# Legislation Details (With Text)

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| **File #:** | Int 0405-2022 | **Version:** | * | **Name:** | Creating an online posting requirement for statements outlining consistency or inconsistency with criteria established for the siting of city facilities. |
| **Type:** | Introduction | | | **Status:** | Filed (End of Session) |
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| **On agenda:** | 5/19/2022 | | | | |
| **Enactment date:** | | | | **Enactment #:** | |
| **Title:** | A Local Law to amend the New York city charter, in relation to creating an online posting requirement for statements outlining consistency or inconsistency with criteria established for the siting of city facilities | | | | |
| **Sponsors:** | | | | | |
| **Indexes:** | | | | | |
| **Attachments:** | 1. Summary of Int. No. 405, 2. Int. No. 405, 3. May 19, 2022 - Stated Meeting Agenda, 4. Hearing Transcript - Stated Meeting 5-19-22, 5. Minutes of the Stated Meeting - May 19, 2022 | | | | |

| Date | Ver. | Action By | Action | Result |
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| 5/19/2022 | * | City Council | Introduced by Council | |
| 5/19/2022 | * | City Council | Referred to Comm by Council | |
| 12/31/2023 | * | City Council | Filed (End of Session) | |

Int. No. 405

By Council Member Louis

A Local Law to amend the New York city charter, in relation to creating an online posting requirement for statements outlining consistency or inconsistency with criteria established for the siting of city facilities

Be it enacted by the Council as follows:

Section 1. Subdivision a of section 195 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

a. The agency proposing any such acquisition shall file with the department of city planning a notice of intent to acquire that shall include a statement describing (i) how the proposed acquisition satisfies or does not satisfy the criteria for the location of city facilities established pursuant to section 203, (ii) whether the proposed action is consistent with the most recent statement of needs, and (iii) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in

response to the statement of needs. Such notice of intent to acquire, including the statement, shall be posted prominently (i) on the publicly accessible website maintained by the filing agency as soon as it submits the application and (ii) within five business days of submission on the publicly accessible website maintained by the department of city planning. This posting requirement does not replace any other disclosure and notice requirements. The department of city planning shall send such notice to the community board in which the proposed acquisition is located and to all borough presidents.

§ 2. Subdivision b of section 197-c of the New York city charter, as added by a vote of the electors on November 7, 1989, is amended to read as follows:

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, and (4) documents or records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. No application shall be certified as complete under subdivision c without the online posting required by subdivision g of section 204. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

§ 3. Subdivision g of section 204 of the New York city charter, as added by vote of the electors on November 7, 1989, is amended to read as follows:

g. New city facilities 1. Application, statement and additional description. Whenever an application involving a new city facility is submitted to the department of city planning pursuant to paragraph [five, ten or eleven] (5), (10) or (11) of subdivision a of section [one hundred ninety-seven-c] 197-c, the applicant shall include as part of the application a statement of consistency describing (1) how the proposed action satisfies the criteria for the location of city facilities established pursuant to section [two hundred three] 203, (2) whether the

proposed action is consistent with the most recent statement of needs, and (3) whether the proposed action is consistent with any written statements or comments submitted by borough presidents and community boards in response to the statement of needs. If the proposed action is not consistent with the criteria for location of city facilities, the statement of needs, or any such written statements or comments submitted in response to the statement of needs, the agency shall include as part of its application a statement of the reasons for any such inconsistencies. If the proposed new facility is not referred to in the statement of needs, the applicant shall submit to the affected borough president a description of the public purpose to be served by the city facility, its proposed location, the appropriation (if any) that the agency intends to use in connection with the facility, the size and nature of the facility and the specific criteria for the location of the facility. The affected borough president shall have the right, within [thirty] 30 days of the submission of such description, to propose an alternative location in his or her borough for the proposed city facility, provided that the borough president shall certify that the alternative location satisfies the criteria for location of city facilities under section [two hundred three] 203 and the specific criteria for locating the facility in the statement of needs. The application for the proposed site selection, disposition or acquisition shall not be certified and shall not be reviewed pursuant to section [one hundred ninety-seven-c] 197-c until at least [thirty] 30 days after the submission of such information to the affected borough president. A borough president may elect to waive the right to such [thirty-day] 30-day review period.

2. Posting requirements. The statements of consistency or inconsistency and the additional details to be provided to the borough presidents in accordance with paragraph 1 shall be posted prominently (a) on a publicly accessible website maintained by the submitting agency as soon as it submits the application and (b) within five business days of submission on the publicly accessible website maintained by the department of city planning. These posting requirements do not replace any other disclosure and notice requirements.

§ 4. Chapter 13 of the New York city charter is amended by adding a new section 336 to read as follows:


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§ 336. Contracts subject to criteria for the location of city facilities. Any statement prepared in connection with a contract that outlines an agency's consideration and application of the criteria that are established pursuant to section 203 shall be posted prominently on publicly accessible websites maintained by the procuring agency and by the department of city planning. Such statements shall be posted online before or concurrently with any public notice regarding the contract under this chapter.

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

Session 12
WCJ
LS #8602
5/9/2022 2:42 PM

Session 11
PLS
LS #759
Int. #156-2018