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Title:	A Local Law to amend the administrative code of the city of New York, in relation to providing security for houses of religious worship				
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Attachments:	1. Summary of Int. No. 1556, 2. Int. No. 1556, 3. May 8, 2019 - Stated Meeting Agenda with Links to Files, 4. Hearing Transcript - Stated Meeting 5-8-19, 5. Minutes of the Stated Meeting - May 8, 2019				

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Int. No. 1556

By Council Members Yeger, Brannan, R. Diaz, Eugene, Levine, Treyger, Vallone, Holden and Louis

A Local Law to amend the administrative code of the city of New York, in relation to providing security for houses of religious worship

Be it enacted by the Council as follows:

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

§ 10-181 Security for houses of religious worship.

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

Administering agency. The term “administering agency” means the Department of Citywide Administrative Services.

Allowable costs. The term “allowable costs” means: (i) security guard wages equal to the prevailing

wage and supplements, subject to provisions of this section governing the reimbursement of such costs, and (ii) reasonable costs, as established by rules promulgated by the administering agency, paid by qualifying houses of religious worship to security guard companies. “Allowable costs” includes the cost of training that may be required pursuant to this section, but only to the extent that such training is not otherwise required by article 7-A of the general business law or any other federal, state, or local law or regulation, and shall not include any costs for overtime that are greater than fifteen percent of the non-overtime security wages reimbursed to a qualifying house of religious worship.

House of religious worship. The term “house of religious worship” means a church, temple, synagogue, mosque, or other building primarily used for religious services. The term “house of religious worship” also means a convent, monastery, rectory, parsonage, or any other building used as the permanent dwelling of a group of people devoted to religious life.

Prevailing wage and supplements. The term “prevailing wage and supplements” has the same meaning as in section 10-172.

Qualified provider list. The term “qualified provider list” means a list of security guard companies that meet standards established by the administering agency to provide security services to house of religious worships, which may include, but shall not be limited to, performance, training and other qualification standards.

Security assessment. The term “security assessment” means an on-site examination to determine existing security conditions and deficiencies, in addition to recommendations for improvements and corrective actions.

Security guard. The term “security guard” means an armed or unarmed individual with a current and valid registration card issued in accordance with article 7-A of the general business law, authorizing such

individual to perform security services in New York.

Security guard company. The term “security guard company” has the same meaning as in section 10-172.

Security services. The term “security services” means the protection of individuals and/or property from harm or other unlawful activity, as well as, prevention, deterrence, observation, detection and/or reporting to government agencies of unlawful activity or conditions that present a risk to the safety of those in houses of religious worship, staff therein or the public.

b. House of religious worship security guard reimbursement program. The mayor shall authorize a program to reimburse qualifying houses of religious worship for the cost of security services as set forth in this section

d. Upon request of a house of religious worship, the administering agency shall coordinate with the New York city police department and provide a security assessment within 14 days of the request. The security assessment shall be provided to such house of religious worship in writing.

e. The administering agency shall establish a qualified provider list. Such list may be developed based upon standards to be promulgated by rule, or may be developed through a procurement to be conducted by such agency.

f. Upon request of a qualifying house of religious worship, the administering agency shall reimburse such qualifying house of religious worship for the allowable costs of a security guard to provide security services at all times that the institution is in operation.

g. Notwithstanding the provisions of subdivision f, a house of religious worship shall not be eligible to receive reimbursement from the administering agency unless:

1. such request is made in a form and manner prescribed by the administering agency;

2. each such security guard is employed by a security guard company on the qualified provider list, provided that if such list has not been established by the administering agency or the list contains fewer than three security guard companies, then each such security guard must be employed by a security guard company;

3. each such security guard is paid no less than the prevailing wage and supplements;

4. each such security guard provides security services and no other services;

5. each such security guard and security guard company has been employed or retained in compliance with applicable labor and employment laws;

6. the house of religious worship, acting in coordination with the security guard or security guard company, reports criminal and other significant public safety-related incidents to the police department or other appropriate government agency promptly after such incidents occur and in annual summary reports, in accordance with rules promulgated by the administering agency; and

7. the house of religious worship complies with rules promulgated by the administering agency.

h. The administering agency shall provide reimbursement of allowable costs on a quarterly basis after receiving satisfactory proof from the house of religious worship of compliance with the requirements for reimbursement set forth in this section.

i. The reimbursement authorized by this section shall not interfere with any rights a security guard has pursuant to any collective bargaining agreement.

j. Nothing in this section shall prohibit a qualifying house of religious worship from paying a wage to a security guard greater than that for which it receives reimbursement pursuant to this section.

k. The provision of reimbursement to a house of religious worship for allowable costs of a security guard pursuant to this section shall not make the city of New York or any administering agency the employer of such security guard, and such house of religious worship shall be solely responsible for withholding and

payment of any taxes and other government required payments. Further, nothing in this section shall be construed to relieve any qualifying house of religious worship of responsibility for all other elements of security that may be required or appropriate and are not funded pursuant to this section.

1. The administering agency may promulgate any rules as may be necessary for the purposes of carrying out the provisions of this section, including, but not limited to, rules (i) relating to the training of security guards, (ii) ensuring that security guards and security guard companies are appropriately qualified to provide security services to qualifying houses of religious worship, and (iii) providing for prompt reporting of criminal and other significant public safety-related incidents to the police department or other appropriate government agency as well as annual summary reports of such incidents.

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

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MKW
1/10/2018