<b>FY Succeeding Effective FY23</b>	<b>Full Fiscal Impact FY23</b>
<b>Revenues</b>	\$0	\$0	\$0
<b>Expenditures</b>	\$0	\$0	\$0
<b>Net</b>	\$0	\$0	\$0

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

**IMPACT ON EXPENDITURES:** It is estimated that there would be no impact on expenditures because the agency responsible for implementing the requirements of the legislation would use existing resources to comply with the provisions of the local law. However, outside of the provisions of the local law, DOT has informed the Council that it plans to conduct a study in connection with the legislation to provide data to support their actions. The Mayor’s Office of Legislative Affairs estimates that this study would cost approximately \$500,000.

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

**SOURCE OF INFORMATION:** New York City Council Finance Division  
Mayor’s Office of Legislative Affairs  
Department of Transportation

**ESTIMATE PREPARED BY:** John Basile, Senior Financial Analyst

**ESTIMATE REVIEWED BY:** Nathaniel Toth, Deputy Director  
Chima Obichere, Unit Head  
Stephanie Ruiz, Assistant Counsel

**LEGISLATIVE HISTORY:** This legislation was first introduced to the Council as Intro. No. 1811 on November 26, 2019 and referred to the Committee on Transportation (the Committee). A hearing was held by the Committee on May 5, 2021 and the bill was laid over. The legislation was subsequently amended and the amended version, Proposed Intro. No. 1811-A, will be considered by the Committee on August 26, 2021. Upon successful vote by the Committee, Proposed Intro. No. 1811-A will be submitted to the full Council for a vote on August 26, 2021.

**DATE PREPARED:** August 25, 2021.

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

**(The following is the text of Int. No. 1811-A:)**

Int. No. 1811-A

By Council Members Powers, the Speaker (Council Member Johnson), Vallone, Yeager, Levine, Louis and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to the creation of a theatre district zone**

*Be it enacted by the Council as follows:*

Section 1. Title 19 of the administrative code of the city of New York is amended to add a new section 19-157.1 to read as follows:

*§ 19-157.1 Theatre district zone. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Designated activities. The term “designated activities” means commercial activities, including solicitation of any kind, distribution of anything, entertainment or performances by individuals or groups, posing for or taking photographs or videos, and vending expressive matter, where any form of compensation, donation, or gratuity is requested or accepted. Persons who engage in designated activities shall be deemed to be engaged in such activities for the entirety of their interactions with each member of the public for the purpose of conducting commercial activity. For the purposes of this section, designated activities shall not include commercial activities by vendors who are licensed pursuant to sections 17-307 or 20-453.*

*Designated activity zone. The term “designated activity zone” means an area designated as such by the department by signage or markings in which individuals conduct designated activities.*

*Pedestrian flow zone.* The term “pedestrian flow zone” means an area designated as such by the department by signage or markings for the safe and continuous movement of pedestrian traffic.

*Theatre district zone.* The term “theatre district zone” means the areas bounded by (i) the northerly edge of West 50th Street, a line 200 feet west of the westerly edge of the Avenue of the Americas, the southerly edge of West 43rd Street, and a line 100 feet west of the westerly edge Eighth Avenue, and (ii) from the southeast corner of Eighth Avenue and West 43rd Street eastward along the southerly edge of West 43rd Street, to a point 194 feet east of the centerline of Broadway; then south to a point on the southerly edge of West 42nd Street 138 feet east of the centerline of Broadway; then west along the southerly edge of West 42nd Street to Broadway; then south along the eastly edge of Broadway to southeast corner of West 41st Street and Broadway; then west along the southerly edge of West 41st Street to a point 400 feet west of Seventh Avenue; then south to a point 400 feet west of Seventh Avenue on the southerly edge of West 40th Street; then west along the southerly side of West 40th Street the southeast corner of West 40th Street and Eighth Avenue; then north along the eastly edge of Eighth Avenue to the southeast corner of 43rd Street and Eighth Avenue.

b. *Pedestrian flow zones.* The department shall establish pedestrian flow zones within the theatre district zone where necessary to accommodate the demand for pedestrian space. The department shall consider establishing such zones on streets including, but not limited to, West 42nd Street, Seventh Avenue, and Broadway.

c. *Designated activity zones.* The department may establish designated activity zones within the theatre district zone where necessary to accommodate the demand for designated activities.

d. *Rules.* The department may promulgate rules applicable to pedestrian flow zones and designated activity zones within the theater district zone, including, but not limited to, establishing the parameters of such zones and setting general rules of conduct.

§ 2. This local law takes effect 60 days after it becomes law, except that the commissioner of transportation shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

YDANIS A. RODRIGUEZ, *Chairperson*; FERNANDO CABRERA, PETER A. KOO, STEPHEN T. LEVIN, DEBORAH L. ROSE, MARK D. LEVINE, ROBERT HOLDEN, SELVENA N. BROOKS-POWERS; Committee on Transportation, August 26, 2021.

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**

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

Report for L.U. No. 824 & Res. No. 1735

**Report of the Committee on Land Use in favor of approving, as modified, Application No. C 200230 ZMQ (Beach 67th Street Rezoning) submitted by Brisa Builders Development, LLC, and God's Battalion of Prayer Properties, Inc, pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by changing from an R4A District to an R6 District, Borough of Queens, Community District 14, Council District 31.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 26, 2021 and which same preconsidered Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

### **REPORTS:**

#### **SUBJECT**

#### **QUEENS CB-14 - TWO APPLICATIONS RELATED TO BEACH 67<sup>TH</sup> STREET REZONING**

##### **C 200230 ZMQ (Pre. L.U. No. 824)**

City Planning Commission decision approving an application submitted by Brisa Builders Development, LLC and God's Battalion of Prayer Properties, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by changing from an R4A District to an R6 District property bounded by a line 540 feet northerly of Beach Channel Drive, a line midway between Beach 66th Street and Beach 67th Street, a line 230 feet northerly of Beach Channel Drive, Beach 67th Street, a line 100 feet northerly of Beach Channel Drive, Beach 68th Street, a line 380 feet northerly of Beach Channel Drive, and Beach 67th Street, Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated March 1, 2021, and subject to the conditions of CEQR Declaration E-605.

##### **N 200231 ZRQ (Pre. L.U. No. 825)**

City Planning Commission decision approving an application submitted by Brisa Builders Development, LLC and God's Battalion of Prayer Properties, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area.

#### **INTENT**

To approve the amendment to rezone the project area from an R4A to an R6 zoning district and amend the zoning text to designate the project area as a Mandatory Inclusionary Housing (MIH) area utilizing Options 1 and 2 to facilitate the development of a nine-story residential building with 83 Affordable Independent Residence for Seniors (AIRS) and an 11-story charter school at 426-450 Beach 67th Street in the Arverne neighborhood of Queens, Community District 14.

**PUBLIC HEARING****DATE:** August 3, 2021**Witnesses in Favor:** Four**Witnesses Against:** None**SUBCOMMITTEE RECOMMENDATION****DATE:** August 11, 2021

The Subcommittee recommends that the Land Use Committee approve with modifications the decisions of the City Planning Commission on Pre. L.U. Nos. 824 and 825.

**In Favor:**

Moya, Levin, Grodenchik, Ayala, Rivera.

**Against:**

None

**Abstain:**

None

**COMMITTEE ACTION****DATE:** August 11, 2021

The Committee recommends that the Council approve the attached resolutions.

**In Favor:**

Salamanca, Gibson, Koo, Levin, Grodenchik, Adams, Ayala, Moya, Rivera, Riley, Feliz.

**Against:**

None

**Abstain:**

None.

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

The City Planning Commission filed a letter dated August 18, 2021, with the Council on August 19, 2021, indicating that the proposed modifications are not subject to additional environmental review or additional review pursuant to Section 197-c of the City Charter.

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

Res. No. 1735

**Resolution approving with modifications the decision of the City Planning Commission on ULURP No. C 200230 ZMQ, a Zoning Map amendment (Preconsidered L.U. No. 824).**

By Council Members Salamanca and Moya.

**WHEREAS**, Brisa Builders Development, LLC and God’s Battalion of Prayer Properties, Inc., 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. 30c, by changing from an R4A District to an R6 District, which in conjunction with the related action would facilitate the development of a nine-story residential building with 83 affordable senior housing units and an 11-story charter school at 426-450 Beach 67th Street in the Arverne neighborhood of Queens, Community District 14, (ULURP No. C 200230 ZMQ) (the “Application”);

**WHEREAS** the City Planning Commission filed with the Council on July 30, 2021 its decision dated July 14, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application N 200231 ZRQ (Pre. L.U. No. 825), a zoning text amendment to establish 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 August 3, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration issued March 1<sup>st</sup>, 2021, (CEQR No. 21DCP048Q) indicating significant adverse traffic and pedestrian impacts. Applicant will enter into a Restrictive Declaration to ensure the implementation of mitigation measures relating to transportation and, in addition, an (E) designation related to hazardous materials, air quality and noise is assigned to sites in the area affected by the proposal as described in the Conditional Negative Declaration (E-605) (the “Conditional 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-605) and Conditional Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, C 200230 ZMQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, added by the City Council;  
Matter ~~struck out~~ is deleted by the City Council;

The Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is hereby amended by changing the Zoning Map, Section No. 30c, by changing from an R4A District to an R6 District property bounded by a line 540 feet northerly of Beach Channel Drive, a line midway between Beach 66th Street and Beach 67th Street, a line 230 feet northerly of Beach Channel Drive, and Beach 67th Street, ~~a line 100 feet northerly of Beach Channel Drive, Beach 68th Street, a line 380 feet northerly of Beach Channel Drive, and Beach 67th Street,~~ Borough of Queens, Community District 14, as shown on a diagram (for illustrative purposes only) dated March 1, 2021, and subject to the conditions of CEQR Declaration E-605.

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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 Land Use and had been favorably reported for adoption.

Report for L.U. No. 825 & Res. No. 1736

**Report of the Committee on Land Use in favor of approving, as modified, Application No. N 200231 ZRQ (Beach 67th Street Rezoning) submitted by Brisa Builders Development, LLC, and God's Battalion of Prayer Properties, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 14, Council District 31.**

The Committee on Land Use, to which the annexed preconsidered Land Use item was referred on August 26, 2021 and which same preconsidered Land Use item was coupled with the resolution shown below and referred to the City Planning Commission, respectfully

**(For text of report, please see the Report of the Committee on Land Use for L.U. No. 824 & Res. No. 1735 printed above in the General Order Calendar section of these Minutes)**

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

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

Res. No. 1736

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 200231 ZRQ, for an amendment of the text of the Zoning Resolution (Preconsidered L.U. No. 825).**

By Council Members Salamanca and Moya.

**WHEREAS**, Brisa Builders Development, LLC and God's Battalion of Prayer Properties, Inc., 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, which in conjunction with the related action would facilitate the development of a nine-story residential building with 83 Affordable Independent Residence for Seniors (AIRS) units and an 11-story charter school at 426-450 Beach 67th Street in the Arverne neighborhood of Queens, Community District 14 (ULURP No. N 200231 ZRQ), (the "Application");

**WHEREAS**, the City Planning Commission filed with the Council on July 30, 2021, its decision dated July 14, 2021 (the "Decision") on the Application;

**WHEREAS**, the Application is related to application C 200230 ZMQ (Pre. L.U. No. 824), a zoning map amendment to change an R4A zoning district to an R6 zoning district;



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

**WHEREAS**, upon due notice, the Council held a public hearing on the Decision and Application on August 3, 2021;

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

**WHEREAS**, the Council has considered the relevant environmental issues, including the Conditional Negative Declaration issued March 1<sup>st</sup>, 2021, (CEQR No. 21DCP048Q) indicating significant adverse traffic and pedestrian impacts. Applicant will enter into a Restrictive Declaration to ensure the implementation of mitigation measures relating to transportation and, in addition, an (E) designation related to hazardous materials, air quality and noise is assigned to sites in the area affected by the proposal as described in the Conditional Negative Declaration (E-605) (the “Conditional 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-605) and Conditional Negative Declaration.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 200231 ZRQ, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

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

Matter ~~double struck out~~ is old, deleted by the City Council;

Matter double-underlined is new, added by the City Council

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**

\* \* \*

**Queens**

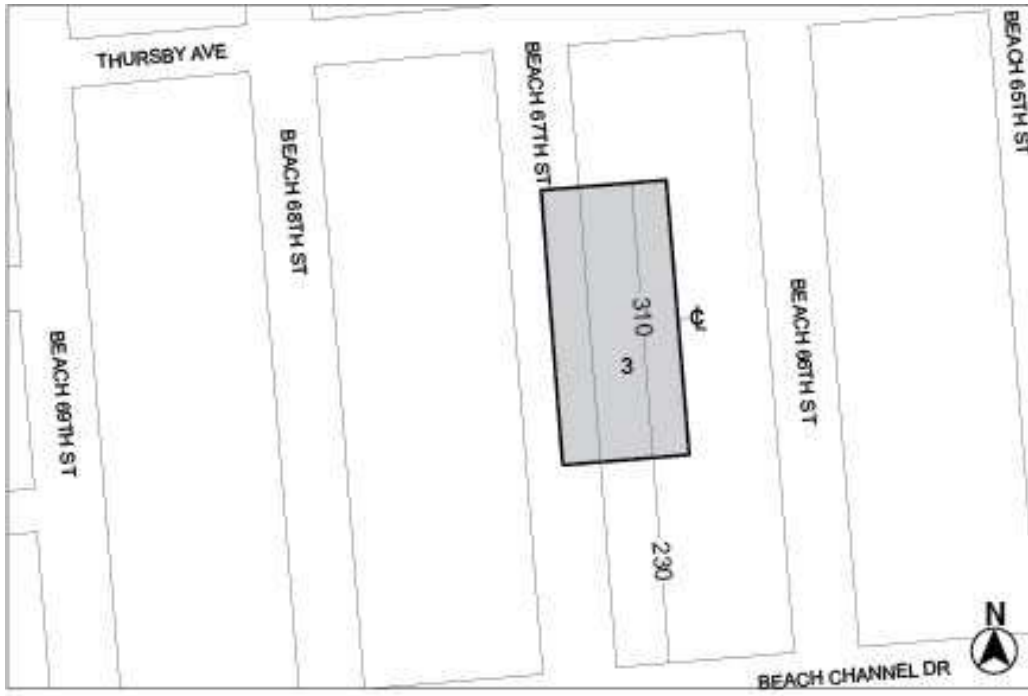
\* \* \*

**Queens Community District 14**

\* \* \*

Map # – [date of adoption]

[CPC APPROVED MAP]



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

Area 3 — [date of adoption] — MIH Program Option 1 and Option 2

Portion of Community District 14, Queens

\* \* \*

[CITY COUNCIL APPROVED MAP]

RAFAEL SALAMANCA, Jr., *Chairperson*; PETER A. KOO, STEPHEN T. LEVIN, VANESSA L. GIBSON, BARRY S. GRODENCHIK, ADRIENNE E. ADAMS, DIANA AYALA, FRANCISCO P. MOYA, CARLINA RIVERA, KEVIN C. RILEY, OSWALD FELIZ; Committee on Land Use, August 11, 2021.

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).

### **Resolution approving various persons Commissioners of Deeds**

By the Presiding Officer –

Resolved, that the following named persons be and hereby are appointed Commissioners of Deeds for a term of two years:

<i>Approved New Applicants</i>		
<i>Name</i>	<i>Address</i>	<i>District #</i>
Erica Jung	217 E 27th Street, Apt 10 New York, New York 10016	2
Noralba Vanderpool	521 FDR Drive, Apt 3B New York, New York 10002	2
Jonathan Busk	171 E 117th Street, Apt 2 New York, New York 10035	8
Marco De La Rosa	357 East 138th Street Bronx, New York 10454	8
Janie Nesbitt	2333 5th Ave, Apt 3DD New York, New York 10037	9
James Fevrier	2400 Davidson Ave Bronx, New York 10468	14
Christopher Benitez	1271 Croes Avenue Bronx, New York 10472	18
Veadawatte E. Singh	93-29 205th Street Queens, New York 11423	23
Melanyn Rivas	87-20 92nd Street Queens, New York 11421	32
Kershelle Germain	250 Crown St Brooklyn, New York 11225	35

Eve Murdaugh	253 Lexington Ave Brooklyn, New York 11216	36
Shannon Sassone	199 Lewis Ave, Apt 3 Brooklyn, New York 11221	36
Alex Guinn	218 MacDougal St Brooklyn, New York 11233	41
Cassandra Lapal Williams	1631 East 91st Street Brooklyn, New York 11236	46
Angelica Filpo Estrella	63 Avenue W, Apt 6E Brooklyn, New York 11223	47
Anthony John Scanni Jr.	496 Bard Ave Staten Island, New York 10310	49
Kelly Anne Griswold	279 Tysens Lane Staten Island, New York 10306	50
Stephanie Israilov	45 Drysdale St Staten Island, New York 10314	50

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).

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

- (1) **Int 1209-A -** Requiring the Department of Correction to utilize doula services.
- (2) **Int 1483-A -** A plan to accommodate pets of families and individuals experiencing homelessness in shelter.
- (3) **Int 1484-A -** Providing information about pets whose owners enter homeless shelters.
- (4) **Int 1622-A -** The declaration of deceptive trade practices.
- (5) **Int 1811-A -** The creation of a theatre district zone.
- (6) **Int 1897-A -** Licensing of third-party food delivery services.
- (7) **Int 2283-A -** Reductions in and reporting of greenhouse gas emissions.
- (8) **Int 2284-A -** Requiring the Department of Social Services and the Department of Homeless Services to provide resources for contracted client service providers to deliver a survivor-centered response in addressing gender-based harassment and sexual assault.
- (9) **Int 2390 -** Limiting, without expiration, the fees charged to food service establishments by third-party food delivery services.
- (10) **Res 1726 -** New designation and changes in the designation of certain organizations to receive funding in the Expense Budget (**Transparency Resolution**).
- (11) **L.U. 813 & Res 1730 -** **App. 20215027 HAK (TBK1002-Riseboro UDAAP and Article XI)** approval of an urban development action area project, waiver of the area designation requirement, waiver of the requirements 135 Menahan Street (Block 3306, Lot 53), Community District 4, Council District 37.

- (12) L.U. 814 & Res 1731 - **App. 20215030 HAX (TBK1002 MBD-UDAAP and Article XI)** 970 Anderson Avenue and 1105 Tinton Avenue (Block 2661, Lot 52), Community Districts 3 and 4, Council Districts 8 and 16.
- (13) L.U. 820 & Res 1732 - **App. 20215031 HIM (N 210467 HIM)** Borough of Manhattan, Council District 10, Community District 12.
- (14) L.U. 821 & Res 1733 - **App. 20215018 HIM (N 210468 HIM)** Borough of Manhattan, Council District 3, Community District 2.
- (15) L.U. 822 & Res 1729 - 310 East 4th Street, Manhattan, Community District No. 3, Council District 2.
- (16) L.U. 823 & Res 1734 - **App. C 210148 ZMQ (133 Beach 116th Street Rezoning)** Borough of Queens, Community District 14, Council District 32.
- (17) L.U. 824 & Res 1735 - **App. C 200230 ZMQ (Beach 67th Street Rezoning)** Borough of Queens, Community District 14, Council District 31.
- (18) L.U. 825 & Res 1736 - **App. N 200231 ZRQ (Beach 67th Street Rezoning)** Borough of Queens, Community District 14, Council District 31.
- (19) **Resolution approving various persons Commissioners of Deeds.**

The Assistant Majority Leader and Acting President Pro Tempore (Council Member Cornegy) 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, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **42**.

**The General Order vote recorded for this Stated Meeting was 42-0-0 as shown above with the exception of the votes for the following legislative items:**

The following was the vote recorded for **Int. No. 1622-A**:

**Affirmative** – Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Chin, Cornegy, D. Diaz, Dromm, Eugene, Gennaro, Grodenchik, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, and The Speaker (Council Member Johnson) – **32**.

**Negative** – Borelli, Cabrera, Gibson, Gjonaj, Holden, Yeger, and the Minority Leader (Council Member Matteo) – **7**.

**Abstention** – Adams, Feliz, and Louis – **3**.

The following was the vote recorded for **Int. No. 1811-A**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Borelli, Brannan, Brooks-Powers, Chin, Cornegy, D. Diaz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Moya, Powers, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **39**.

**Negative** – Cabrera and Menchaca – **2**.

**Abstention** – Reynoso – **1**.

The following was the vote recorded for **Int. Nos. 1897-A and 2390**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Barron, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, and The Speaker (Council Member Johnson) – **39**.

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

The following was the vote recorded for **L.U. No. 813 & Res. No. 1730; L.U. No. 814 & Res. No. 1731; and L.U. No. 824 & Res. No. 1735**:

**Affirmative** – Adams, Ampry-Samuel, Ayala, Borelli, Brannan, Brooks-Powers, Cabrera, Chin, Cornegy, D. Diaz, Dromm, Eugene, Feliz, Gennaro, Gibson, Gjonaj, Grodenchik, Holden, Kallos, Koo, Koslowitz, Lander, Levin, Levine, Louis, Maisel, Menchaca, Moya, Powers, Reynoso, Riley, Rivera, Rodriguez, Rose, Rosenthal, Salamanca, Treyger, Ulrich, Yeger, the Minority Leader (Council Member Matteo), and The Speaker (Council Member Johnson) – **41**.

**Negative** – Barron – **1**.

*The following Introductions were sent to the Mayor for his consideration and approval:  
Int. Nos. 1209-A, 1483-A, 1484-A, 1622-A, 1811-A, 1897-A, 2283-A, 2284-A, and Prc. Int. No. 2390.*

## INTRODUCTION AND READING OF BILLS

Int. No. 2375

By Council Members Barron, Treyger, Rivera, Holden and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to installing safety signs near schools**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 3 of chapter 1 of title 19 of the administrative code of the city of New York is amended by adding a new section 19-189.2 to read as follows:

§ 19-189.2 *Installation of school safety signs. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Overhead school safety sign. The term “overhead school safety sign” means a sign supported on posts over a part of the street that allows vehicles to pass underneath and that alerts vehicle traffic to the presence of pedestrians and school-aged children.*

*Painted school safety sign. The term “painted school safety sign” means a sign that is painted on a street to alert vehicle traffic to the presence of pedestrians and school-aged children.*

*School. The term “school” has the same meaning as such term is defined in section 19-189.*

*b. The department shall install a painted school safety sign on each street where a school is present. Such painted school safety sign shall be located no greater than 50 feet from the school entrance, unless the department determines another distance is appropriate. Such painted school safety sign shall be inspected every 5 years, and repainted if necessary.*

*c. The department shall install one or more overhead school safety signs on each street where a school entrance is present.*

§ 2. This local law takes effect one year after it becomes law.

Referred to the Committee on Transportation.

Int. No. 2376

*Editor's Note: Int. No. 2376 was Withdrawn shortly before the start of the Stated Meeting.*

Int. No. 2377

By Council Members Cornegy and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to extending the physical scope of gas piping inspections**

*Be it enacted by the Council as follows:*

Section 1. Section 28-318.3.2 of the administrative code of the city of New York, as added by local law 152 for the year 2016, is amended to read as follows:



**§ 28-318.3.2 Scope.** At each inspection, in addition to the requirements prescribed by this article or by the commissioner, all exposed gas lines from *the* point of entry of gas piping into a building, *through the point of connection to any equipment that uses gas supplied by such piping*, including building service meters, [up to individual tenant spaces] shall be inspected for evidence of excessive atmospheric corrosion or piping deterioration that has resulted in a dangerous condition, illegal connections, and non-code compliant installations. The inspection entity shall also test *all exposed gas lines from the point of entry of gas piping into a building through the point of connection to any equipment that uses gas supplied by such piping, including, but not limited to, building service meters*, public spaces, hallways, corridors, [and] mechanical and boiler rooms *and tenant-operated commercial kitchens* with a portable combustible gas detector to determine if there is any gas leak, provided that such testing need only include [public] spaces, hallways and corridors on floors that contain gas piping or gas utilization equipment.

§ 2. This local law takes effect 120 days after becoming law.

Referred to the Committee on Housing and Buildings.

Int. No. 2378

By Council Members Cornegy, Holden and Louis.

**A Local Law in relation to requiring the department of housing preservation and development to conduct an audit, seek stakeholder input, and submit a report as to certain violations issued by such department**

*Be it enacted by the Council as follows:*

Section 1. Internal audit. The department of housing preservation and development shall audit notices of violation issued by the department and identify the following types of notices of violation:

1. Open notices of violation issued by the department before August 1, 2016;
2. Open notices of violation for privately owned property where the department issued such notices of violation at a time when the city owned or managed such property;
3. Duplicate notices of violation for the same alleged violating condition;
4. Open notices of violation regarding repeated denials of access to a property; and
5. Open notices of violation where a person other than the owner or manager of a property engaged in conduct that created or contributed to the alleged violation.

§ 2. Stakeholder input. The department of housing preservation and development shall collect relevant stakeholder input by holding a listening session and by offering relevant stakeholders an opportunity to provide written testimony on next steps, regarding at least the following topics:

1. Potential uses of technology, including mobile devices, websites and photography equipment, to aid in identifying violations and issuing and clearing notices of violation, as well as privacy safeguards, data security, and data retention policies for such uses of technology;
2. Options for creating new classes of violations or adjusting the taxonomy of violations;
3. Options for waiving or reducing penalties for mitigating circumstances; and
4. Options for increasing penalties for aggravating circumstances.

§ 3. Report required. No later than July 31, 2022, the commissioner of housing preservation and development shall submit to the mayor and the speaker of the council an electronic report describing the findings of the audit and inspection performed pursuant to section one of this local law. Such report shall include, at minimum:

1. A summary of relevant stakeholder input as collected by the department pursuant to section two of this local law;
2. A review of potential and actual uses of technology, including mobile devices, websites, and photography equipment, to aid in identifying violations and issuing and clearing notices of violation; a review of privacy

safeguards, data security, and data retention policies for such uses of technology; and the department's recommendations for such potential uses of technology and privacy safeguards;

3. A review of options for creating new classes of violations or adjusting the taxonomy of violations and the department's recommendations regarding such options;

4. A review of options for waiving or reducing penalties for mitigating circumstances and the department's recommendations regarding such options; and

5. A review of options for increasing penalties for aggravating circumstances and the department's recommendations regarding such options.

§ 4. This local law takes effect immediately.

Referred to the Committee on Housing and Buildings.

Res. No. 1721

**Resolution calling upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation that would create a property tax exemption for property owners who undertake safe basement apartment conversions.**

By Council Members Cornegy and Louis.

**Whereas**, The intersection of New York City's affordable housing crisis, the ongoing foreclosure crisis in communities of color, and the COVID-19 pandemic highlight the urgency needed in creating safe, healthy and affordable housing for all, especially essential workers, immigrants, people of color, and low-income households; and

**Whereas**, In some cases, homeowners have converted their existing cellars or basements into informal rental units for additional income to pay the bills; and

**Whereas**, While renting a basement or cellar can reduce financial vulnerability for the homeowner, conditions in these units are often far from ideal and can leave renters in unsafe units that do not provide adequate light, ventilation, and egress or meet other building code requirements; and

**Whereas**, A 2009 study by the Pratt Center for Community Development and Chaya Community Development Corporation estimated that more than 114,000 households live in illegal basement and cellar apartments across the City, many without leases and in conditions that fail to meet the minimum safety standards in the City's housing and construction codes; and

**Whereas**, The creation of safe and legal basement and cellar apartments represents a crucial strategy for maximizing the City's existing small residential housing stock; and

**Whereas**, In 2019, the Council passed Local Law 49 establishing a three-year Basement Apartment Conversion Pilot Program (BACPP), to encourage owners of one-, two- and multi-family dwellings in Cypress Hills and East New York to create legal, habitable cellar apartments; and

**Whereas**, BACPP included slight amendments to New York City codes and laws to expand the eligibility of basement and cellars for conversion to apartments, including, for example, reducing the minimum ceiling height from seven feet and six inches to seven feet; and

**Whereas**, BACPP was launched with a funding commitment of \$12 million over those three years, to provide loans and grants to eligible homeowners to assist with the cost of basement apartment upgrades and legalizations; and

**Whereas**, In BACPP's first year, more than 900 homeowners expressed interest and more than 300 submitted eligibility paperwork, and City inspectors ultimately examined more than 100 basements; and

**Whereas**, In his February 2020 State of the City, Mayor de Blasio proposed to expand the program citywide and projected it could add approximately 10,000 more affordable basement units within the next decade; and

**Whereas**, In subsequent months, the COVID-pandemic paused the program roll out, and then Fiscal 2021 Adopted Budget cut BACPP by 92 percent, with such funding not yet restored; and

**Whereas,** A permanent, reliable funding source is necessary to ensure the realization of the potential of citywide basement apartment conversions; now, therefore, be it

**Resolved,** That the Council of the City of New York calls upon the New York State Legislature to introduce and pass, and the Governor to sign, legislation that would create a property tax exemption for property owners who undertake safe basement apartment conversions.

Referred to the Committee on Finance.

Int. No. 2379

By Council Members D. Diaz, Riley and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of social services to create a domestic violence shelter designated for men**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 21 of the administrative code of the city of New York is amended by adding a new section 21-142.6 to read as follows:

*§ 21-142.6 Domestic violence shelter for men. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Domestic violence. The term “domestic violence” means acts or threats of violence, not including acts of self-defense, committed by a family or household member against another family or household member.*

*Domestic violence services. The term “domestic violence services” means the coordination of appropriate services to clients who have experienced domestic violence, including but not limited to counseling, legal services, and access to employment, housing, childcare, and other resources, where such coordination is provided primarily by a social worker.*

*Domestic violence shelter. The term “domestic violence shelter” means a facility operated by the department or by a provider under contract or similar agreement with the department to provide shelter for victims of domestic violence.*

*b. No later than January 1, 2022, the department shall create a domestic violence shelter exclusively for individuals who identify as men. The department shall ensure that domestic violence services are available and provided to all clients who identify as men and wish to access such services.*

*c. The department shall share information regarding the availability of such domestic violence shelter created pursuant to subdivision b on the department’s website, social media accounts and in person outreach.*

*d. No later than one year after the effective date of the local law that added this section, the department shall post on its website and provide the speaker of the council a report containing information regarding the shelter established pursuant to this local law, including, but not limited to the following:*

- 1. The total cost of such shelter;*
- 2. The number of individuals who accessed the shelter created pursuant to subdivision b of this section;*
- 3. An analysis of the impact and effectiveness of such shelter; and*
- 4. Any other information the department deems relevant.*

*§ 2. This local law takes effect 180 days after it becomes law, provided that the commissioner may take all actions necessary for its implementation, including the promulgation of rules, before such effective date.*

Referred to the Committee on General Welfare.

Res. No. 1722

**Resolution calling upon the United States Congress to pass, and the President to sign, H.R. 948, the Justice for Incarcerated Moms Act of 2021.**

By Council Members D. Diaz and Louis.

**Whereas**, H.R. 948, also known as the Justice for Incarcerated Moms Act of 2021, was introduced in the United States (U.S.) House of Representatives by Representative Ayanna Pressley in February 2021 to improve maternal health outcomes for mothers in federal and state prison and local jails; and

**Whereas**, A 2016-2017 John Hopkins study of 22 state and federal prisons revealed that nearly 1400 imprisoned women were pregnant at the time of intake, while no mandatory standards of care for pregnant women in U.S. prisons exist; and

**Whereas**, New York City has federal and state prisons and a local jail that incarcerate women; and

**Whereas**, Poor reproductive healthcare has been a longstanding concern for women incarcerated in New York and a 2015 report from the Correctional Association of New York found that reproductive healthcare for women in New York State prisons was woefully substandard, with women routinely facing poor-quality care and assaults on their basic human dignity and reproductive rights; and

**Whereas**, H.R. 948 would, if passed, help to improve maternal health outcomes for incarcerated women by tying federal funding eligibility to states that enact anti-shackling laws; providing funding for programs to create maternal health programs for incarcerated individuals, such as access to doulas, healthy food and nutrition, mental health and substance use counseling; as well as providing funding for states and localities to set up primary caretaker diversion programs as alternatives to incarceration for pregnant individuals and primary caretakers of minor children; and conduct a comprehensive study to understand the scope of the maternal and infant health crisis among incarcerated individuals; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to pass, and the President to sign, H.R. 948, the Justice for Incarcerated Moms Act of 2021.

Referred to the Committee on Criminal Justice.

Res. No. 1723

**Resolution calling on Congress to pass, and for the President to sign, the African Descent Affairs Act of 2021, H.R.1134, establishing a global affairs strategy to assist people of African descent.**

By Council Members D. Diaz and Louis.

**Whereas**, According to the United Nations (UN), there are around 200 million people living in the Americas who identify themselves as being of African descent; and

**Whereas**, As previously recognized by the UN while proclaiming 2015 – 2024 an international decade dedicated to people of African descent, there is a global need to promote and protect the human rights of people of African descent, including by bolstering inclusion policies and working to enable more prosperous communities; and

**Whereas**, As recently as December 2020, Michelle Bachelet, UN High Commissioner for Human Rights, highlighted that people of African descent constitute some of the poorest and most marginalized groups across the world as the descendants of the victims of the transatlantic slave trade or as more recent migrants; and

**Whereas**, People of African descent face a variety of issues in New York City including barriers to access to quality education, health services, housing and social security; and

**Whereas**, People of African descent have long been central to the development of New York City, as highlighted by the African Burial Ground National Monument in lower Manhattan, a memorial that not only commemorates the cultural and geographical origins of the descendants of the 18th-century slave trade and free

people of African descent in New York City, but also serves to underscore the history of slavery in New York City; and

**Whereas**, It is imperative for the world to proactively work towards ending discrimination against people of African descent, and redress historical injustices, which is not only a global challenge but one that is central to New York City's commitment to human rights; and

**Whereas**, On February 18, 2021, Congressman Alcee Hastings introduced the African Descent Affairs Act, H.R.1134, which directs policies, programs and funding in support of the advancement of people of African descent; and

**Whereas**, The African Descent Affairs Act would allocate federal funding to invest in solutions to combat racial discrimination and create opportunities for people of African descent; and

**Whereas**, H.R.1134 would also establish annual human rights reports that will inform strategies to prevent and respond to discrimination and violence against people of African descent; and

**Whereas**, The African Descent Affairs Act will further work to reverse the vestiges of history by facilitating equal protections and opportunities for people of African descent throughout society; and

**Whereas**, The African Descent Affairs Act presents a long overdue opportunity for people of African descent to reach equal participation in all aspects of society, including economic, social, cultural, civil and political rights; now, therefore, be it

**Resolved**, That the Council of the City of New York calls on Congress to pass, and for the President to sign, the African Descent Affairs Act of 2021, H.R.1134, establishing a global affairs strategy to assist people of African descent.

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

Res. No. 1724

**Resolution calling on the United States Congress to pass, and the President to sign, H.R 958 (the "Protecting Moms Who Served Act"), to commission the first-ever study of maternal morbidity and mortality among women veterans.**

By Council Members D. Diaz and Louis.

**Whereas**, According to a 2020 report from the Commonwealth Fund, there are roughly 17 maternal deaths for every 100,000 live births in the United States, a number more than double that in most other high-income countries; and

**Whereas**, The same Commonwealth Fund report also observes that maternal deaths have been increasing in the United States since 2000; and

**Whereas**, While the extent of maternal morbidity among those who served in the U.S. military is not fully known, a January 2020 study published in the *Journal of Women's Health* indicates that these adverse maternal health outcomes may be more prevalent among women veterans; and

**Whereas**, As noted in the *Journal of Women's Health* study, there has not yet been a proper evaluation of maternal morbidity and mortality among women veterans; and

**Whereas**, On February 8, 2021, Senators Susan Collins and Tammy Duckworth introduced H.R. 958, also known as the "Protecting Moms Who Served Act," which would commission the first-ever comprehensive study on maternal morbidity and mortality among veterans; and

**Whereas**, H.R. 958 would also invest \$15 million in maternity care coordination programs at veteran care facilities, which would be used to improve community partnerships, identify potential risk factors for maternal health, and offer educational resources to expecting and new mothers; and

**Whereas**, As of 2019, New York City is home to roughly 138,000 veterans, according to the U.S. Census Bureau; and

**Whereas**, Veterans in New York City are roughly twice as likely to have a disability as other residents of New York City; and

**Whereas,** Given this large population of veterans in the City, as well as the outsized propensity of said veterans to have preexisting conditions, the study commissioned by H.R. 958 may provide deeper insight into health challenges faced by veteran mothers in New York City; now, therefore, be it

**Resolved,** That the Council of the City of New York calls on the United States Congress to pass, and the President to sign, H.R. 958 (the “Protecting Moms Who Served Act”), to commission the first-ever study of maternal morbidity and mortality among women veterans.

Referred to the Committee on Veterans.

Res. No. 1725

**Resolution calling upon the New York State Legislature to pass, and the Governor to sign, A.6642/S.1187 to prohibit the imposition of different rates for disability insurance premiums based on gender.**

By Council Members D. Diaz and Louis.

**Whereas,** In March, 2021, New York State Assembly Member Deborah J. Glick and Senator Michael Gianaris introduced legislation (A.6642/S.1187) prohibiting the imposition of different rates for disability insurance premiums based on gender; and

**Whereas,** The Joint Economic Committee of the United States Congress found that women who work full time can expect to earn approximately 80 percent of what their male counterparts earn, resulting in a lifetime gender pay gap of approximately \$500,000; and

**Whereas,** Unlike many of their male counterparts who, according to a 2019 Cleveland Clinic Survey, wait as long as possible to see their doctor about most health symptoms or injuries, women generally seek medical care more regularly and, as a result of lower earnings, face unique challenges in obtaining health and disability insurance due to gender discrimination resulting in barriers to affordability; and

**Whereas,** Beyond the lack of pay parity with their male counterparts, working women of all backgrounds in New York City face daily financial disparities commonly referred to as “pink taxes” on a variety of goods and services, ranging from higher mortgage rates to higher prices for dry cleaning and personal care products; and

**Whereas,** According to the Department of Health and Human Services (HHS), the passage of the Affordable Care Act (ACA) prohibits insurance providers from charging women higher prices than men for healthcare services and may no longer treat pregnancy as a preexisting condition, or charge a co-payment or fee for prevention services including breast-feeding support and counseling, birth control, cervical cancer screening and wellness visits; and

**Whereas,** The ACA mandates health care providers receiving federal funds may not discriminate on the basis of race, national origin, age, disability or sex; and

**Whereas,** To ensure equity for all people seeking healthcare, the ACA adopted the enforcement framework of Title IX of the Education Amendments of 1972, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation of Act of 1973; and

**Whereas,** In 2019 Massachusetts enacted the Equitable Disability Act (H.482) legislation prohibiting discrimination in disability insurance; and

**Whereas,** According to Massachusetts State Rep. Ruth Balser, while disability insurance provided by an employer must be gender neutral and reflective of the Supreme Court’s Title VII Civil Rights Decision of 1983, individual policies purchased on the open market are regulated by state law and therefore not always in compliance with federal rulings; and

**Whereas,** Despite the HHS being charged with issuing regulations and providing guidance on the ACA, to date, there is no uniform policy that prohibits New York State disability insurers from charging women more than men for the same disability insurance protections; and

**Whereas,** According to the Council on Disability Insurance Awareness, among healthy, non-smoking 35 year old individuals, women are known to have a three percent greater risk of becoming disabled for a period of

three months or longer than their male counterparts, yet they are typically charged 40 to 50 percent higher rates for disability insurance coverage; and

**Whereas**, When calculating premium rates, disability insurance providers take into consideration the hazards of the job associated with any given profession, yet women professionals working in office settings are routinely charged disability rates equal to that of men who work in more hazardous work settings, such as driving a bus or working on a construction site; and

**Whereas**, A recent study by the Center for American Progress found that 41 percent of mothers in America are the sole or primary breadwinner for their families, with another 23.2 percent considered to be “co-breadwinners” contributing substantially to household incomes; and

**Whereas**, Gender-based disparities in disability insurance serve to undermine the contributions and security of working women in New York City by exacerbating the already high cost of living and have the potential to significantly reduce women’s earnings as they seek to provide for themselves and their families; now, therefore, be it

**Resolved**, That the New York City Council is calling upon the New York State Legislature to pass, and the Governor to sign, A.6642/S.1187 to prohibit the imposition of different rates for disability insurance premiums based on gender.

Referred to the Committee on Women and Gender Equity.

Int. No. 2380

By Council Members Dromm, Kallos and Louis.

**A Local Law to amend the New York city charter, in relation to the equal employment practices commission ensuring equal employment opportunity with New York city for sexual orientation and gender identity minority groups**

*Be it enacted by the Council as follows:*

Section 1. Section 831 of chapter 36 of the New York city charter, as amended by local law number 59 for the year 1996, is amended by adding a new subdivision e to read as follows:

*e. All requirements under this chapter applicable to minority groups, including reporting requirements, shall include but not be limited to sexual orientation and gender identity minority groups.*

§ 2. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 2381

By Council Members Dromm and Kallos.

**A Local Law to amend the New York city charter, in relation to requiring the department of citywide administrative services to ensure equal employment opportunity for sexual orientation and gender identity minority groups at New York city agencies**

*Be it enacted by the Council as follows:*

Section 1. Section 814.1 of chapter 35 of the New York city charter, as amended by local law number 14 for the year 2019, is amended by adding a new subdivision d to read as follows:

*d. All requirements under this section applicable to minority groups, including all reporting requirements, shall include but not be limited to sexual orientation and gender identity minority groups.*

§ 2. Section 815 of chapter 35 of the New York city charter, as amended by local law number 12 for the year 2019, is amended by adding a new subdivision 1 to read as follows:

*1. All requirements under this section applicable to minority groups, including all reporting requirements, shall include but not be limited to sexual orientation and gender identity minority groups.*

§ 3. This local law takes effect immediately.

Referred to the Committee on Civil and Human Rights.

Int. No. 2382

By Council Members Dromm, Kallos and Louis.

**A Local Law to amend the New York city charter and local law number 44 for the year 2016, in relation to ensuring the department of small business services requires equal employment opportunity for sexual orientation and gender identity minority groups in contracting with the city of New York**

*Be it enacted by the Council as follows:*

Section 1. Subdivision a of section 1305 of the New York city charter, as amended by local law number 58 for the year 2020, is amended to read as follows:

a. The commissioner shall administer the provisions of this section and enforce a citywide program to ensure that city contractors and subcontractors take appropriate action to ensure that women and minority group members are afforded equal employment opportunity, and that all persons are protected from discrimination prohibited under the provisions of federal, state and local laws and executive orders with regard to recruitment, employment, job assignment, promotion, upgrading, demotion, transfer, layoff, termination, rates of pay and other forms of compensation. The commissioner may request and shall receive from any contracting agency of the city such assistance as may be necessary to carry out the provisions of this section. "Minority group member" shall mean a United States citizen or lawful permanent resident who is a member of a racial or language minority group in New York city protected by the voting rights act of 1965, as amended, *a member of a sexual orientation or gender identity minority group protected by subdivision 1 of section 8-107 of the administrative code*, or such other groups as may be covered by rule of the agency.

§ 2. Sections 1 and 2 of local law number 44 for the year 2016 are amended to read as follows:

Section 1. *a. Definitions. For purposes of this local law, the term "gender" has the same meaning of that term as defined in section 8-102 of the administrative code of the city of New York.*

*b. Survey.* By January 15, [2017] 2021, the department of small business services shall create a voluntary survey, to be distributed to and completed by proposed city contractors and subcontractors in conjunction with employment reports pursuant to subdivision e of section 1305 of the New York city charter. That survey shall solicit information regarding the selection and employment practices, policies, and procedures pertaining to the racial, ethnic, *sexual orientation* and gender composition of such entities' directors, officers, and other executive-level staff members and such entities' plans for diversity in leadership. No information submitted to the department through such survey may be the basis for any decision by the city in relation to any contract award or renewal unless otherwise authorized by law.

§ 2. *a. Report.* By July 1, [2018] 2021, the mayor, or such office or agency as the mayor may designate, shall submit to the speaker of the city council and publish on the website of the department of small business services a report analyzing:

1. Racial, ethnic, *sexual orientation* and gender diversity among directors, officers and executive-level staff members of entities holding goods or service contracts with the city;

2. Such entities' plans for improving racial, ethnic, *sexual orientation* and gender diversity in such positions and such entities' efforts to achieve those plans.



b. *Source and use of report information.* The report described in subdivision a of this section may be based on data and information from the surveys described in section one of this local law and any other available source. The information generated for or used in preparing such report shall not be the basis for any decision by the city in relation to any contract award or renewal unless otherwise authorized by law. The report shall not name or identify any contracting entity.

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

Referred to the Committee on Civil and Human Rights.

Int. No. 2383

By Council Members Dromm, Miller and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to the documents required for proof of occupancy for relocation services**

*Be it enacted by the Council as follows:*

Section 1. Subdivision 7 of section 26-301 of the administrative code of the city of New York, as added by local law number 16 for the year 2017, is amended to read as follows:

7. (a) The commissioner of housing preservation and development may require that a tenant of a privately owned building provide verification of occupancy in order to receive relocation services pursuant to subparagraph (v) of paragraph (a) of subdivision 1 of this section. If the commissioner establishes such a requirement, the commissioner shall establish a system under which such tenant is provided at least [two] *three* methods to verify such occupancy, including the following [two] *three* methods:

(i) submission to the commissioner of a lease, sublease or license agreement verifying that the tenant resides at such building;

(ii) submission to the commissioner of any two of the following documents:

(A) a valid government-issued identification listing such building as such tenant's address;

(B) a valid record from any government agency listing such building as such tenant's address;

(C) a valid record relating to medical treatment, including prescriptions, that show such building as such tenant's address;

(D) a notarized written statement from the owner of such building verifying that such tenant resides at such building, provided, however, that a statement by such owner stating that such tenant does not reside at such building shall not be used to prevent such tenant from receiving relocation assistance;

(E) a valid utility bill addressed to such tenant at such building;

(F) a notarized statement from a third party, non-governmental service provider, written on the provider's official letterhead, verifying that services were provided to such tenant and showing that such tenant resides at such building; *or*

(G) any other form of verification that the commissioner of housing preservation and development may deem appropriate[.]; *and*

(iii) *submission to the commissioner of all three of the following documents:*

(A) *a signed statement, which may also be an electronic form made available by the department, from such tenant of such building attesting that such tenant resides in such building and does not have any of the other forms of verification;*

(B) *a notarized written statement from a person who does not reside in the same household as such tenant but who has personal knowledge of such tenant verifying that such tenant resides at such building and stating the basis of their knowledge; and*

(C) *a signed statement from a resident of the same unit as such tenant who is receiving relocation assistance from the department for the same dislocating event or has a pending application that has not been denied verifying that such tenant resides at such building, or, if the such tenant cannot obtain this, a notarized written*

*statement from a resident of the same building as such tenant, or an adjacent building, verifying that such tenant resides at such building.*

(b) The department of housing preservation and development shall attempt to obtain the records described in clause (B) of subparagraph (ii) of paragraph a of this subdivision from the department of social services/human resources administration [where applicable to such tenant] or any other government agency identified by such tenant as likely to have such records, provided that the tenant signs any necessary release as determined by the department of housing preservation and development.

(c) The commissioner of housing preservation and development shall provide any such tenant who is denied such services with (i) written notice of such decision, (ii) the basis for such decision and (iii) information on how to appeal such decision.

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

Referred to the Committee on Housing and Buildings.

Int. No. 2384

By Council Members Dromm, Vallone, Kallos, Holden and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to the office of the taxpayer advocate**

*Be it enacted by the Council as follows:*

Section 1. Section 11-143 of the administrative code of the city of New York, as added by a local law for the year 2021, relating to establishing the office of the taxpayer advocate, as proposed in introduction number 2364, is amended by adding a new subdivision c to read as follows:

*c. Taxpayer bill of rights. 1. The office of taxpayer advocate shall develop a taxpayer's bill of rights. The bill of rights shall be in the form of a written document, drafted in plain language, that advises taxpayers of their rights as they relate to any tax administered by the department and which is imposed by or authorized to be imposed pursuant to this title. Any reference to tax or taxes in such sections shall include special assessments, fees and other impositions which are administered by the commissioner.*

*2. The taxpayer bill of rights shall be posted on the department's website and included in the statement of account sent to owners of real property as required by section 11-129.*

*3. The office of taxpayer advocate shall annually review the taxpayer bill of rights to determine if such bill of rights should be updated or revised.*

*4. The taxpayer bill of rights shall serve as an informational document only and nothing in this subdivision or in such document shall be construed so as to create a cause of action or constitute a defense in any legal, administrative or other proceeding.*

§2. Section 11-143 of the administrative code of the city of New York, as added by a local law for the year 2021, relating to establishing the office of the taxpayer advocate, as proposed in introduction number 2364, is amended by adding a new subdivision d to read as follows:

*d. Annual Report. 1. The taxpayer advocate shall prepare an annual report regarding the activities of the office of taxpayer advocate for the fiscal year ending during the calendar year in which such report is issued. The report shall be submitted no later than August 1, 2022, and every August 1 thereafter, to the mayor and the speaker of the city council and posted on the department's website.*

*2. The report shall be submitted directly to the mayor and the speaker without review by any employee of the department.*

*3. The report shall:*

*(a) detail the number and nature of inquiries received by the taxpayer advocate regarding property tax exemptions or business tax exemptions;*

*(b) contain the number, nature, and resolution of complaints received by the taxpayer advocate;*

- (c) contain recommendations made by the taxpayer advocate to the commissioner of the department for such administrative or legislative actions as may be appropriate to resolve problems encountered by taxpayers;*
- (e) contain the acceptance and denial of such recommendations by the commissioner of the department;*
- (f) identify the number and nature of inquiries referred to the taxpayer advocate by the ombudspersons at the department;*
- (g) identify the number and nature of inquiries referred to the taxpayer advocate by 311; and*
- (h) include such other information as the taxpayer advocate may deem advisable.*

§3. Section 11-143 of the administrative code of the city of New York, as added by a local law for the year 2021, relating to establishing the office of the taxpayer advocate, as proposed in introduction number 2364, is amended by adding a new subdivision e to read as follows:

*e. Contact Information. 1. Any notice related to taxes or benefits administered by the commissioner of finance or his or her designee shall include contact information and any other relevant information for the office of taxpayer advocate. Such information shall also be posted on the department's website.*

§ 4. This local law takes effect on the same date as a local law amending the New York city charter and the administrative code of the city of New York, relating to the establishment of the office of the taxpayer advocate as proposed in introduction number 2364 for the year 2021, takes effect.

Referred to the Committee on Finance.

Preconsidered Res. No. 1726

**Resolution approving the new designation and changes in the designation of certain organizations to receive funding in the Expense Budget.**

By Council Member Dromm.

**Whereas**, On June 30, 2021, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2022 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

**Whereas**, On June 30, 2020, the Council of the City of New York (the “City Council”) adopted the expense budget for fiscal year 2021 with various programs and initiatives (the “Fiscal 2021 Expense Budget”); and

**Whereas**, On June 19, 2019 the Council adopted the expense budget for fiscal year 2020 with various programs and initiatives (the “Fiscal 2020 Expense Budget”); and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving the new designation and changes in the designation of certain organizations receiving local, youth, aging, and anti-poverty discretionary funding, and by approving the new designation and changes in the designation of certain organizations to receive funding pursuant to certain initiatives in accordance therewith; and

**Whereas**, The City Council is hereby implementing and furthering the appropriations set forth in the Fiscal 2022, Fiscal 2021, and Fiscal 2020 Expense Budgets by approving new Description/Scope of Services for certain organizations receiving local, youth, and anti-poverty discretionary funding and funding pursuant to certain initiatives; now, therefore, be it

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2022 Expense Budget, as set forth in Chart 1; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving youth discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 2; and be it further

**Resolved**, That the City Council approves the new designation and the changes in the designation of certain organizations receiving aging discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 3; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the anti-poverty discretionary funding in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 4; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Speaker's Initiative to Address Citywide Needs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 5; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the A Greener NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 6; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Digital Inclusion and Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 7; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 8; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the NYC Cleanup Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 9; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Parks Equity Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 10; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Cultural Immigrant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 11; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Support Our Seniors Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 12; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Pantries Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 13; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 14; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the LGBT Community Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 15; and be it further

**Resolved,** That the City Council approves a removal of funds from the administering agency pursuant to the Afterschool Enrichment Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 16; and be it further

**Resolved,** That the City Council approves a removal of funds from the administering agency pursuant to the Physical Education and Fitness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 17; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the College Career and Readiness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 18; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Educational Programs for Students Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 19; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the LGBTQ Inclusive Curriculum Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 20; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Social and Emotional Supports for Students Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 21; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Placement for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 22; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Legal Services for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 23; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Mental Health Services for Veterans Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 24; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Veterans Community Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 25; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 26; and be it further

**Resolved,** That the City Council approves the new designation of certain additional organizations receiving funding pursuant to the Coalition Theaters of Color Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 27; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the MWBE Leadership Associations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 28; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Chamber on the Go and Small Business Assistance Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 29; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Day Laborer Workforce Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 30; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Worker Cooperative Business Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 31; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Job Training and Placement Initiative, as set forth in Chart 32; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving funding pursuant to the Crisis Management System Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 33; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Domestic Violence and Empowerment (DoVE) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 34; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Immigrant Survivors of Domestic Violence Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 35; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Legal Services for the Working Poor Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 36; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the City's First Readers Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 37; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the YouthBuild Project Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 38; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Communities of Color NonProfit Stabilization Fund Initiative in accordance with the Fiscal 2022 Expense Budget; as set forth in Chart 39; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Senior Centers, Programs, and Enhancements Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 40; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 41; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 42; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the LGBTQ Senior Services in Every Borough Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 43; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Family Advocacy and Guardianship Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 44; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Wrap-Around Support for Transitional-Aged Foster Youth Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 45; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Adult Literacy Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 46; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Initiative to Combat Sexual Assault in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 47; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Unaccompanied Minors and Families Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 48; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the AAPI Community Support Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 49; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Housing Preservation Strategies Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 50; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Community Land Trust Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 51; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Foreclosure Prevention Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 52; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Home Loan Program Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 53; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Stabilizing NYC Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 54; and be it further

**Resolved,** That the City Council approves the new designation of a certain organization receiving funding pursuant to the Construction Site Safety Training Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 55; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Education Equity Action Plan Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 56; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Supports for Persons Involved in the Sex Trade Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 57; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Innovative Criminal Justice Programs Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 58; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Alternatives to Incarceration (ATI's) Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 59; and be it further

**Resolved,** That the City Council approves a removal of funds from the administering agency pursuant to the Civic Education in New York City Schools Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 60; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Children Under Five Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 61; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Court-Involved Youth Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 62; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Mental Health Services for Vulnerable Populations Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 63; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Autism Awareness Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 64; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Geriatric Mental Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 65; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 66; and be it further

**Resolved,** That the City Council approves the new designation of certain additional organizations receiving funding pursuant to the Access Health Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 67; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the MCCAP Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 68; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the HIV/AIDS Faith Based Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 69; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Maternal and Child Health Services Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 70; and be it further

**Resolved,** That the City Council approves the new designation and the change in the designation of certain organizations receiving funding pursuant to the Viral Hepatitis Prevention Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 71; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Young Women's Leadership Development Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 72; and be it further

**Resolved,** That the City Council approves the new designation of certain organizations receiving funding pursuant to the Food Access and Benefits Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 73; and be it further

**Resolved,** That the City Council approves the new designation and the changes in the designation of certain organizations receiving local discretionary funding pursuant to the Fiscal 2021 Expense Budget, as set forth in Chart 74; and be it further

**Resolved,** That the City Council approves the changes in the designation of certain organizations receiving funding pursuant to the Cultural After-School Adventure (CASA) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 75; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Neighborhood Development Grant Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 76; and be it further

**Resolved,** That the City Council approves the change in the designation of a certain organization receiving funding pursuant to the Naturally Occurring Retirement Communities (NORCs) Initiative in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 77; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and anti-poverty discretionary funding and funding pursuant to the Speaker's Initiative in accordance with the Fiscal 2022 Expense Budget, as set forth in Chart 78; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for certain organizations receiving local and youth discretionary funding in accordance with the Fiscal 2021 Expense Budget, as set forth in Chart 79; and be it further

**Resolved,** That the City Council amends the description for the Description/Scope of Services for a certain organization receiving local discretionary funding in accordance with the Fiscal 2020 Expense Budget, as set forth in Chart 80.

Adopted by the Council (preconsidered and approved by the Committee on Finance; for text of the Exhibit Charts, please refer to the attachments section of [the Res. No. 1726 of 2021 file](#) in the legislation section of the New York City Council website at <https://council.nyc.gov>).

#### Res. No. 1727

**Resolution calling upon the United States Congress to amend H.R. 3684, the INVEST in America Act, to include funding for relocating power lines in the outer boroughs underground and funding to ensure coastal protections for New York City.**

By Council Members Gjonaj, Brannan and Holden.

**Whereas,** Over the last decade, New York City (City) has experienced some of its hottest summer months and extreme weather events ever recorded; and

**Whereas,** The year 2020 was a record-breaking Atlantic hurricane season ending with 30 named storms, of which 14 became hurricanes; and

**Whereas,** 2020 marked the fifth consecutive year with an above average Atlantic hurricane season, with 18 seasons above the average out of the past 26; and

**Whereas,** Researchers have warned of another active hurricane season in 2021, predicting the occurrence of 13 to 20 named tropical systems, with ten reaching hurricane status, while the City is still unprepared for another severe weather event like Superstorm Sandy; and

**Whereas,** As a result of potential heatwaves and storms occurring throughout the summer months amidst the COVID-19 pandemic, the City must prepare for higher rates of emergencies, enforce social distancing to keep New Yorkers safe, all while trying to deal with severe weather events, dangerously high temperatures and keeping residents cool; and.



**Whereas**, In August 2020, Tropical Storm Isaias (Isaias) delivered heavy rain and strong winds to the City, along with New Jersey and Connecticut leaving over two and a half million residents without power; and

**Whereas**, Isaias left nearly 267,000 New York City and Westchester County Con Edison customers without power, which surpassed the 204,000 outages caused by Hurricane Irene in 2011, the borough of Queens had the most power outages with nearly 50,000 residents without power, Staten Island residents were hit the hardest per capita with 36,000 without power, the Bronx had approximately 22,700 customers without power, 10,057 in Brooklyn and 67 in Manhattan, as well; and

**Whereas**, Isaias brought down more than 7,000 wires causing the second biggest power outage for customers in Consolidated Edison's (Con Edison) history behind Superstorm Sandy in 2012, which caused approximately 1.1 million outages; and

**Whereas**, Superstorm Sandy devastated the City with nearly 2 million residents losing power and service was not restored to some New Yorkers for several days, and for others it took weeks after the storm; and

**Whereas**, Severe weather events with high winds such as Superstorm Sandy and Isaias often knock down above-ground power lines, resulting in numerous power outages; and

**Whereas**, Con Edison provides electricity to over three million customers in the City and Westchester County and is the primary utility serving City residents throughout the five boroughs maintaining over 36,000 miles of overhead electrical wires in the New York area; and

**Whereas**, All of the boroughs other than Manhattan are particularly susceptible to power outages, due to the majority of power lines being run above-ground, making them vulnerable to downed trees and storm damage; and

**Whereas**, There have been discussions between elected officials and residents to move these power lines underground, however the cost for such a conversion would be approximately \$1 million per mile; and

**Whereas**, Currently, the United States Congress passed H.R. 3684, the INVEST in America Act (Act), which will include \$550 billion in new federal investments in America's infrastructure over the next five years; and

**Whereas**, The Act will invest \$73 billion to rebuild the electric grid with thousands of miles of new power lines, \$17 billion in port infrastructure and \$3.5 billion for the Federal Emergency Management Agency (FEMA) to reduce damage from flooding; and

**Whereas**, The Act should also include investments in resiliency measures to reduce the impacts of coastal storm flooding throughout the City; and

**Whereas**, Furthermore, the Act should include investments in relocating the City's power lines underground since it is inevitable that the City will continue experiencing power outages resulting from extreme weather events knocking down power lines; and

**Whereas**, Relocating such power lines to underground locations, where feasible, may mitigate power outages during future severe weather events; now, therefore, be it

**Resolved**, That the Council of the City of New York calls upon the United States Congress to amend H.R. 3684, the INVEST in America Act, to include funding for relocating power lines in the outer boroughs underground and funding to ensure coastal protections for New York City.

Referred to the Committee on Resiliency and Waterfronts.

Int. No. 2385

By Council Members Kallos and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to establishing a photo noise violation monitoring device program for motor vehicles**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 6 of chapter 2 of title 24 of the administrative code of the city of New York is amended by adding a new section 24-236.1 to read as follows:

*§ 24-236.1 Owner liability for failure to comply with motor vehicle sound limits. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Lessee. The term "lessee" has the meaning provided in section 239 of the vehicle and traffic law.*

*Lessor. The term "lessor" has the meaning provided in section 239 of the vehicle and traffic law.*

*Owner. The term "owner" has the meaning provided in section 239 of the vehicle and traffic law.*

*Photo noise violation monitoring device. The term "photo noise violation monitoring device" means one or more mobile or fixed vehicle sensors installed to work in conjunction with one or more noise measuring apparatuses such as a decibel reader which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each motor vehicle at the time it is used or operated in violation of the motor vehicle noise limits prescribed in section 24-236 of this subchapter.*

*b. Photo noise violation monitoring device program established. 1. The department, in consultation with the police department and the department of transportation, shall establish a demonstration program of photo noise violation monitoring devices to monitor compliance with motor vehicle noise limits provided in section 24-236. Any motor vehicle found to be violating such provisions shall be issued a notice of violation and subject to the civil penalty prescribed in table I of paragraph 5 of subdivision b of section 24-257.*

*2. No photo noise violation monitoring device shall be used unless it has undergone an annual calibration check performed pursuant to paragraph 3 of this subdivision.*

*3. Each photo noise violation monitoring device shall undergo an annual calibration check performed by an independent calibration laboratory which shall issue a signed certificate of calibration. The department shall keep each such annual certificate of calibration on file until the final resolution of all cases involving a notice of violation issued during such year which were based on photographs, microphotographs, videotape or other recorded images produced by such photo noise violation monitoring device.*

*4. It shall be a defense to any prosecution for a violation issued pursuant to this section that such photo noise violation monitoring device was malfunctioning at the time of the alleged violation.*

*5. Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs, microphotographs, videotape or other recorded images produced by such photo noise violation monitoring devices shall not include images that identify the driver, the passengers, or the contents of the motor vehicle. Provided, however, that no notice of violation issued pursuant to this section shall be dismissed solely because such photograph, microphotograph, videotape or other recorded image allows for the identification of the driver, the passengers, or the contents of motor vehicles where the department shows that it made reasonable efforts to comply with the provisions of this paragraph in such case.*

*6. Any photograph, microphotograph, videotape or other recorded image from a photo noise violation monitoring device shall be for the exclusive use of the city for the purpose of the adjudication of liability imposed pursuant to subchapter 8 of this chapter and of the motor vehicle owner receiving a notice of violation, and shall be destroyed by the department upon the final resolution of the notice of violation to which such photograph, microphotograph, videotape or other recorded image relates, or one year following the date of issuance of such notice of violation, whichever is later. Notwithstanding the provisions of any other law, rule or regulation to the contrary, a photograph, microphotograph, videotape or other recorded image from a photo noise violation monitoring device shall not be available to the public, nor subject to civil or criminal process or discovery, nor used by any court or administrative or adjudicatory body in any action or proceeding therein except that which is necessary for the adjudication of a notice of violation, and no public entity or employee, officer or agent thereof shall disclose such information, except that a photograph, microphotograph, videotape or other recorded image from such devices:*

*(a) Shall be available for inspection and copying and use by the motor vehicle owner for so long as such photograph, microphotograph, videotape or other recorded image is required to be maintained or is maintained by such public entity, employee, officer or agent;*

*(b) Shall be furnished for use in a criminal action or proceeding when described in a search warrant issued by a court authorized to issue such a search warrant pursuant to article 690 of the criminal procedure law or a federal court authorized to issue such a search warrant under federal law, where such search warrant states that there is reasonable cause to believe such information constitutes evidence of, or tends to demonstrate that, a misdemeanor or felony offense was committed in this state or another state, or that a particular person*

participated in the commission of a misdemeanor or felony offense in this state or another state, provided, however, that if such offense was against the laws of another state, the court shall only issue a warrant if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony against the laws of this state; and

(c) Shall be furnished for use in a criminal action or proceeding in response to a subpoena duces tecum signed by a judge of competent jurisdiction and issued pursuant to article 610 of the criminal procedure law or a judge or magistrate of a federal court authorized to issue such a subpoena duces tecum under federal law, where the judge finds and the subpoena states that there is reasonable cause to believe such information is relevant and material to the prosecution, or the defense, or the investigation by an authorized law enforcement official, of the alleged commission of a misdemeanor or felony in this state or another state, provided, however, that if such offense was against the laws of another state, such judge or magistrate shall only issue such subpoena if the conduct comprising such offense would, if occurring in this state, constitute a misdemeanor or felony in this state.

7. A certificate, sworn to or affirmed by a technician employed by the city, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotapes or other recorded images produced by a photo noise violation monitoring device, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotapes or other recorded images evidencing such a violation shall include at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle and shall be available for inspection reasonably in advance of and at any proceeding to adjudicate the liability for such violation pursuant to subchapter 8 of this chapter.

8. A notice of violation shall be sent by first class mail to each person alleged to be liable as a motor vehicle owner for a violation of section 24-236, within 14 business days if such owner is a resident of this state and within 45 business days if such owner is a non-resident. Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

9. A notice of violation shall contain the name and address of the person alleged to be liable as a motor vehicle owner for a violation of section 24-236, as documented by a photo noise violation monitoring device, the registration number of the motor vehicle involved in such violation, the location where such violation took place, the date and time of such violation, the identification number of the camera which recorded the violation or other document locator number, at least two date and time stamped images of the rear of the motor vehicle that include the same stationary object near the motor vehicle, and the certificate charging the violation, which shall be a statement within the notice of violation that an owner violated section 24-236 and is liable for penalties in accordance with this section.

10. The notice of violation shall contain information advising the person charged of the manner and the time in which the alleged violation may be contested in a hearing pursuant to section 24-263.

11. If a motor vehicle owner receives a notice of violation pursuant to this section for any time period during which the motor vehicle or the number plate or plates of such motor vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of section 24-236 that the motor vehicle or the number plate or plates of such motor vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this paragraph, it shall be sufficient that a certified copy of the police report on the stolen motor vehicle or number plate or plates of such motor vehicle be sent by first class mail to the body adjudicating the proceeding.

12. A motor vehicle owner who is a lessor of a motor vehicle to which a notice of violation is issued shall not be liable for a violation of section 24-236, provided that:

(a) Prior to the violation, the lessor has filed in accordance with the provisions of section 239 of the vehicle and traffic law; and

(b) Within 37 days after receiving notice of the date and time of the violation, together with the other information contained in the notice of violation, the lessor submits to the body adjudicating the proceeding the correct name and address of the lessee of the motor vehicle identified in the notice of violation at the time of such violation, together with such additional information contained in the rental, lease, or other contract document, as may be reasonably required by such adjudicating body pursuant to regulations promulgated for such purpose.

13. Failure to comply with the provisions of paragraph 12 of this subdivision shall render the motor vehicle owner liable for the penalty prescribed in table I of paragraph 5 of subdivision b of section 24-257.

14. Where the lessor complies with the provisions of paragraph 12 of this subdivision, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of violation pursuant to paragraph 10 of this section.

15. If the motor vehicle owner liable for a violation of section 24-236 pursuant to this section was not the operator of the motor vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

16. Notwithstanding any other provision of this section, no owner of a motor vehicle shall be subject to a monetary fine imposed pursuant to table I of paragraph 5 of subdivision b of section 24-257 if the operator of such motor vehicle was operating such motor vehicle without the consent of the owner at the time of the violation. For purposes of this paragraph there shall be a presumption that the operator of such motor vehicle was operating the motor vehicle with the consent of the owner at the time of such violation.

c. Placement of devices. The department shall select the locations for each photo noise violation monitoring device based on motor vehicle noise complaint data reported by the 311 customer service center within 30 days of the effective date of this law. To the extent practicable, the department shall take into consideration requests made by elected officials or community boards for placement of photo noise violation monitoring devices. Upon receipt of a request by an elected official or a community board for installation of a photo noise violation monitoring device at a particular location, the department shall assess the request and respond within 30 days with a determination as to whether the location requested is appropriate for inclusion in the program.

d. Warning signs. The department shall install signs giving notice to approaching motor vehicle operators where a photo noise violation monitoring device is in use, provided that the department shall not use dynamic display signs to display real time decibel readings of motor vehicles unless it determines that the use of such signs will be beneficial at specific locations.

e. Multiple technologies. The department shall trial different sound detection technologies within the photo noise violation monitoring devices as part of this program, including but not limited to:

1. Acoustic monitoring;
2. Beamforming devices; and
3. Artificial intelligence.

f. Reporting. No later than December 1, 2021, and annually on December 1 thereafter in each succeeding year in which the demonstration program is operable, the commissioner shall submit to the mayor and the speaker of the council, and post on the department's website, a report on the use of photo noise violation monitoring devices. Such report shall include:

1. The locations where and dates when photo noise violation monitoring devices were used;
  2. The total number of violations recorded by photo noise violation monitoring devices on a daily, weekly and monthly basis;
  3. The total number of notices of violation issued for violations recorded by such devices;
  4. The number of fines and total amount of fines paid after the first notice of violation issued for violations recorded by such devices;
  5. The number of violations adjudicated in accordance with subchapter 8 of this chapter and the results of such adjudications disaggregated by dispositions made for violations recorded by such devices;
  6. The total amount of revenue realized by the city in connection with the program;
  7. Any expenses incurred by the city in connection with the program;
  8. A cost-benefit analysis of the different types of technology trialed pursuant to subdivision e of this section;
- and
9. A description of the quality of the adjudication process and its results.

§ 2. This local law takes effect 60 days after it becomes law, except that the administering agency shall take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Environmental Protection.

Int. No. 2386

By Council Members Kallos and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to collaborative software purchasing.**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. The Council hereby finds and declares that it is in the best interest of New York City that its agencies work with jurisdictions at all levels to deploy low-cost, reusable software, using open standards, open protocols, as well as free/libre and open source software code wherever possible to: pool resources in order to reduce costs and avoid duplicated effort; help make civic IT expertise more cumulative and portable across jurisdictions, for civil servants, for citizens, and for vendors; and permit the public to assist in identifying efficient solutions for government, promote innovative strategies for social progress, and create economic opportunities.

Section 2. Chapter 1 of title six of the administrative code of the city of New York is amended by adding new sections 6-142 and 6-143 to read as follows:

*§6-142. Civic Commons Collaborative Software Purchasing.*

*a. The mayor shall designate an agency to develop and implement a plan to coordinate with jurisdictions outside of the city of new york regarding the procurement of software. Such plan shall include specific steps the agency shall take to maximize cost savings from the shared purchase and use of software,*

*b. The agency that the mayor designates pursuant to subdivision a of this section shall publish such plan on the city's website.*

*c. Not later than October first of each year, the agency that the mayor designates pursuant to subdivision a of this section shall submit a report to the mayor and the speaker of the city council detailing the city's efforts to effectuate such plan. Such report shall include an analysis of estimated cost savings to the city resulting from the shared purchase and use of software.*

*§6-143. Civic Commons Portal.*

*a. Within one year of the effective date of this section and thereafter, the agency that the mayor designates pursuant to subdivision a of section 6-142 of this chapter shall make available on the internet accessible through a single web portal that is linked to nyc.gov or any successor website maintained by, or on behalf of, the city of New York:*

*(1) Notices of software purchase solicitations by the city of New York and its agencies upon which multiple agencies or jurisdictions outside the city of New York may seek to collaborate;*

*(2) Civic Commons software source code in a version control repository of software purchased and used by the city of New York and its agencies or by other jurisdictions with whom software was purchased collaboratively; and*

*(3) Source code in a version control repository of software not purchased or used by the city of New York or its agencies that the designated agency determines may be used or improved upon by the city of New York and its agencies.*

*b. If the designated agency cannot make all such Civic Commons software source code available on the single web portal pursuant to subdivision a of this section, the agency shall report to the council which Civic Commons software source code it is unable to make available, the reasons why it cannot do so and the date by which the agency expects that such Civic Commons software source code will be available on the single web portal.*

*c. Civic Commons software source code shall make use of appropriate technology to notify the public of all updates.*

*d. Civic Commons software source code shall be updated as often as is necessary to preserve the integrity and usefulness of the Civic Commons software source code to the extent that the designated agency regularly maintains or updates the Civic Commons software source code.*

*e. Civic Commons software source code shall be made available without any registration requirement, license requirement or restrictions on their use provided that the designated agency may require a third party providing to the public any Civic Commons software source code, or application utilizing the Civic Commons*

*software source code, to explicitly identify the source and version of the Civic Commons software source code, and a description of any modifications made to the Civic Commons software source code. Registration requirements, license requirements or restrictions as used in this section shall not include measures required to ensure access to Civic Commons software source code, to protect the single web site housing public data sets from unlawful abuse or attempts to damage or impair use of the web site, or to analyze the types of data being used to improve service delivery.*

*f. Civic Commons software source code shall be accessible to external search capabilities.*

§3. This local law shall take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Technology.

Int. No. 2387

By Council Members Kallos and Holden.

**A Local Law to amend the administrative code of the city of New York, in relation to free and open source software**

*Be it enacted by the Council as follows:*

Section 1. Declaration of legislative findings and intent. The Council hereby finds and declares that it is in the best interest of New York City and its agencies to purchase software with a free and open source license. The cost of obtaining software for the city's computer systems has become a significant expense to the city of New York. The personnel costs of maintaining the software on city computers has also become a significant expense to the city of New York. It is necessary for the functioning of the city that computer data owned by the city be permanently available to the city throughout its useful life. To guarantee the succession and permanence of public data, it is necessary that the city's accessibility to that data be independent of the goodwill of the city's computer system suppliers and the conditions imposed by these suppliers. It is in the public interest to ensure interoperability of computer systems through the use of software and products that promote open, platform-neutral standards. It is also in the public interest that the city be free, to the greatest extent possible, of conditions imposed by parties outside the city's control on how, and for how long, the city may use the software it has acquired. Finally, it is not in the public interest and it is a violation of the fundamental right to privacy for the city to use software that, in addition to its stated function, also transmits data to, or allows control and modification of its systems by, parties outside of the city's control.

The acquisition and widespread deployment of free and open source software can significantly reduce the city's costs of obtaining and maintaining software: Free and open source software guarantees that the encoding of data is not tied to a single provider; free and open source software enables interoperability through adherence to open, platform-neutral standards; free and open source software contains no restrictions on how, or for how long, it may be used; and since free and open source software fully discloses its internal operations, it can be audited, at any time and by anyone of the city's choosing, for internal functions that are contrary to the public's interests and rights.

§2. Title six of the administrative code of the city of New York is amended by adding a new chapter four to read as follows:

**CHAPTER 4  
SOFTWARE PURCHASING**

*§6-401. Definitions. As used in this chapter:*

*a. Definitions set forth in section 23-501 of the administrative code of the city of New York is incorporated by reference as if fully set forth herein.*

*b. The following terms shall have the following meanings:*

*"Agency" shall mean a city, county, borough, or other office, position, administration, department, division, bureau, board or commission, or a corporation, institution or agency of government, the expenses of which are paid in whole or in part from the city treasury.*

*"City chief procurement officer" shall mean the person to whom the mayor has delegated authority to coordinate and oversee the procurement activity of mayoral agency staff, including the agency chief contracting officers and any offices that have oversight responsibility for procurement.*

*"Civic Commons software" shall mean software purchased collaboratively with jurisdictions outside of the city of new york in accordance with section 403 and section 404 of this chapter.*

*"Free software" means software that provides access to the source code and guarantees users the freedom to run, copy, distribute, study, change and improve the software through the four essential freedoms:*

- (i) The freedom to run the program, for any purpose;*
- (ii) The freedom to study how the program works, and change it so it does your computing as you wish.*
- (iii) The freedom to redistribute copies to help your neighbor; and*
- (iv) The freedom to distribute copies of your modified versions to others*

*"Free and open source software" means software that satisfies all the criteria set forth in the definitions of "free software" and "open source software" under this chapter.*

*"Open source software" shall mean software that complies with the following criteria:*

*(1) Free redistribution. The license shall not restrict any party from selling or giving away the software as a component of an aggregate software distribution containing programs from several different sources. The license shall not require a royalty or other fee for such sale.*

*(2) Source code. The program must include source code, and must allow distribution in source code as well as compiled form. Where some form of a product is not distributed with source code, there must be a well-publicized means of obtaining the source code for no more than a reasonable reproduction cost preferably, downloading via the internet without charge. The source code must be the preferred form in which a programmer would modify the program. Deliberately obfuscated source code is not allowed. Intermediate forms such as the output of a preprocessor or translator are not allowed.*

*(3) Derived works. The license must allow modifications and derived works, and must allow them to be distributed under the same terms as the license of the original software.*

*(4) Integrity of the author's source code. The license may restrict source-code from being distributed in modified form only if the license allows the distribution of "patch files" with the source code for the purpose of modifying the program at build time. The license must explicitly permit distribution of software built from modified source code. The license may require derived works to carry a different name or version number from the original software.*

*(5) No discrimination against persons or groups. The license must not discriminate against any person or group of persons.*

*(6) No discrimination against fields of endeavor. The license must not restrict anyone from making use of the program in a specific field of endeavor.*

*(7) Distribution of license. The rights attached to the program must apply to all to whom the program is redistributed without the need for execution of an additional license by those parties.*

*(8) License must not be specific to a product. The rights attached to the program must not depend on the program's being part of a particular software distribution. If the program is extracted from that distribution and used or distributed within the terms of the program's license, all parties to whom the program is redistributed should have the same rights as those that are granted in conjunction with the original software distribution.*

*(9) License must not restrict other software. The license must not place restrictions on other software that is distributed along with the licensed software. For example, the license must not insist that all other programs distributed on the same medium must be open-source software.*

*(10) License must be technology-neutral. No provision of the license may be predicated on any individual technology or style of interface.*

*"Proprietary software" means software that does not fulfill all of the guarantees provided by open source software.*

*§6-402. Free and open source software.*

*a. Within one hundred eighty days of the effective date of the local law that added this section, the city chief procurement officer, in conjunction with the commissioner of the department of information technology and*

telecommunications, shall develop a plan to minimize the city's procurement of proprietary software. Such plan shall include a detailed schedule with annual goals for the planned reduction of the purchase of proprietary software and increase in the purchase of free and open source software. The city chief procurement officer shall publish such plan on the mayor's office of contract services website.

b. To advance the goals of such plan, the city chief procurement officer, in conjunction with the commissioner of the department of information technology and telecommunications, shall:

(1) establish guidelines for agencies that will assist in increasing the purchase of free and open source software;

(2) publish such guidelines on the mayor's office of contract services website;

(3) disseminate such guidelines to agencies and train agency contracting personnel on implementing such guidelines; and

(4) monitor agency implementation of such guidelines.

c. Not later than October first of each year, the city chief procurement officer shall submit to the mayor and the speaker of the city council, and publish on the mayor's office of contract services website, a report detailing the city's efforts during the preceding fiscal year to implement such plan. Such report shall include the total dollar value of software procured by agencies, disaggregated by open source software and proprietary software, and an analysis of estimated cost savings resulting from the purchase of open source software.

§3. This local law shall take effect 90 days after its enactment into law, provided, however, that city agencies, officers and employees, including but not limited to the city chief procurement officer, shall take such actions as are necessary for its implementation prior to such effective date.

Referred to the Committee on Technology.

Int. No. 2388

By Council Members Koo, Ampry-Samuel, Yeger, Holden, Moya, Koslowitz, Ayala and Levin.

**A Local Law to amend the administrative code of the city of New York, in relation to the installation of life rings in city parks and beaches**

*Be it enacted by the Council as follows:*

Section 1. Section 18-110 of the administrative code of the city of New York is amended to read as follows:

§ 18-110 Public beaches; life-saving apparatus. [The] *Subject to the requirements of section 18-110.1, the commissioner may furnish, erect and maintain on any public beach any life-saving apparatus, appliances and paraphernalia, for the protection and safety of bathers which any law, rule or regulation now or hereafter may require keepers of bathing establishments along the seashore to furnish and maintain. During such period as the commissioner shall furnish and maintain the same, the duty of keepers of bathing establishments on, near or along the inshore line of any such public beach to do so shall be suspended. If for any period the commissioner shall not furnish and maintain the same such commissioner shall, under such rules and regulations as [he or she] the commissioner may establish therefor, issue permits to such keepers to furnish, erect and maintain the same.*

§ 2. Chapter 1 of title 18 of the administrative code of the city of New York is amended by adding a new section 18-110.1 to read as follows:

§ 18-110.1 *Life rings accessible at waterfront parks. a. Definitions. For purposes of this section, the term "life ring" means any type of life-saving apparatus or ring buoy approved by the United States coast guard pursuant to applicable federal regulations.*

*b. Life rings; installation required. The commissioner shall furnish, erect and maintain life rings along every publicly accessible waterfront, including public beaches, within the department's jurisdiction. There shall be no less than one life ring per every 150 feet of waterfront perimeter.*

*c. Specifications. Each life ring shall have attached a buoyant line of at least 100 feet, with a breaking strength of at least 13 kilonewtons of force. During periods of nonuse, the line shall not be secured to any structure.*



*d. Limitation of liability; exception. Any person who without expectation of monetary compensation renders emergency aid using a life ring installed and maintained pursuant to this section shall not be liable for damages for injuries sustained by the person receiving emergency aid or for damages for the death of the person receiving emergency aid by reason of an act or omission in the rendering of such emergency aid unless such injuries were or such death was caused by gross negligence on the part of the person rendering emergency aid. The exemption from liability set forth in this subdivision does not apply to emergency medical services personnel or first responders rendering professional services in the normal and ordinary course of their duties.*

§ 3. This local law takes effect 60 days after it becomes law.

Referred the Committee on Civil and Human Rights.

Int. No. 2389

By Council Members Lander, Dromm and Louis.

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

*Be it enacted by the Council as follows:*

Section 1. Section 8-101 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, is amended to read as follows:

§ 8-101 Policy.

In the city of New York, with its great cosmopolitan population, there is no greater danger to the health, morals, safety and welfare of the city and its inhabitants than the existence of groups prejudiced against one another and antagonistic to each other because of their actual or perceived differences, including those based on race, color, creed, age, national origin, alienage or citizenship status, gender, sexual orientation, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, uniformed service, height, weight, any lawful source of income, status as a victim of domestic violence or status as a victim of sex offenses or stalking, whether children are, may be or would be residing with a person or conviction or arrest record. The council hereby finds and declares that prejudice, intolerance, bigotry, and discrimination, bias-related violence or harassment and disorder occasioned thereby threaten the rights and proper privileges of its inhabitants and menace the institutions and foundation of a free democratic state. The council further finds and declares that gender-based harassment threatens the terms, conditions and privileges of employment. A city agency is hereby created with power to eliminate and prevent discrimination from playing any role in actions relating to employment, public accommodations, and housing and other real estate, and to take other actions against prejudice, intolerance, bigotry, discrimination, sexual harassment and bias-related violence or harassment as herein provided; and the commission established hereunder is hereby given general jurisdiction and power for such purposes.

§ 2. Paragraphs (a), (b), (c) and (d) of subdivision 1 of section 8-107 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, are amended to read as follows:

1. Employment. It shall be an unlawful discriminatory practice:

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

(1) To represent that any employment or position is not available when in fact it is available;

(2) To refuse to hire or employ or to bar or to discharge from employment such person; or

(3) To discriminate against such person in compensation or in terms, conditions or privileges of employment.

(b) For an employment agency or an employee or agent thereof to discriminate against any person because of such person's actual or perceived age, race, creed, color, national origin, gender, disability, marital status, partnership status, caregiver status, sexual and reproductive health decisions, sexual orientation, uniformed

service, height, weight or alienage or citizenship status in receiving, classifying, disposing or otherwise acting upon applications for its services, including by representing to such person that any employment or position is not available when in fact it is available, or in referring an applicant or applicants for its services to an employer or employers.

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

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

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

*(g) Bona fide occupational qualification” (1) As used in this subdivision, the term “bona fide occupational qualification” means only those vocational qualifications that are reasonably necessary to the normal operation of the particular business, enterprise, or apprentice or other training program.*

*(2) Notwithstanding any other provision of this subdivision and subdivision 2 of this section, it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, based on height or weight requirements in those certain instances where height or weight is a bona fide occupational qualification.*

*(3) If a covered entity asserts that an otherwise unlawful practice is justified as a permissible bona fide occupational qualification, that party shall have the burden of proving:*

*(A) That the alleged discriminatory practice is in fact a necessary result of a bona fide occupational qualification; and*

*(B) That there exists no less discriminatory means of satisfying the occupational qualification.*

*(h) Nothing in this subdivision shall be interpreted or applied so as to create any requirement, power, or duty in conflict with any federal or state law.*

§ 4. Paragraphs b, c, and d of subdivision 2 of section 8-107 of the administrative code of the city of New York, as amended by local law number 20 for the year 2019, is amended to read as follows:

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

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

(d) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for such program or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age, disability, marital status, partnership status, sexual and reproductive

health decisions, sexual orientation, uniformed service, *height, weight*, alienage or citizenship status or status as a victim of domestic violence or as a victim of sex offenses or stalking, or any intent to make any such limitation, specification or discrimination.

§ 5. Paragraph a of subdivision 4 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

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

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

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

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

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

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

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

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

*g. The provisions of this subdivision shall not apply, with respect to height or weight, to places or providers of public accommodation where the commission grants an exemption based on bona fide considerations of public health and safety.*

§ 7. Subparagraphs 1 and 2 of paragraph a of subdivision 5 of section 8-107 of the administrative code of the city of New York, as amended by local law number 119 for the year 2017, is amended to read as follows:

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

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

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

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

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

(2) To declare, print or circulate or cause to be declared, printed or circulated any statement, advertisement or publication, or to use any form of application for the purchase, rental or lease of such a housing accommodation or an interest therein or to make any record or inquiry in conjunction with the prospective purchase, rental or lease of such a housing accommodation or an interest therein which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin, gender, age,

disability, sexual orientation, uniformed service, *height, weight*, marital status, partnership status, or alienage or citizenship status, or any lawful source of income, or whether children are, may be, or would be residing with a person, or any intent to make such limitation, specification or discrimination.

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

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

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

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

§ 10. This local law takes effect 180 days after it becomes law, except that the chairperson of the New York city commission on human rights may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Referred to the Committee on Civil and Human Rights.

Preconsidered Int. No. 2390

By Council Members Moya, Gjonaj and Gennaro.

**A Local Law to amend the administrative code of the city of New York, in relation to limiting, without expiration, the fees charged to food service establishments by third-party food delivery services**

*Be it enacted by the Council as follows:*

Section 1. Subchapter 36 of chapter 2 of title 20 of the administrative code of the city of New York, as added by a local law of the city of New York for the year 2021, relating to the licensing of third-party food delivery services, and to repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services, as proposed in introduction number 1897-A for the year 2020, is amended by adding a new section 20-563.3 to read as follows:

§ 20-563.3 *Fee caps. a. It shall be unlawful for a third-party food delivery service to charge a food service establishment a delivery fee that totals more than 15% of the purchase price of each online order.*

*b. It shall be unlawful for a third-party food delivery service to charge a food service establishment any fee or fees, other than a delivery fee and a transaction fee, for the use of their service that totals more than 5% of the purchase price of each online order.*

*c. It shall be unlawful for a third-party food delivery service to charge a food service establishment a transaction fee that totals more than 3% of the purchase price of each online order, provided however that a third-party food delivery service may charge a food service establishment a transaction fee of more than 3% of the purchase price of an online order if: (i) such transaction fee is charged to the food service establishment in the same amount as the charge imposed upon the third-party food delivery service for such online order, and (ii) such third-party food delivery service can provide proof of such charge imposed upon it to both the department and the relevant food service establishment upon request.*

*d. No later than September 30, 2023, and every two years thereafter, the commissioner shall submit to the speaker of the council and the mayor a report on the fee cap pursuant to this section, which shall include but not be limited to recommendations related to either the maintenance or adjustment of the fee cap as set forth in this section, in consideration of factors from the immediately preceding two years, such as:*

- 1. The effect of the cap on third-party food delivery services and food service establishments;*
- 2. Whether the cap affects wages and working conditions for persons who deliver food or beverages for third-party food delivery services;*
- 3. Products that third-party food delivery services offer to food service establishments for listing, processing and marketing;*
- 4. The number of complaints made to the department related to the alleged violations of this subchapter and the number of violations issued under this subchapter;*
- 5. The total amount of penalties imposed as a result of violations of this subchapter; and*
- 6. The amount of restitution recovered on behalf of food service establishments pursuant to this subchapter.*

§ 2. This local law takes effect on the same date as a local law amending the administrative code of the city of New York, relating to the licensing of third-party food delivery services, and to repealing subchapter 22 of chapter 5 of title 20 of the administrative code of the city of New York, relating to third-party food delivery services as proposed in introduction number 1897-A for the year 2020, takes effect, except that the commissioner of consumer and worker protection may take such measures as are necessary for the implementation of this local law, including the promulgation of rules, before such date.

Adopted by the Council (preconsidered and approved by the Committee on Small Business).

Res. No. 1728

**Resolution calling upon the Department of City Planning to refer out, by the end of 2021, an amendment to the text of the Zoning Resolution to allow dancing and entertainment as-of-right in all eating and drinking establishments.**

By Council Members Powers, Levine, Adams, Dinowitz, Menchaca, Reynoso, Van Bramer, Levin and Koo (in conjunction with the Brooklyn Borough President).

**WHEREAS**, New York City's nickname has long been The City That Never Sleeps; and

**WHEREAS**, this nickname reflects the global recognition of the major role that nightlife serves in the economy and culture of the City; and

**WHEREAS**, New York City's nightlife industry has played a critical role in making the City a global arts capital by providing musicians, writers, entertainers, and visual artists the chance to hone their craft, build demand for their talent, mix and mingle with artistic giants, be discovered, and earn a living; and

**WHEREAS**, New York City's nightlife industry is an incubator for social and cultural trends, including beat poetry, Nuyorican poetry, pop art, hip-hop, punk rock, jazz, disco, salsa, drag and ballroom culture, to name a few; and

**WHEREAS**, New York City's nightlife industry has historically been a safe haven for marginalized communities, including the Black, LGBTQ and Latino communities, and has helped organize them to advance social and political change; and

**WHEREAS**, according to the Mayor's Office of Media and Entertainment's 2019 report "NYC's Nightlife Economy", prior to the COVID-19 pandemic, the nightlife industry's combined direct, indirect, and induced

economic impact supported 299,000 jobs, with \$13.1 billion in employee compensation, \$35.1 billion in economic output, and \$697 million in tax revenue; and

**WHEREAS**, as of 2019, 11,961 establishments held on-premises liquor licenses, including 2,100 bars and clubs, and over 9,000 restaurants; and

**WHEREAS**, with the arrival of COVID-19 in New York City, on March 16, 2020, Governor Andrew Cuomo issued Executive Order 202.3, which prohibited eating and drinking establishments from welcoming patrons indoors; and

**WHEREAS**, the Mayor's Office of Nightlife conducted a survey to evaluate the immediate effects of the COVID-19 restrictions and found that nightlife venues reported losing 95% of weekly income, their vendors reported losing 93.4% of weekly income, their employees reported losing 95.3% of their weekly income, and two out of three freelancers working in nightlife reported losing 100% of their weekly jobs; and

**WHEREAS**, according to the New York City Hospitality Alliance, between June and December of 2020, the percentage of restaurants, bars, nightclubs, and event spaces that could not pay their full rent increased from 80% to 92%, with 35.7% of such businesses paying no more than half of their rent, and 45.2% paying no rent at all; and

**WHEREAS**, by December of 2020, 60% of landlords had not waived any rent for nightlife businesses during the COVID-19 pandemic, and only 8% of landlords had waived more than half the rent; and

**WHEREAS**, 86% of nightlife businesses surveyed could not renegotiate their leases during the COVID-19 pandemic; and

**WHEREAS**, as a result, a large percentage of New York City bars and restaurants will continue to be indebted to landlords even after the end of COVID-19 capacity restrictions; and

**WHEREAS**, New York State Comptroller Tom DiNapoli issued a report "The Restaurant Industry in New York City: Tracking the Recovery" which calls on New York City to provide support to ensure the restaurant and bar industry remains healthy and able to carry out its integral role in the City's economy and within its many communities; and

**WHEREAS**, eating and drinking establishments have long been subject to antiquated, costly, and arbitrarily enforced regulations that have harmed the hospitality industry and prevented such establishments from maximizing revenues; and

**WHEREAS**, one such regulation was the Cabaret Law which, for 91 years from 1926 to 2017 required a license to operate an eating or drinking establishment with dancing or entertainment; and

**WHEREAS**, the Council did all it could do to legalize dancing and entertainment in eating and drinking establishments when it repealed the Cabaret Law by passing Introduction 1652-A for the year 2017, to repeal the Cabaret Law and legalize dancing and entertainment; and

**WHEREAS**, when the Mayor signed Introduction 1652-A as Local Law 252, of the approximately 12,000 businesses then holding on-premises liquor licenses, only 108 were licensed to feature entertainment or dancing; and

**WHEREAS**, the Zoning Resolution prohibits dancing in all residential districts and C1 commercial districts, and imposes expensive and impractical special permit requirements on dancing and entertainment in many commercial, manufacturing, and waterfront districts; and

**WHEREAS**, on June 10, 2021, the Mayor's Office of Nightlife in the Mayor's Office of Media and Entertainment issued its "Report: 2018-2021" which recommends exploring changes to the Zoning Resolution to allow dancing and entertainment in eating and drinking establishments; and

**WHEREAS**, notwithstanding such zoning changes, all eating and drinking establishments that feature entertainment or dancing are now and would continue to be subject to the requirements of the Administrative Code, the Noise Code, the Building Code, the Fire Code, the Health Code, and the New York State Liquor Authority; and

**WHEREAS**, eating and drinking establishments that feature entertainment and dancing can maximize revenues from food and beverage sales and by charging cover fees; and

**WHEREAS**, it is absolutely vital that we help this sector of our economy recover from COVID-19; now, therefore, be it

**RESOLVED**, that the Council of the City of New York calls upon the Department of City Planning to refer out, by the end of 2021, an amendment to the text of the Zoning Resolution to allow dancing and entertainment as-of-right in all eating and drinking establishments.

Referred to the Committee on Land Use.

Int. No. 2391

By the Public Advocate (Mr. Williams) and Council Members Powers, Kallos and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring a report on voter registration in city jails**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-161 to read as follows:

*§ 9-161 Voter registration report. a. No later than January 31, 2022 and annually thereafter, the commissioner shall submit to the mayor, speaker of the council and the public advocate and shall post conspicuously on the department's website an annual report regarding voter registration in city jails. Such report shall include the following information for the previous calendar year:*

- 1. The number of events held to promote voter registration and voting;*
- 2. The number of completed voter registration forms returned to the department from incarcerated individuals, in total and disaggregated by facility and by the race, age, gender, gender identity, sexual orientation, disability status and veteran status of such individual; and*
- 3. The number of absentee ballots the department distributed to incarcerated individuals, in total and disaggregated by facility.*

*b. The report required by this section must not contain personally identifiable information.*

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

Referred to the Committee on Criminal Justice.

Int. No. 2392

By the Public Advocate (Mr. Williams) and Council Members Powers, Holden and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to dyslexia screening and treatment in city jails**

*Be it enacted by the Council as follows:*

Section 1. Chapter 1 of title 9 of the administrative code is amended by adding a new section 9-161 to read as follows:

*§ 9-161 Dyslexia screening and treatment. a. The department shall screen all incarcerated persons who do not have a high school diploma or its equivalent for dyslexia within 72 hours of intake. For the purposes of this section, the term "dyslexia" means an unexpected difficulty in reading for an individual who has the intelligence to be a much better reader, most commonly caused by a difficulty in the phonological processing which affects the ability of an individual to speak, read, and spell.*

*b. The department, the department of education or their agents shall offer programs to treat dyslexia to incarcerated individuals who have been identified as having dyslexia. Such programs must be evidence-based, as defined in subsection (21) of section 7801 of title 20 of the United States code.*

*c. No later than January 31, 2022 and annually thereafter, the commissioner shall submit to the mayor, the speaker of the council and the public advocate and post conspicuously on the department's website an annual report regarding dyslexia screening and treatment in city jails. Such report shall not contain personally identifiable information. Such report shall include the following information for the previous calendar year:*

- 1. The number of individuals who were screened for dyslexia;*
- 2. The number of individuals who were identified as having dyslexia;*
- 3. The number of individuals who participated in dyslexia treatment programs; and*
- 4. A summary of the programs available pursuant to subdivision b.*

§ 2. This local law takes effect 270 days after it becomes law.

Referred to the Committee on Criminal Justice.

Int. No. 2393

By Council Members Vallone and Louis.

**A Local Law to amend the administrative code of the city of New York, in relation to requiring the department of small business services to coordinate with community-based organizations for the purpose of providing information in certain specified languages**

*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 new section 22-1007 to read as follows:

§ 22-1007 *Coordination with community-based organizations; language access. a. Definitions. For the purposes of this section, the following terms have the following meanings:*

*Covered languages. The term "covered languages" means Hindi, Nepali, Punjabi, Tibetan, Gujarathi and all designated citywide languages identified pursuant to section 23-1101.*

*Time-sensitive document. The term "time-sensitive document" means a document that is or will be distributed by the department and is valid only for a specified length of time, such as an application that must be completed prior to a specified date.*

*b. The commissioner shall identify community-based organizations that are proficient in one or more covered languages and are willing to assist in communicating information about department programs and opportunities to the public. To identify such community-based organizations, the department shall provide an application form to community-based organizations which requires any community-based organization that wishes to apply to:*

- 1. Select the covered languages in which the community-based organization is proficient, with one covered language being designated as primary;*
- 2. Demonstrate in a manner specified by the commissioner that such community-based organization provides services in any language identified pursuant to paragraph 1; and*
- 3. Provide proof that such community-based organization is a registered nonprofit.*

*c. The commissioner shall coordinate with the community-based organizations identified pursuant to subdivision b to communicate information about department programs and opportunities to members of the public who speak the covered languages. Such coordination shall include:*

- 1. Providing such community-based organizations with a liaison at the department who can answer questions about such programs and opportunities;*
- 2. Maintaining a mailing list to send information about such programs and opportunities to such community-based organizations;*
- 3. Providing, to the extent practicable, time-sensitive documents to such community-based organizations at least 14 days in advance of the distribution of such time-sensitive documents to the general public for the purpose of ensuring such community-based organizations have adequate time to prepare materials and plans to*



*communicate information about such documents in the applicable covered language, provided that such community-based organizations agree not to distribute such documents prior to the date they are distributed by the department; and*

*4. Directing individuals who speak covered languages to the appropriate community-based organizations.*

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

Referred to the Committee on Small Business.

Preconsidered L.U. No. 822

By Council Member Dromm:

**310 East 4th Street HDFC.GHPP.FY22, Block 373, Lot 8; Manhattan, Community District No. 3, Council District 2.**

Adopted by the Council (preconsidered and approved by the Committee on Finance).

Preconsidered L.U. No. 823

By Council Member Salamanca:

**Application No. C 210148 ZMQ (133 Beach 116th Street Rezoning) submitted by Beach 116<sup>th</sup> Associates, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 30b, eliminating from within an existing R7A District a C1-3 District and establishing within an existing R7A District a C2-4 District, Borough of Queens, Community District 14, Council District 32.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

Preconsidered L.U. No. 824

By Council Member Salamanca:

**Application No. C 200230 ZMQ (Beach 67<sup>th</sup> Street Rezoning) submitted by Brisa Builders Development, LLC, and God's Battalion of Prayer Properties, Inc., pursuant to Sections 197-c and 201 of the New York City Charter for the amendment of the Zoning Map, Section No. 30c, by changing from an R4A District to an R6 District, Borough of Queens, Community District 14, Council District 31.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 825

By Council Member Salamanca:

**Application No. N 200231 ZRQ (Beach 67<sup>th</sup> Street Rezoning) submitted by Brisa Builders Development, LLC, and God's Battalion of Prayer Properties, Inc., pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Queens, Community District 14, Council District 31.**

Adopted by the Council (preconsidered and approved by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 826

By Council Member Salamanca:

**Application No. C 210249 ZMK (840 Atlantic Avenue Rezoning) submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 16c, changing from an R6B District to a C6-3X District and changing from an M1-1 District to a C6-3X District, Borough of Brooklyn, Community District 8, Council District 35.**

Adopted by the Council (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## Preconsidered L.U. No. 827

By Council Member Salamanca:

**Application No. N 210250 ZRK (840 Atlantic Avenue Rezoning) submitted by Vanderbilt Atlantic Holdings, LLC, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, modifying Article III Chapter 5 for the purpose of amending street wall location regulations and modifying APPENDIX F for the purpose of establishing a Mandatory Inclusionary Housing area, Borough of Brooklyn, Community District 8, Council District 35.**

Laid over by the Council (preconsidered but laid over by the Committee on Land Use and the Subcommittee on Zoning and Franchises).

## L.U. No. 828

By Council Member Salamanca:

**Application No. 20215034 HKM (N 210498 HKM/DL 524-LP 2651) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the historic district designation of the Dorrance Brooks Square Street Historic District, consisting of approximately 325 buildings located on Fredrick Douglass Boulevard, generally bounded by St. Nicholas Avenue to the west, West 140<sup>th</sup> Street to the north, West 136<sup>th</sup> Street to the south, and Adam Clayton Powell Boulevard to the east, Borough of Manhattan, Council District 9, Community District 10.**

Referred to Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 829

By Council Member Salamanca:

**Application No. 20215035 HIM (N 210499 HIM, DL 524/LP-2652) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the historic landmark designation of the New York Public Library, Harlem Branch (Block 1722, Lot 30), Borough of Manhattan, Council District 9, Community District 10.**

Referred to Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 830

By Council Member Salamanca:

**Application No. 20225002 HIR (N 220005 HIR, DL 525/LP No. 2648) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the landmark designation of the Aakawaxung Munahanung Archaeological Site, 298-300 Satterlee Street (Block 7871, Lot 1 in part), Borough of Staten Island, Council District 51, Community District 3.**

Referred to Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 831

By Council Member Salamanca:

**Application No. 20225001 HIM (N 220003 HIM, DL 525/LP-2653) submitted by the Landmarks Preservation Commission pursuant to Section 3020 of the New York City Charter, for the historic landmark designation of the Kimlau War Memorial (Block 117, Lot 100), Borough of Manhattan, Council District 1, Community District 3.**

Referred to Committee on Land Use and the Subcommittee on Landmarks, Public Sitings and Dispositions.

L.U. No. 832

By Council Member Salamanca:

**Application No. C 200203 ZMK (2840 Knapp Street Rezoning) submitted by Lipkaw Realty, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 29a, changing from an R5 to an R6 District property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, Borough of Brooklyn, Council District 48, Community District 15.**

Referred to Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 833

By Council Member Salamanca:

**Application No. N 200204 ZRK (2840 Knapp Street Rezoning) submitted by Lipkaw Realty, 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 for property bounded by the Shore Parkway (northerly portion), Knapp Street, a line 250 feet northerly of Emmons Avenue, and Brigham Street and its northerly centerline prolongation, Borough of Brooklyn, Council District 48, Community District 15.**

Referred to Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 834

By Council Member Salamanca:

**Application No. C 210202 ZSM (The Windmere) submitted by Windmere Properties LLC, pursuant to Sections 197-c and 201 of the New York City Charter, for a special permit pursuant to Section 74-711 of the NYC Zoning Resolution to facilitate a proposed conversion, alteration and enlargement of the Windmere apartment building, located at 400-406 West 57th Street, Borough of Manhattan, Council District 3, Community District 4.**

Referred to Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 835

By Council Member Salamanca:

**Application No. C 210329 PCK (101 Varick Avenue) submitted by New York City Department of Citywide Administrative Services (DCAS) and New York City Department of Transportation (DOT) pursuant to Section 197-c of the New York City Charter for the site selection and acquisition of property located 101 Varick Avenue (Block 2974, Lot 113) for DOT's Sidewalk Inspection Management (SIM) Concrete Operations and Street Light storage facility, Borough of Brooklyn, Council District 34, Community District 1.**

Referred to Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 836

By Council Member Salamanca:

**Application No. C 210261 ZMM (629-633 West 142<sup>nd</sup> Street Rezoning) submitted by Soma 142, LLC pursuant to Sections 197-c and 201 of the New York City Charter for an amendment of the Zoning Map, Section No. 6a, by changing from an existing R6A District to an R9A District property bounded by a line midway between West 142<sup>rd</sup> Street and West 143<sup>rd</sup> Street and its westerly prolongation, a line 365 feet westerly of Broadway, West 142<sup>nd</sup> Street and its westerly prolongation, and the easterly boundary line of Riverside Park, Borough of Manhattan, Council District 7, Community District 9.**

Referred to Committee on Land Use and the Subcommittee on Zoning & Franchises.

L.U. No. 837

By Council Member Salamanca:

**Application No. N 210262 ZRM (629-633 West 142<sup>nd</sup> Street Rezoning submitted by Soma 142, 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 Manhattan, Council District 7, Community District 9.**

Referred to Committee on Land Use and the Subcommittee on Zoning & Franchises.

[NEW YORK CITY COUNCIL](#)

**A N N O U N C E M E N T S**

**Friday, September 10, 2021**

[Subcommittee on Zoning & Franchises](#)

Francisco Moya, Chairperson

**See Land Use Calendar**

Council Chambers - City Hall.....10:00 a.m.

**Monday, September 13, 2021**

[Subcommittee on Landmarks, Public Sitings and Dispositions](#)

Kevin C. Riley, Chairperson

**See Land Use Calendar**

Committee Room – City Hall.....10:00 a.m.

[Committee on Land Use](#)

Rafael Salamanca, Jr., Chairperson

**All items reported out of the Subcommittees**

**AND SUCH OTHER BUSINESS AS MAY BE NECESSARY**

Committee Room – City Hall.....1:00 p.m.

**Wednesday, September 15, 2021**

[Committee on Criminal Justice](#)

Keith Powers, Chairperson

**Oversight - The Condition in Our City's Jails.**

Council Chambers - City Hall.....10:00 a.m.

During the Communication from the Speaker segment of this meeting, there was a brief disruption in the balcony of the Council Chambers. Following a short delay, the proceedings resumed and the meeting went forward without further incident.

The following comments were among the remarks made by the Speaker (Council Member Johnson) during the Communication from the Speaker segment of this meeting:

The Speaker (Council Member Johnson) extended his congratulations to new Governor Kathy Hochul and new Lieutenant Governor Brian Benjamin. He expressed the Council's eagerness to support these two newly sworn statewide leaders. He also expressed the Council's confidence that their years of experience serving New Yorkers would help lead the state to better days ahead.

The Speaker (Council Member Johnson) congratulated Ms. Andrea Vazquez, Deputy Director of the Human Services Legal Division, on the recent birth of her child. Deputy Director Vazquez and her husband Patrick celebrated the birth of their new baby girl Francesca who was born on August 2, 2021. The Speaker (Council Member Johnson) added that the whole family was doing well.

Whereupon on motion of the Speaker (Council Member Johnson), the Assistant Majority Leader and Acting President Pro Tempore (Council Member Cornegy) adjourned these in-person proceedings.

MICHAEL M. McSWEENEY, City Clerk  
Clerk of the Council

*Editor's Local Law Note: Int. Nos. 2331-A and 2350-A, both adopted by the Council at the June 30, 2021 Stated Meeting, were **returned unsigned** by the Mayor on August 2, 2021. These items had lapsed into law on July 31, 2021 due to the lack of Mayoral action within the Charter-prescribed thirty day time period. These bills were assigned subsequently as Local Laws Nos. 85 and 86 of 2021, respectively,*

*Int. No. 2252-A, adopted by the Council at the July 29, 2021 Stated Meeting, was **signed into law** by the Mayor on August 18, 2021 as Local Law No. 87 of 2021.*

*Int. No. 339-B, adopted by the Council at the July 29, 2021 Stated Meeting, was **signed into law** by the Mayor on August 25, 2021 as Local Law No. 88 of 2021.*