



Legislation Text

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Int. No. 201

By Council Members Gutiérrez, Riley, Won, Aviles, Sanchez, Rivera, Hanif, Brewer, Stevens, Lee, Menin, Joseph, De La Rosa, Krishnan, Nurse, Restler, Cabán, Brannan, Louis, Ayala, Ossé, Hudson, Abreu, Farías, Williams, Narcisse, Schulman, Ung, Feliz, Gennaro, Marte, Salamanca and Zhuang (in conjunction with the Brooklyn Borough President)

A Local Law to amend the New York city charter, in relation to establishing an office of child care to oversee free child care for all city residents

Be it enacted by the Council as follows:

Section 1. Chapter 1 of the New York city charter is amended by adding a new section 20-o to read as follows:

§ 20-o Office of child care. a. Definitions. As used in this section, the following terms have the following meanings:

Child care. The term “child care” means care for a child between the ages of 6 weeks and 5 years on a regular basis provided away from the child’s residence for less than 24 hours per day by a person other than the parent, stepparent, guardian or relative within the third degree of consanguinity of the parents or stepparents of such child.

Director. The term “director” means the director of the office of child care.

b. No later than 1 year after the effective date of the local law that added this section, the mayor shall establish an office of child care. Such office may be established in the executive office of the mayor and may be established as a separate office or within any other office of the mayor or within any department the head of which is appointed by the mayor. Such office shall be headed by a director who shall be appointed by the mayor or the head of such department.

c. Powers and duties. The director shall have the power and duty to:

1. Ensure that no later than 4 years after the effective date of the local law that added this section, there shall be free child care available for all city residents, including for undocumented children and children of undocumented individuals living in the city;

2. Work in consultation with relevant programs, agencies and state entities to provide information and assistance to families seeking child care services, including center-based and home-based family child care, in the designated citywide languages as defined in subdivision a of section 23-1101 of the administrative code;

3. Facilitate interagency collaboration with relevant agencies, including the department of health and mental hygiene, department of buildings, human resources administration, fire department, department of city planning, administration for children's services, and department of education to provide guidance and support to child care providers and prospective child care providers on how to open and operate a child care service, including guidance for how to open a home-based child care service, and assistance for child care providers on how to comply with relevant laws and regulations, and facilitate communication relating to child care between such agencies;

4. Promote and expand child care providers that offer child care services on nights and weekends, including by conducting an annual study to identify neighborhoods that would most benefit from such services to further economic and racial equity across the city;

5. Ensure child care services are available such that there are no gaps that are experienced due to a child's age and children of all ages have access to continuity of care, including ensuring that home-based family child care is funded based on demand;

6. Establish a funding process specific to New York city that effectively maximizes federal, state and city funding and is in line with the actual cost of high-quality child care in the city, and includes:

(a) A living wage for all child care owners and employees, including compensation and health care and retirement benefits that are in line with teachers employed by the department of education with similar

experience and competency;

(b) A grant program to provide funding for child care providers to open a child care service;

(c) The ability for child care providers to submit invoices for reimbursement more than once a month;

and

(d) A consideration of the cost of living in the city;

7. Post publicly the budget breakdown for child care owners and employees, which makes transparent the items required in paragraph 6 of this subdivision;

8. Identify future locations where child care can be offered, which shall include but not be limited to identifying spaces in commercial and community spaces and facilities managed by the New York city housing authority and New York city health and hospitals corporation that can be converted into a space to provide child care using city funding, and any locations where access to child care is limited, and the estimated costs for such spaces;

9. Provide training programs for child care providers, including training specifically designed for caring for children with disabilities and for family child care providers in their primary language;

10. Post on the office's website any programs or information related to child care, including information on subsidies, grants, and child care services provided in the city;

11. Create a workforce development program, including paid positions;

12. Coordinate with the department of city planning to identify spaces that could be used for child care;

13. Conduct an education and outreach campaign to inform city residents about the availability of child care, including for families in shelters, families who have a parent or child with a disability, families who have an undocumented parent or child, and hospitals and birth centers; and

14. Conduct annual studies and reports on locations in the city where child care needs are increasing, birth trends in the city and how such trends might affect child care needs in the city, the total number of children in child care, disaggregated by age and race, the types of child care provided, the capacity of each

child care provider and the spaces that can be used for child care identified pursuant to paragraph 12, disaggregated by zip code.

d. Interagency coordination. In performing their duties, the director shall coordinate with the department of health and mental hygiene, the department of buildings and the department of education to further the duties of the office.

e. Reporting. Within 12 months of the effective date of the local law that added this section, and annually thereafter, the office of child care shall submit to the mayor and the speaker of the council, and post to such office's website, a report describing the office's activities as required by subdivision c of this section, including but not be limited to:

1. The neighborhoods identified by the study required by paragraph 4 of subdivision c;
2. Any critical gaps in child care identified pursuant to paragraph 5 of subdivision c;
3. The budget breakdown required by paragraph 7 of subdivision c;
4. The locations identified pursuant to paragraph 8 of subdivision c;
5. The locations, trends and spaces identified pursuant to paragraph 14 of subdivision c; and
6. Any additional findings or recommendations made pursuant to this section.

§ 2. This local law takes effect immediately.

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