**File #:** Int 0425-2024, **Version:** *

Int. No. 425

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A Local Law to amend the administrative code of the city of New York, in relation to limiting the use of facial recognition technology in residential buildings

Be it enacted by the Council as follows:Section 1. Section 26-3001 of the administrative code of the city of New York is amended by amending the definition for "biometric identifier information," and adding a new definition of "biometric recognition technology" in alphabetical order to read as follows:

Biometric identifier information. The term "biometric identifier information" means a physiological, biological or behavioral characteristic that is used to identify, or assist in identifying, an individual, including, but not limited to: (i) a retina or iris scan; (ii) a fingerprint; (iii) a voiceprint; (iv) a scan or record of a palm, hand or face geometry; (v) gait or movement patterns; or (vi) any other similar identifying characteristic that can be used alone or in combination with each other, or with other information, to establish individual identity.

Biometric recognition technology. The term "biometric recognition technology" means a process or system that captures or assists in the capture of biometric identifier information of a person or persons in conjunction with any automated process or system that verifies or identifies, or assists in verifying or identifying, a person or persons based on such biometric identifier information.

§ 2. Subdivision a of section 26-3002 of the administrative code of the city of New York is amended to read as follows:

a. An owner of a smart access building or third party may not collect reference data from a user for use

in a smart access system except where such user has expressly consented, in writing or through a mobile application, to the use of such smart access building's smart access system. Such owner or third party may collect only the minimum amount of authentication data and reference data necessary to enable the use of such smart access system in such building, and may not collect [additional] biometric identifier information from any users. Such smart access system may only collect, generate or utilize the following information:

1. the user's name;

2. the dwelling unit number and other doors or common areas to which the user has access using such smart access system in such building;

3. the user's preferred method of contact;

[4. the user's biometric identifier information if such smart access system utilizes biometric identifier information;]

[5]4. the identification card number or any identifier associated with the physical hardware used to facilitate building entry, including radio frequency identification card, bluetooth or other similar technical protocols;

[6]5. passwords, passcodes, user names and contact information used singly or in conjunction with other reference data to grant a user entry to a smart access building, dwelling unit of such building or common area of such building through such building's smart access system, or to access any online tools used to manage user accounts related to such building;

[7]6. lease information, including move-in and, if available, move-out dates; and

[8]7. the time and method of access, solely for security purposes.

§3. Chapter 30 of title 26 of the administrative code of the city of New York is amended by adding a new section 26-3008 to read as follows:

§ 26-3008. Biometric recognition technology in multiple dwellings. a. An owner of a multiple dwelling shall not install, activate or use any biometric recognition technology that identifies tenants or the guest of a

tenant.

§ 4. This local law takes effect 120 days after it becomes law, provided that where the provisions of section 26-3008 of the administrative code of the city of New York, as added by section three of this local law, cannot be applied consistently with currently applicable contracts, such provisions shall only apply with respect to contracts entered into or renewed after the effective date of this local law.

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1/22/2024

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4/11/2023